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Senate

The Senate met at 10 a.m. and was called to order by the Honorable TOM UDALL, a Senator from the State of New Mexico.

PRAYER

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

Let us pray.

Almighty God, our Heavenly Father, thank You for the gift of a new year. We have received great benefits from Your hands and lift to You our grateful praise.

Lord, lead our lawmakers on the road You have chosen. Guide them with Your counsel and teach them with Your precepts. Give them the spirit they ought to have that they may do what they ought to do. Lord, this is the day You have made. We will rejoice and be glad in You, for Your joy is our strength. We pray in Your great name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable TOM UDALL 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. BYRD).

The legislative clerk read as follows:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, January 20, 2010.

To the Senate:

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

ROBERT C. BYRD,
President pro tempore.

Mr. UDALL 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. Mr. President, following leader remarks, the Senate will proceed to a period of morning business for 1 hour, with Senators allowed to speak therein for up to 10 minutes each. The time will be equally divided and controlled between the two leaders or their designees.

Following morning business, the Senate will proceed to executive session to consider the nomination of Beverly Baldwin Martin of Georgia to be a U.S. circuit judge for the Eleventh Circuit. Debate on the nomination is limited to 1 hour, equally divided and controlled between Senators LEAHY and SESSIONS or their designees. Upon the use or yielding back of the time, the Senate will proceed to vote on confirmation of that nomination.

The Senate will recess from 12:30 until 2:15 p.m. to allow for our weekly caucus meetings.

We expect to consider H.J. Res. 45, a joint resolution increasing the statutory limit on the public debt, under a previous agreement later today.

MEASURES PLACED ON CALENDAR—H.R. 3961 and H.R. 4154

Mr. REID. Mr. President, it is my understanding there are two bills at the desk due for a second reading.

The ACTING PRESIDENT pro tempore. The Senator is correct. The clerk will read the title of the bills for the second time.

The legislative clerk read as follows:

A bill (H.R. 3961) to amend Title XVIII of the Social Security Act to reform the Medicare SGR payment system for physicians and to reinstitute and update the Pay-As-You-Go requirement of budget neutrality on new tax and mandatory spending legislation, enforced by the threat of annual, automatic sequestration.

A bill (H.R. 4154) to amend the Internal Revenue Code of 1986 to repeal the new carryover basis rules in order to prevent tax increases and the imposition of compliance burdens on many more estates than would benefit from repeal, to retain the estate tax with a $3,500,000 exemption, to reinstitute and update the Pay-As-You-Go requirement of budget neutrality on new tax and mandatory spending legislation, enforced by the threat of annual, automatic sequestration, and for other purposes.

Mr. REID. Mr. President, I object to further proceedings with respect to these two bills.

The ACTING PRESIDENT pro tempore. Objection is heard. The bills will be placed on the calendar.

MAKING LEGISLATIVE PROGRESS

Mr. REID. Mr. President, visiting with Nevadans, as I have done during these past several weeks, it is impossible not to be motivated to get back to the business of legislating. It is impossible to ignore their grief over growing foreclosures or the uncertainty of unemployment or the frustration of fighting insurance companies for their families' health.

It is just as evident that the people of Nevada and the Nation need us to work toward sensible solutions rather than drown once again in the partisan bickering that consumed much of last year.

Some elections go your way; some elections go the other way. It is the nature of democratic politics in a very diverse Nation. But regardless of an outcome of an election, as I have said many times, the American people demand that we work together as partners, not partisans, to improve their lives. That is as true after Republican victories as it is after Democratic victories.

In the first half of the 111th Congress, even with the minority's minimal help,

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

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we made significant progress. While last year's final few months were dominated by a debate over health insurance reform that will save lives, save money, and save Medicare, that historic step was only one of many accomplishments that we are proud to have passed last year.

We began this Congress determined to strengthen and stabilize the economy for working families. That is why we immediately cut taxes for the middle class and small businesses. That is why we immediately started the Lilly Ledbetter legislation to equalize pay for women in America. That is why we started the process of creating good-paying jobs here at home and investing in our future.

Just last week, the White House Council of Economic Advisers found that as many as 2 million Americans have the stimulus to thank for their jobs, as does the growing gross domestic product. But there is more to do, that is for sure.

We protected consumers by cracking down on abusive credit card companies, and we have been trying to do that for a long time. Last year, we were able to get it done, finally—to get under control the abuses credit card companies have been doing to the American people for so long. We cracked down on mortgage fraud scams, the scams that take place when times are tough. We changed the law. We rooted out corporate fraud. But there is more to do.

We started to thaw our frozen credit markets so Americans can get the loans they need to buy a car, send a child to college, or start a new business. But there is more to do.

We are helping responsible homeowners keep their homes, and helped more homeowners to keep the equity in their homes. We helped more families to buy their first home. A lot of people can claim the idea for the first-time home buyer tax credit. The idea came, as far as I know, from JOHNNY ISAKSON of Georgia. It was a tremendously important program that is still going on. We extended that. But even though we have done that, there is more to do.

We helped millions of children stay healthy by expanding CHIP. We extended it by about 14 million children who can go to the doctor when they are sick or to the hospital when they are hurt. We made it easier by far for these kids to get the help and care they need.

We made it harder for tobacco companies to prey on these children. We learned, and we have known for some time, that the tobacco habit starts, most of the time, when you are a teenager. With this legislation we had been trying to pass for decades, we were finally able to get it done—to focus on tobacco companies and why there has to be control placed on them. Even though we have done that, there is more to do.

We extended unemployment insurance for millions and extended COBRA subsidies so those struggling to find work can feed their families, fuel our economy, and afford decent medical care. But there is more to do.

We supported the travel and tourism industries, which will create tens of thousands of jobs and cut our deficit by hundreds of millions of dollars. Even after having done that, there is more to do.

We helped hundreds of thousands of drivers afford more fuel-efficient cars and trucks. It was such a good idea—cash for clunkers—that now I heard on the news that Japan is going to do it. That will be a boon for American car manufacturers because Japan said those Japanese people who decide to use the Cash for Clunkers Program can buy American cars. Even though we have done that, there is more to do.

With the national service bill named for Senator Kennedy, we made it easier for more Americans to serve their country like our heroes of generations past. With one of the most important conservation bills in many decades, we protected public lands for generations to come. But there is more to do.

We have given our troops, veterans, and their families the support they deserve, including better battlefield equipment, better care for our wounded warriors, and a well-earned pay raise. We also cut waste and fraud in the Pentagon's purchase of military weapons. But there is more to do.

This Congress also made history by pursuing justice and ensuring equality for every single American. With a hate crimes bill that bears Emmett Till's name, we stood up for those who were victims of violence because of their race, ethnicity, or sexual orientation. With the fair pay bill in Lilly Ledbetter's name, we stood up for those who are targets of discrimination in the workplace because of their gender or background.

We passed overdue appropriations bills, new appropriations bills, and an honest, responsible budget that makes sound investments in every part of our country. The Senate confirmed President Obama's outstanding nominee for the Supreme Court, Sonia Sotomayor.

It is a long list of accomplishments, but I assure the Senate that we are just getting started. We have a lot more to do.

In the coming year, we will ensure all Americans can access affordable health care, and we will deny insurance companies the ability to deny health care to the sick, and we will slash our deficit in the process.

We will help more Americans keep their homes and their jobs, and we will continue to help our economy not only recover but prosper once again.

We will continue to create new jobs, including good-paying clean energy jobs that can never be outsourced. You can see throughout the country that happening. A week ago Monday, 2 days ago, I was in a place about 35 miles outside of Las Vegas at the Harry Allen plant that is going to be the most clean natural gas facility for producing electricity in America. About 700 men and women were working on that construction project. At that construction project, there were people walking and running and doing the jobs they needed to do, with trucks moving back and forth.

The reason we were there is because the Western Area Power Administration, WAPA, under the stimulus bill we passed, had the ability to do loans that were very low-interest loans. We were there to announce a public-private partnership between WAPA and others, which will bring electricity from the northern part of the State to the southern part of Nevada for the first time in Nevada's history.

We became a State in 1864. Why is that important? It will allow Nevada to be energy independent in 2½ to 3 years. Just as important, we also will be able to produce far more electricity than Nevada needs because now, with this power line that will create hundreds and hundreds of jobs, we will also have a lot of energy projects for that full 250-mile area. They will be able to do solar, wind, geothermal and bring that onto the power line. That is only the first phase. After that, it has been agreed by WAPA that they can do stage 2, which will bring electricity from the Northwest into Nevada and, of course, California and the whole Southwest. That is a good project and an example of good-paying clean energy jobs that can never be outsourced.

We will tackle our daunting energy and climate challenges, and by doing that we will strengthen our national security, our environment, and our economy.

We need to look no further than Boone Pickens, who talks about this every day of his life. We will have a more secure Nation, and we will lessen our dependence on foreign oil. We will use the resources we have, among which are wind, Sun, geothermal, and now we are the largest holder of natural gas of any country in the world. That is what Boone Pickens is talking about—using our own energy, not continuing importing oil.

As we do all these things, we will continue to leave a seat at the table for our Republican colleagues. Whether their caucus comprises 40 or 41 members, each composes this body of 100. Our individual caucuses—one that will have 59 and one that will have 41—should all be united within the walls of this Chamber and not defined by the aisle that divides the desks.

Today is the first anniversary of the first time our President addressed our Nation as our President. One year ago today, standing on steps just a short distance from here, he reflected that our Nation had chosen ''unity of purpose over conflict and discord.'' He asked us to put aside the differences and dogmas that paralyze our politics.

We can answer that call this year—not just because President Obama requested it but because the American people justly demand it.

By and large, those in the minority have shown, so far, far too little interest in working with us. More important, they have shown far too little interest in working on the interests of their constituents.

Mr. President, I called my office early this morning and asked my faithful assistant, Janice Shelton, to arrange a call for me to talk to the new, soon-to-be Senator from Massachusetts, SCOTT BROWN. I look forward to visiting with him. I look forward to welcoming him to the Senate and asking him that he work with us. It is certainly a conversation I look forward to.

I hope in this new year we will resolve to leave partisan political motivation behind. I hope we will share and renew the motivation to get to work, to legislate for the good of this country.

RECOGNITION OF THE MINORITY LEADER

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

SCOTT BROWN VICTORY

Mr. MCCONNELL. Mr. President, first, I welcome everyone back after what I hope was a restful time away from Washington. It is good to be here. I can assure everyone that Republicans are energized and eager to pick up where we left off. There is a lot to do, and we are ready.

The news of the day, of course, is that we will soon be welcoming a new Senator into our ranks. It has been a long time—a very long time—since the people of Massachusetts sent a Republican to the Senate. So I congratulate Senator-elect SCOTT BROWN on his decisive victory last night.

I had a chance to speak with him last night. I think it was truly a remarkable turnout and decision on the part of the people of that State.

There is a reason the Nation was focused on this race. The American people have made it abundantly clear they are more interested in shrinking unemployment than expanding government. They are tired of bailouts. They are tired of government spending more than ever at a time when most people are spending less. They do not want the government taking over health care. They made that abundantly clear last night in the Commonwealth of Massachusetts.

This is why Americans are electing good Republican candidates who they hope will reverse a year-long Democratic trend of spending too much, borrowing too much, and taxing too much. The voters have spoken. They want a course correction. We should listen to them.

Today, we will have a chance to show we have gotten the message when we take up legislation that would raise the national debt limit. The reason we are being asked to raise the limit on the national credit card is clear. It is because the majority has spent the past year spending money we do not have on stimulus bills that do not stimulate the economy, on budgets that double the debt in 5 years and triples it in 10. We need to move in a new direction—a dramatically new direction. That is the message of Virginia. That is the message of New Jersey. That is the message of Massachusetts.

Mr. President, 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 be a period for the transaction of morning business for 1 hour, with the time equally divided and controlled between the two leaders or their designees and with Senators permitted to speak for up to 10 minutes each.

The Senator from Tennessee is recognized.

HEALTH CARE

Mr. ALEXANDER. Mr. President, Massachusetts voters yesterday sent a clear message that the Democratic majority in Congress is not in touch with the American people and that we ought to restart the health care debate.

Senator-elect SCOTT BROWN's independent voice will provide a much needed check and balance to a Congress that has become dominated by more taxes, more spending, and more cash takeovers. Nothing demonstrates that need more than the so-called health care reform bill, a 2,700-page attempt to remodel 17 percent of the American economy that was concocted in secret, presented to the Senate over the weekend before Christmas during the worst snowstorm in years, voted on in the middle of the night, and passed 5 days later, on Christmas Eve, without one single Republican vote.

Now that the people have spoken in Massachusetts, we should abandon these arrogant notions of trying to turn our entire health care system upside down all at once and, instead, set a clear goal of reducing health care costs and then work together, step by step, to re-earn the trust of the American people—an approach Republican Senators urged exactly 173 different times on the floor of the Senate during last year.

If you will examine the CONGRESSIONAL RECORD, you will find that Republican Senators have been proposing a step-by-step approach to confronting our Nation's challenges 173 different times during 2009. On health care, we first suggested setting a clear goal: reducing costs. Then we proposed the first six steps toward achieving that goal: one, allowing small businesses to pool their resources to purchase health plans; two, reducing junk lawsuits against doctors; three, allowing the purchase of insurance across State lines; four, expanding health savings accounts; five, promoting wellness and prevention; and, six, taking steps to reduce waste, fraud, and abuse.

We offered these 6 proposals in complete legislative text totaling 182 pages. The Democratic majority rejected all six and ridiculed the approach, in part, because our approach was not comprehensive.

A good place to restart the health care debate would be to abandon plans to send a huge bill to States—that is, every State except Nebraska—to pay for Medicaid expansion. The 60 Senators who voted for this so-called health care reform legislation ought to be sentenced to go home and serve as Governor for two terms to try to pay for it because what these Senators would find is that States are broke, and there will either be higher State taxes or higher college tuition or both to pay for what the Democratic Governor of Tennessee has called ''the mother of all unfunded mandates.''

That mandate arrogantly expands Medicaid and, to help pay for it, would send a 3-year, $25 billion bill to Governors who, in turn, will send the bill to State taxpayers and then to college students. That is akin to your big-spending Uncle Sam hiring someone to paint your house and then sending the bill to you, even though you told Uncle Sam you already spent all your available money sending your kid to college. Of course, Uncle Sam does not have to balance its budget and you do.

I speak today not just as a Senator but as a former Governor worried about our States and as a former president of a great public university worried about our college students, many of whom are seeking an education to get a job.

Washington policies are turning our Federal constitutional system upside down. They are transforming autonomous State governments into bankrupt wards of the central government. In doing so, they are making it harder for States to support public higher education; therefore, damaging its quality and damaging the opportunity for Americans to afford it.

Governor Schwarzenegger of California said:

> With a $19 billion deficit, the last thing we need is another $3 billion bill for Medicaid.

At the University of California, students are paying a 32-percent tuition increase. Why? Because, according to the New York Times, ''the University of California now receives only half as much support from the State per student as it did in 1990.''

Why is that? Because when Governors make up their budgets, it usually comes down to a choice between exploding Medicaid costs and higher education, and Medicaid, hopelessly entangled with expensive Washington policies and mandates, usually wins.

This is not a new problem. It was a problem when I was Governor 30 years ago. It became a bigger problem between 2000 and 2006, when Medicaid spending for State governments rose 63 percent, while spending for higher education went up only 17 percent.

The Association of American Universities and President Obama's Budget Director both have warned us that the drop in State support is hurting the quality of American public higher education, and the problem gets worse.

Some estimates predict the State share of Medicaid spending will go from $138 billion in 2007 to $181 billion in 2011. Yet instead of fixing the problem of exploding Medicaid costs and its impact on higher education, the health care bill would make it worse.

Over the Christmas holidays in my State, the most talked about part of the health care bill was the so-called cornhusker kickback, which makes taxpayers and students all over America pay for Nebraska's Medicaid so Nebraskans will not have to raise their taxes and tuition.

I can guarantee you any Senator who is sentenced to go home and serve as Governor—except perhaps in Nebraska—would not vote for this health care bill.

The second recent big blow to States and to higher education has been the stimulus package, which was hailed as bailing States out but instead will soon push them over the financial cliff.

This is how the Democratic Lieutenant Governor of New York explained it in a Wall Street Journal article on January 8. He said:

> . . . states, instead of cutting spending in transportation, education, and health care, have been forced to keep most of their expenditures at previous levels and use Federal funds only as supplements. The net result of this: The federal stimulus has led states to increase overall spending in these core areas, which in effect has only raised the height of the cliff from which state spending will fall if stimulus funds evaporate.

On top of all this is the dramatic deterioration of the autonomous role of the States in our Federal system. Thanks, in part, to the stimulus, federally collected tax dollars have risen to 40 percent of State budgets. So instead of serving as autonomous laboratories of democracy in a Federal system, States are becoming little more than heavily regulated and increasingly insolvent administrative divisions of the central government in Washington.

Some are suggesting a new stimulus to bail out the States. Why should we even consider that when the last one is helping to push States off the financial cliff? Why should we pass a new health care bill that makes it worse for States; that is, every State except Nebraska.

Wouldn't it be better to restart the health care debate and take a series of steps to reduce health care costs without the Medicaid mandate?

Instead of expanding Medicaid and sending the States the bill, why not reform Medicaid, which has become an embarrassing administrative nightmare, where $30 billion a year goes to waste, fraud, and abuse, according to the Government Accountability Office.

Instead of dumping 15 million to 18 million more low-income Americans into a Medicaid Program, in which 50 percent of doctors—50 percent of doctors—will not take new patients, shouldn't we try a better idea?

Lieutenant Governor Ravitch suggests that one place to start is relieve States of the responsibility for those patients who draw services from both Medicare and Medicaid.

That would save States about $70 billion a year and would place all the responsibility on Washington for reforming the program so taxpayers could afford it.

Thirty years ago, when I was Governor, I met with President Reagan and proposed a grand swap: that the Federal Government would take over all of Medicaid in exchange for giving the States all the responsibility for elementary and secondary education. President Reagan liked the idea. I still think fixing the responsibility for both education and Medicaid in a single government would make it work better and force its reform.

The No. 1 topic on the minds of most Americans today is jobs. Running up the cost of health care, raising State taxes, damaging the quality of universities and community colleges, and restricting access to them is a good way to kill jobs, not create jobs.

There still is time to restart the health care debate, to work together on a step-by-step plan to reduce health care costs, while avoiding expensive mandates on States that increase State taxes and increase college tuitions. The surest way to cause this to happen is to tell those 60 Senators who voted for this health care bill that if it becomes law, they will be sentenced to go home and serve as Governor for two terms to try to pay for it.

Mr. President, I ask unanimous consent to have printed in the RECORD three newspaper articles.

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

[From the Wall Street Journal, Jan. 7, 2010]

WASHINGTON AND THE FISCAL CRISIS OF THE STATES—THE STRINGS ON FEDERAL STIMULUS MONEY ARE MAKING IT HARDER FOR STATES TO CUT SPENDING AND BALANCE THEIR BUDGETS

(By Richard Ravitch)

As one whose interest in public service stems largely from the conviction that government can make a positive difference in people's lives, I have found the past year a paradox. From the financial crisis to health-care reform, the federal government has taken on challenges that urgently need to be addressed. Yet despite these actions—and sometimes because of them—the states, which provide most of the services that touch citizens' lives, are in their deepest crisis since the Great Depression. The state crisis has become acute enough to belong on the federal agenda.

New York State faces a budget deficit that could climb to $8 billion or $9 billion in fiscal year 2010–11 and the state could face another deficit in 2011–12 of about $14 billion to $15 billion. The causes of the larger deficits down the road include a drop off in federal stimulus funds, an increase in Medicaid costs, and the planned expiration of a state income tax surcharge, as well as the state's underlying structural deficit.

New York is in a tough spot, but few other states are immune from large and growing deficits. According to the Center on Budget and Policy Priorities, the states have faced and will face combined budget shortfalls estimated at $350 billion in fiscal years 2010 and 2011. Past experience suggests that these deficits will continue even if a national economic recovery takes hold. Moreover, we do not know how robust the recovery will be or what shape it will take. We know only that it will not spare the states the necessity of making acutely painful fiscal choices. New York and other states face draconian cuts in public services, higher taxes, or, more likely, a combination of both.

The federal stimulus has provided significant budget relief to the states, but this relief is temporary and makes it harder for states to cut expenditures. In major areas such as transportation, education, and health care, stimulus funds come with strings attached. These strings prevent states from substituting federal money for state funds, require states to spend minimum amounts of their own funds, and prevent states from tightening eligibility standards for benefits.

Because of these requirements, states, instead of cutting spending in transportation, education, and health care, have been forced to keep most of their expenditures at previous levels and use federal funds only as supplements. The net result is this: The federal stimulus has led states to increase overall spending in these core areas, which in effect has only raised the height of the cliff from which state spending will fall if stimulus funds evaporate.

Until recently, some people predicted that the stimulus funds would not evaporate—that instead the federal government would rescue the states once more with another stimulus bill. But the prospect of this kind of help looks doubtful as an increasing number of lawmakers in Washington worry about the federal deficit and seem intent on taking serious steps to rein it in.

If those steps include neglecting the fiscal situation facing the states, the country could be headed for fiscal problems that are larger than the ones we face now. We are in a time of extraordinary economic change and Washington is struggling with the sometimes-conflicting demands of the federal deficit and the unemployment rate. But the states' growing deficits present their own urgent national problem that the federal government must place in the balance.

Federal policy makers do not have the option of assuming that the state fiscal crisis is temporary or will cure itself without further involvement by Washington. This crisis reflects the growing long-term pressures on the states from the health-care needs of an aging population and the maintenance needs of an aging infrastructure. Moreover, the $3 trillion municipal bond markets have begun to notice the states' deficits: Moody's recently downgraded the bond ratings of Arizona and Illinois because of the deficits those states face. The rating agency says it is waiting to see whether New York will reduce its budget gaps and has warned the state against trying to do so solely through one-time actions.

It seems almost inevitable now that the states' fiscal problems will have further effects on capital markets, possibly as soon as next spring and summer. If more cracks appear in the capital markets that handle municipal bonds, the U.S. Treasury and the

Federal Reserve will be faced with an unattractive set of options: They can allow those markets to deteriorate or use federal tax dollars to shore them up and thereby increase the federal deficit.

It is safe to say that one way or another events will force federal policy makers to spend money in response to state deficits. Federal officials shouldn't wait for an emergency to begin to address two questions: Which services should the federal government provide and which should the states provide? And how should the costs of these services be split among federal, state, and local tax bases?

For example, Medicare, not Medicaid, is the primary payor of health-care costs for the elderly and disabled. About 17% of Medicare beneficiaries are low-income and, thus, also receive varying levels of state Medicaid benefits. These ''dual eligible'' beneficiaries account for some 40% of state Medicaid spending.

For these beneficiaries, the current system is a nightmare: They disproportionately suffer from chronic diseases but must navigate two separate bureaucracies and sets of rules in order to receive care. For the states, this system is a costly burden. From the perspective of a rational health policy, the system is an anachronism. It developed when Medicare did not provide income-based aid and did not have income-based information about those it served. Medicare now provides such aid and has the information and capacity to provide these benefits more effectively, with more potential for cost containment, than the current system.

A federal takeover of services to dual eligibles would cost about $70 billion per year. For many states, a share of this amount would be the difference between chronic fiscal crisis and a chance at structural budget balance. After the Troubled Asset Relief Program and health-care reform—with the cost of the latter estimated by the Congressional Budget Office at almost $900 billion from now through 2019 and $1.8 trillion in the 10 years from 2014 through 2023—the bill for such a takeover does not seem huge or disproportionate to the relief it would provide to state budgets.

Those of us responsible for the states' budgets have the unpleasant duty of imposing greater burdens on our citizens before we can reach legitimate balance between revenues and expenditures. It is not unreasonable for us to hope that federal policy makers will treat our state deficit problems with the same seriousness with which they are now preparing to address the national deficit.

[From the Wall Street Journal, Jan. 5, 2010]

THE PUSHBACK—STATE AGS SAY BEN NELSON'S MEDICAID DEAL IS UNCONSTITUTIONAL

''It's not a special deal,'' Ben Nelson told the New York Times of the special deal that converted him into the 60th Senator for ObamaCare. ''It's a fair deal. Some people said I was getting money for Nebraska. That's wrong. I was just getting rid of an underfunded federal mandate. There's nothing sleazy about it. I cracked the door open for other states.''

The other states think somewhat less of Mr. Nelson's benevolence. Under the ''Cornhusker Kickback,'' the federal government will pay all of Nebraska's new Medicaid costs forever, while taxpayers in the other 49 states will see their budgets explode as this safety-net program for the poor is expanded to one out of every five Americans.

''In addition to violating the most basic and universally held notions of what is fair and just,'' the AGs wrote last week to the Democratic leadership, the Article I spending clause is limited to ''general Welfare.'' If Congress claims to be legitimately serving that interest by expanding the joint state-federal Medicaid program, then why is it relieving just one state of a mandate that otherwise applies to all states? In other words, serving the nongeneral welfare of Nebraska—for no other reason than political expediency—violates a basic Supreme Court check on the ''display of arbitrary power'' that was established in 1937's Helvering v. Davis.

Obviously Congress treats different states differently all the time, via earmarks and the like, but in this case there is simply no plausible argument for some kind of ''general'' benefit. The only state that gains from special treatment for Nebraska is Nebraska—and this actively harms all other states, which will have fewer tax dollars for their own priorities while effectively subsidizing the Cornhusker state.

The 12 Attorneys General are all Republicans, but as it happens their complaints are echoed by the liberal states of New York and California. In a December letter Governor Arnold Schwarzenegger lamented that ObamaCare would impose the ''crushing new burden'' of as much as $4 billion per year in new Medicaid spending in a state that is already deeply in the red. And in a Christmas Day op-ed in the Buffalo News, New York Governor David A. Paterson protested the almost $1 billion in new costs as well as the ''unfairness of the Senate bill'' when ''New York already sends significantly more money to Washington than it gets back.''

The reality is that national taxpayers have subsidized New York and California's social services for years because Medicaid's funding formula rewards higher state spending. That spending helps explain why these two states, plus New Jersey, are in such budget fixes today. But we welcome Mr. Paterson's discovery that redistributing income via progressive taxation is harmful.

''The final bill must provide equitable federal funding to all states,'' Mr. Paterson insisted, and in that sense Mr. Nelson may be right about his opening the political door. As Democrats merge the House and Senate bills, they may extend the 100% Nebraska deal to all states to shut them up, assuming they can rig the budget math. Of course, that gambit would harm either medical providers, given that state Medicaid reimbursement rates are well below even Medicare's, or Medicaid patients, as more doctors and hospitals simply drop those patients.

We recognize that mere Constitutional arguments won't deter the political juggernaut that is ObamaCare. But no one should be surprised when Americans wonder if this unprecedented federal intrusion into their lives violates our nation's founding principles.

[From the Wall Street Journal, Jan. 2, 2010]

THE STATES AND THE STIMULUS—HOW A SUPPOSED BOON HAS BECOME A FISCAL BURDEN

Remember how $200 billion in federal stimulus cash was supposed to save the states from fiscal calamity? Well, hold on to your paychecks, because a big story of 2010 will be how all that free money has set the states up for an even bigger mess this year and into the future.

The combined deficits of the states for 2010 and 2011 could hit $260 billion, according to a survey by the liberal Center on Budget and Policy Priorities. Ten states have a deficit, relative to the size of their expenditures, as bleak as that of near-bankrupt California. The Golden State starts the year another $6 billion in arrears despite a large income and sales tax hike last year. New York is literally down to its last dollar. Revenues are down, to be sure, but in several ways the stimulus has also made things worse.

First, in most state capitals the stimulus enticed state lawmakers to spend on new programs rather than adjusting to lean times. They added health and welfare benefits and child care programs. Now they have to pay for those additions with their own state's money.

For example, the stimulus offered $80 billion for Medicaid to cover health-care costs for unemployed workers and single workers without kids. But in 2011 most of that extra federal Medicaid money vanishes. Then states will have one million more people on Medicaid with no money to pay for it.

A few governors, such as Mitch Daniels of Indiana and Rick Perry of Texas, had the foresight to turn down their share of the $7 billion for unemployment insurance, realizing that once the federal funds run out, benefits would be unpayable. ''One of the smartest decisions we made,'' says Mr. Daniels. Many governors now probably wish they had done the same.

Second, stimulus dollars came with strings attached that are now causing enormous budget headaches. Many environmental grants have matching requirements, so to get a federal dollar, states and cities had to spend a dollar even when they were facing huge deficits. The new construction projects built with federal funds also have federal Davis-Bacon wage requirements that raise state building costs to pay inflated union salaries.

Worst of all, at the behest of the public employee unions, Congress imposed ''maintenance of effort'' spending requirements on states. These federal laws prohibit state legislatures from cutting spending on 15 programs, from road building to welfare, if the state took even a dollar of stimulus cash for these purposes.

One provision prohibits states from cutting Medicaid benefits or eligibility below levels in effect on July 1, 2008. That date, not coincidentally, was the peak of the last economic cycle when states were awash in revenue. State spending soared at a nearly 8% annual rate from 2004–2008, far faster than inflation and population growth, and liberals want to keep funding at that level.

A study by the Evergreen Freedom Foundation in Seattle found that ''because Washington state lawmakers accepted $820 million in education stimulus dollars, only 9 percent of the state's $6.8 billion K–12 budget is eligible for reductions in fiscal year 2010 or 2011.'' More than 85% of Washington state's Medicaid budget is exempt from cuts and nearly 75% of college funding is off the table. It's bad enough that Congress can't balance its own budget, but now it is making it nearly impossible for states to balance theirs.

These spending requirements come when state revenues are on a downward spiral. State revenues declined by more than 10% in 2009, and tax collections are expected to be flat at best in 2010. In Indiana, nominal revenues in 2011 may be lower than in 2006. Arizona's revenues are expected to be lower this year than they were in 2004. Some states don't expect to regain their 2007 revenue peak until 2012.

So when states should be reducing outlays to match a new normal of lower revenue collections, federal stimulus rules mean many states will have little choice but to raise taxes to meet their constitutional balanced budget requirements. Thank you, Nancy Pelosi.

This is the opposite of what the White House and Congress claimed when they said the stimulus funds would prevent economically harmful state tax increases. In 2009, 10 states raised income or sales taxes, and another 15 introduced new fees on everything from beer to cellphone ringers to hunting and fishing. The states pocketed the federal money and raised taxes anyway.

Now, in an election year, Congress wants to pass another $100 billion aid package for

ailing states to sustain the mess the first stimulus helped to create. Governors would be smarter to unite and tell Congress to keep the money and mandates, and let the states adjust to the new reality of lower revenues. Meanwhile, Mr. Perry and other governors who warned that the stimulus would have precisely this effect can consider themselves vindicated.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

The Senator from Arizona is recognized.

SENATOR DORGAN

Mr. MCCAIN. Mr. President, I thank my friend and colleague from North Dakota for allowing me to speak out of order. I might add—and I will say this several times—what a privilege it has been for me to have served with the Senator from North Dakota, a man who embodies the best in a prairie populist and one with whom I have had a great honor and privilege working for a long time.

As the hour grows near, I will have more to say about my appreciation and the honor of working with the Senator from North Dakota.

SENATOR-ELECT SCOTT BROWN

Mr. MCCAIN. Mr. President, I come to the floor to congratulate my friend, SCOTT BROWN, on his historic victory last night.

SCOTT BROWN is a man who has served his country in the Army National Guard and Reserve. He is a person who has served his State in the State legislature. He is a wonderful father and a wonderful public servant. I congratulate him on his landmark victory.

I believe it was in Concord where the ''shot was heard round the world.'' Last night a shot was fired round this Nation. A shot was fired saying no more business as usual in Washington, DC. Stop this unsavory, sausage-making process called health care reform, where special favors are dispensed to special people for special reasons in order to purchase votes.

The American people do not want this health care reform because they do not believe it attacks the fundamental problem with health care in America; that is, there is nothing wrong with the quality, it is the cost that needs to be brought under control.

But there is also anger—I know from the townhall meetings in my own State—about the process: the Louisiana purchase, $300 million for Louisiana; the Florida Medicare Advantage grandfather clause for the Senator from Florida; the $5 billion cornhusker kickback; Vermont, Massachusetts, Hawaii, Michigan, Connecticut—twice in Connecticut—Montana, South Dakota, North Dakota, Wyoming—the list goes on and on of special deals that were carved for special reasons. The latest, of course, is the incredible action concerning unions being exempt from taxes nonunion members will now have to pay in greater numbers. How do you justify favoring one group of Americans; that is, union members, for any reason other than you owe them political favors and they have political influence?

So the negotiating went from the backrooms here to the backrooms in the White House—the same President who said C–SPAN and a completely transparent process would prevail here so the American people would know who is on the side of the pharmaceutical companies. And the pharmaceutical companies probably got the best sweetheart deal of anybody in this whole process.

So I believe the majority of the American people have said and according to polling data 48 percent of Massachusetts voters have said health care was the single issue driving their vote. Thirty-nine percent said they voted for Brown specifically because of his vocal opposition to the measure. I congratulate SCOTT BROWN. I congratulate our new colleague not only for standing up for what is right but also for articulating the frustration of the American people about this process we have been through.

So here we are, and now the rumors are that they will jam this proposal through the House of Representatives and then bypass what has always been the normal legislative process. They should not do that. The American people have spoken. The people of Massachusetts have spoken for the rest of America: Stop this process, sit down in open and transparent negotiations, and let's begin from the beginning.

We can agree on certain principles and certain measures that need to be taken, such as malpractice reform, going across State lines so people can have the insurance of their choice, and many other things, including, perhaps, a refundable tax credit for those who need health insurance and risk pools for those who have preexisting conditions. There are many things we could agree on if, for the first time in this administration and in this Senate, we sit down across the table from one another in honest and open negotiations and discussions.

We know health care costs in America are out of control. We know they need to be fixed. We want to be part of that process. So I urge the President of the United States, I urge my colleagues—now 59 of them—to say: Stop, start from the beginning, sit down, and work for America. Let's do what has been done in the past, time after time after time, where we sit down and negotiate in good-faith efforts. So far, that has not happened despite the promises the President made during his campaign.

I urge my colleagues together to say we have to stop this process, we have to stop this unsavory sausage making, Chicago style, that has been going on, and we have to sit down in open and honest negotiations with the American people and fix the health care problem. We can do that together, and that is what the American people want us to do.

Again, I thank my colleague from North Dakota, and I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota is recognized.

THE ECONOMY

Mr. DORGAN. Mr. President, there has been a lot happening in this country with respect to politics and the economy over these past months, and I know there is great angst and concern across this country. There are questions: When will America get the bounce back in its step? These are troublesome times, for sure, for a lot of reasons, but I am convinced we will find ways to put America back on track. I am convinced of that.

You know, you go back a couple hundred years in American history, and this country has been through some very tough times but always—always—rebounds. There has always been a sense of optimism that the future will be better than the past, that kids will have it better than their parents. I am convinced of that.

I think the American people have plenty to be steamed about, and they need to find ways to let off that steam. They have a right to be steamed, and let me describe a bit of it.

One year ago, this President took office and he inherited an economic wreck. That is just a fact. The question at that moment was, will this economy completely collapse? That wreck was caused by a lot of things, but deciding to go to war and not paying for a penny of it year after year—everybody knows better than that. You can't do that. Hiring regulators who were boasting that they weren't willing to regulate, saying to the big shots on Wall Street, the speculators, the big investment bankers, and others: Do whatever you want. We won't watch. The sky is the limit. We don't care. Now we see the carnage that results from that: derivatives—instruments that derive value from something else—CDOs, mortgage-backed securities, synthetic derivatives. Do you know what a synthetic derivative is? That is something that doesn't have any value of any kind. It is just a wager. You might as well put a craps table in the middle of an investment bank lobby and say to them: You don't have to go to Las Vegas, you can gamble here. And by the way, you can gamble with other people's money, not your own. But even investment banks and FDIC-insured banks have been gambling on their own proprietary accounts on derivatives. We ought to know better than that. So what happens is the regulators give a green light to that kind of rancid behavior, and it steers this country into an unbelievable bubble of speculation. Then the center pole of the tent collapses, the economy nearly collapses,

and a whole lot of the American people are paying for it. The fact is, these folks fleeced America. It is the great bank robbery in American history.

When I talk about big investment banks and some others, the community banks out there weren't involved in this. Go to most of your hometown banks and take a look at how they are doing. They are doing just fine because they weren't involved in these sorts of shenanigans. It was the biggest financial firms in this country that steered this country into the ditch, and it started, yes, with mortgage brokers and mortgage banks and investment banks and hedge funds and derivatives traders. All of them steered this country into the ditch. By the way, now they are driving the getaway car, going to the bank to deposit their big bonuses. They got big bonuses even while their firms lost a lot of money. Now, all of a sudden, many of the firms that would have collapsed were it not for the help of the American people are now earning record profits and set to pay the biggest bonuses in history in the next few weeks. That is unbelievable, and in my judgment, it shouldn't be allowed.

In my judgment, we have to do something about this, and one of the pieces of the agenda in front of us is to reform this system of finance and try to wring out the unbelievable orgy of speculation in this system that puts the American economy and the American people at risk. So one of the pieces of this agenda at this point is so-called financial reform legislation.

As I said, I am convinced that while this ship of state has a lot of leaks, we can fix it and set it right and set it back on course, but it is not going to be done by revisionist history of the past by some, by those who put their hands over their eyes and plug their ears and decide, you know, we are not interested in learning the lessons of the past.

This President inherited a wreck. He may not have done every single thing right in the last year, but I will tell you this: He took action to try to put a foundation under this economy to prevent its collapse, and I think he deserves some credit for that. Had he done nothing after walking in the White House door, the Federal budget deficit was going to be $1.3 trillion. That is what this President was left with from the previous administrations.

So, as I said, we have a lot of work to do, and it is going to require the cooperation of people in this Chamber. There has not been much cooperation recently. This Chamber has been pretty divided. You know, I have I guess dozens of times quoted Mark Twain when he was asked once by someone if he would engage in a debate. And he immediately said: Yes, if I can take the negative side. And they said: Well, we have not even told you the subject. He said: That doesn't matter. The subject doesn't matter. The negative side will take no preparation for me. And so it is here in this Chamber—the negative side saying no to every single initiative, even those initiatives that I believe saved this economy from collapse. But we need to do better than that. We need to work together and find ways, in a bipartisan manner, to cooperate for this country's benefit.

So what are the issues? Well, I just mentioned financial reform. We have to fix this system of ours. The fact is, the same firms that steered this country into the ditch, the same people, the same interests are doing exactly what they did before: trading on their own proprietary accounts and taking on massive amounts of risk. We have to decide whether we should separate investment banking from FDIC-insured banking. We have to decide if you are too big to fail, you are just flatout too big. We have to decide those things in a financial reform bill that comes to the floor of the Senate.

The American people are concerned about a lot of things—first and foremost, jobs. There is no social program in this country that is as important as a job that pays well, in my judgment. A good job that pays well makes everything else possible for families. So we need to focus like a laser on trying to create jobs once again in this country and put people back on payrolls. If we want to do something for the economic health of both families and America, it is good jobs that pay well, with some security and some benefits. There is no better tonic than that.

It is also the case that we need to focus like a laser on this issue of deficits and debt because the fact is, we were left with an economy that is not sustainable with respect to the current deficits. It just isn't. You can't fight wars without paying for them. You just can't do that. You can't enact programs without paying for them. And when you fall into a very deep recession and your revenues dry up and you have $400 billion a year less in revenue—because of unemployment and many other stabilizing programs that try to help people who have been laid off and who are in trouble, you have $400 billion more in outlays—and you run into giant Federal budget deficits, we have to fix that. We have to do that because this course is not sustainable.

There is one other issue I want to talk about for a moment. I hope that early on in this year, we will do something else that is important to the economic strength of America, and that is to pass an energy bill that moves in the direction of giving us the freedom from foreign oil. Let me describe why this is important in the context of trying to also fix what is wrong in this economy. We are a nation that uses a substantial amount of oil. We stick little straws in this planet every day and suck out oil. We suck out about 85 million barrels of oil a day from this planet called Earth. Of the 85 million or 84 million barrels of oil a day, one-fourth of it is used in this little place on the planet called the United States of America. We need one-fourth of all the oil that is produced every day just to keep America going, and a substantial amount of that oil is produced in areas of the world that don't like us very much, areas of the world that are very troubled. So we have great vulnerability with respect to our nation's energy security.

The fact is, energy powers this country's economy. We don't think about it. We get up every single day and we flick on a switch, we plug something into a wall socket, we turn a key in an ignition. In dozens of ways, beginning when we first step out of bed and turn on the light, we use energy, and we use a lot of it. So the question is, What can give this country some energy security? Being 70 percent dependent on foreign oil? Certainly not. By the way, in addition to getting nearly 70 percent of our oil from other countries, nearly 70 percent of the oil is used in our transportation fleet.

So what do we do about all that? The fact is, we passed the Energy bill out of the Energy Committee, about 6, 7 months ago here in the Senate, and that Energy bill, in my judgment, has a lot to commend it. I believe that early on in this Congress, the President and the Senate ought to decide we are going to take up this bill. It is bipartisan. We should pass this legislation and give America another step in the direction of being less dependent on foreign oil.

It is also about jobs. You create a lot of jobs by new production and conservation systems and so on.

Let me describe what is in this legislation. The legislation deals with increasing production of energy here at home. It also increases conservation and efficiency and maximizing the production of renewable energy. It also creates the first ever national renewable electricity standard, which means that a certain percentage of our electricity to come from renewable energy. All that is in this legislation and it has already been passed by the Senate Energy Committee on a bipartisan vote. Let me start for a moment with some good news.

Mr. President, could I be notified at the end of 15 minutes, please, of my presentation.

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

Mr. DORGAN. Let me start with some good news because we almost never hear good news these days in America. All the news in America is about what went wrong, the old saying about bad news is that it travels halfway around the world before good news gets its shoes on. Almost nobody has any interest in saying let's broadcast good news all day.

The good news last year, with respect to oil, was that for the first year in a long time, America actually increased its production of oil. We have been on this declining path. No more. Last year

we increased the production of oil. Part of that comes from a formation in my part of the country called the Bakken shale. It is unbelievably complicated what we have done, but our country has learned to go explore and get oil from formations that 5, 8, 10 years ago you could not get oil from. There is up to 4.3 billion gallons of oil in the Bakken shale formation, 4.3 billion barrels of recoverable oil, that can now be unlocked using today's technology. They drill down 2 miles with a drilling rig, do a big curve, and go out 2 miles. With one rig they go down 2 miles, then go out 2 miles and then they hydrofracture it and the oil drops. They are getting up to 2,000 barrel-a-day wells. That is just one part of the substantial additional production available in this country, and it is producing now in a very significant way in Montana and North Dakota in the Bakken shale.

Also, in the Energy bill that was passed by the Senate Energy Committee, I introduced an amendment that was agreed upon on a bipartisan vote that opens the eastern Gulf of Mexico. We believe that there is at least 3.8 billion gallons of recoverable oil and at least 21 trillion cubic feet of natural gas in the eastern Gulf of Mexico including the Destin Dome. There is a lot to be achieved by additional production and we should do that. There is no question we should do that. The legislation that has been passed on a bipartisan vote, with my amendment to open the additional production, would allow that to happen.

That is one piece of the Senate Energy Committee's legislation. But there is much more. We understand our most abundant resource is coal, but we need to have a lower carbon future as we continue to use fossil fuels for energy. So the research and the science that is exciting, to be able to continue to use coal and capture and sequester or capture and provide beneficial use of CO_2, is something we are working on very hard. We advance it in this legislation.

If you are going to maximize production of energy where the wind blows and the Sun shines, through solar energy and wind energy, you need to develop an interstate highway of transmission. We don't have that. We have an interstate highway system to drive on, but we don't have an interstate highway system to move electricity on and to produce energy where the wind blows and the Sun shines and then move it to the load centers. That does not exist at the moment.

In the last 10 years, we have built about 11,000 miles of natural gas pipeline to move natural gas around the country. During the same period, we only built 668 miles of high-voltage transmission lines between the States. We have to fix that. If you are going to maximize the production of energy where the wind is blowing and the Sun is shining, and we should, then you need to have an interstate highway of transmission to move that energy to the load centers. This transmission section is in the Senate Energy Committee's bill.

We have included a national renewable electricity standard, for the first time in history, in this legislation. That will drive the production of renewable energy because 15 percent of the energy that is sold must come from renewable energy sources. I think the votes exist on the floor of the Senate to get to a 20-percent RES. All of that, I think, is very important.

The other thing we do is we move toward an electric drive vehicle system with investments in battery technology and all of the related issues that would involve electric drive vehicles. That is going to be part of our future.

Beyond the electric drive future, I think, is hydrogen and fuel cell technology. There is so much to be excited about. We do need to get the legislation that has already passed the Senate Energy Committee to the floor of the Senate. Let me describe it briefly by saying this. There are some who say the issue is climate change, and we have to bring a climate change bill to the floor of the Senate.

Here is my view. To address climate change and have a lower carbon future means that you have to put in place policies that actually reduce carbon. How do you do that? By doing the very things I have described in this legislation that is now out of the Senate Energy Committee and ready to come to the floor. It is addressed to the specific policies that will reduce carbon, that will actually allow us to make progress in addressing climate change issues.

I know there is a lot of discussion, and also a lot of controversy surrounding the issue of cap and trade. My own view on cap and trade is that I don't have the foggiest interest in providing a $1 trillion carbon trading market for traders and speculators on Wall Street to decide on Monday and Tuesday what our energy is going to cost on Thursday and Friday. I am not interested in doing that, given the history of what has happened on Wall Street and the economic wreck they caused in recent years.

Having said that, we still need a lower carbon future. I agree with that. The way to do that is to pass smart energy policy. We have a bipartisan bill that addresses all these issues: additional production, additional conservation, more efficiency, maximizing renewables, the first ever renewable electricity standard. All these issues will strengthen our country, and I hope very much one of the priorities in the coming months will be to pass the energy legislation that was passed by the Senate Energy Committee and advance our country's interest.

The ACTING PRESIDENT pro tempore. The Senator has used 15 minutes.

Mr. DORGAN. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, before I address some of the issues before us, let me say a word about my friend and colleague from North Dakota who, during this recess, announced he is going to retire at the end of this year. Senator DORGAN and I have served together both in the House and the Senate. He has been such a powerful force and powerful voice in the Senate Democratic caucus on so many important issues that we share values on. I am not going to bid him farewell because I know this year will be a busy year for him, representing his State and being engaged. His talk, just this moment on the floor, about issues of concern are clear evidence he is going to be fighting for his causes and his people in this upcoming year. But I do have to express my regret that my colleague is leaving us and thank him for his many years of fine service to the people of his State, in the House and the Senate, and I look forward to making this a great sendoff year and again thank him for his contribution.

Mr. DORGAN. If the Senator will yield, I have always refrained from using the word ''retire'' because I can't sit around very much. So I don't intend to quit working. But I am not seeking reelection, the Senator is correct about that. This is a great institution, and it is a great privilege to serve here. I look forward to a lot of work this year with my colleague from Illinois and I hope, together, we will frame the policies that will help put America back on track to a better future.

LESSON FROM MASSACHUSETTS

Mr. DURBIN. Mr. President, what did we learn yesterday in Massachusetts? I guess many things about the feeling of the American people. When you take a look at the polls, it is interesting. It is not as if it is a very partisan feeling among most Americans. They are not happy with either political party, when it comes right down to it, and if given a third-party choice, a lot of folks tend to move in that direction. It reflects a number of feelings. The first is, we have a weak economy and a lot of people unemployed and there is a lot of uncertainty. I think that has created anxiety, if not anger. I think also it is an issue about whether this Congress and this administration can respond to the issues that count, that matter in people's lives, and do it in a timely fashion. There is a frustration that many of the issues we take up seem to take forever, and most of them take forever right here in this room because the Senate was designed to slow things down and sometimes bring them to a halt. That is even adding to the frustration and maybe the anger across America.

When you ask people in polls about the situation in Washington, they say two things that are not necessarily consistent. They say: No. 1, I am concerned about the debt of this Nation. How much more debt can we pile up on

future generations and how much more can we mortgage our future to foreign lenders such as China that will buy up our debt and buy a bigger piece of control of our economy? A legitimate point. But the second thing they will say is: Listen, I hope the President and Congress will do something to help create jobs to get this country moving forward—which, of course, would involve the expenditure of Federal funds. They do not always give consistent answers, but it is easy to look behind the results in Massachusetts and in other States and see that the American people are upset and concerned about the current situation. What will we take from this?

There will be a realignment in the Senate, in terms of going forward. There will be 59 Democratic Senators and 41 Republican Senators after the new Senator from Massachusetts, Mr. BROWN, is sworn into this body. But still we will face the issues people want us to deal with.

When I went home to Illinois, I didn't shy away from health care. I took it on the road and went to South Suburban Chamber of Commerce in Cook County. That is right near the city of Chicago. Yesterday, I went to the Chicago Chamber of Commerce and invited in small businesses to talk about health care. What I heard from them I heard in letters and e-mails and messages from all over the State; that is, people are genuinely concerned. They may feel at least some satisfaction with their current health insurance, but they are worried about the future. When small businesses stand, as they did yesterday, and say: Our premiums went up 17 percent, 20 percent each year and it is unsustainable, that is a reality. If we play to a draw here and do nothing, it is understandable people will be even more frustrated and angry.

I understand the shortcomings of our effort to reform health care. I am humble enough to realize that even our best work may not be perfect and may need to be changed in the future. But it is not enough to just stop the debate and ignore the problem. I would engage and invite my colleagues from the other side of the aisle, if they truly want to govern, if they truly want to work with us, please step forward. Show us you are willing to sit down and work together; we are and we have tried and we will continue to. We should. It is not just a matter of health care. It also goes to the question of creating jobs.

We have an opportunity now to breathe life back into this economy, to get more people back to work. Like one of my friends, a Congressman from Illinois, PHIL HARE, said recently: I get personally ill when I hear the term ''jobless recovery.''

I share his angst and nausea, if that is what it is, over that term. There will be no jobless recovery. Until people get back to work, we are still in recovery and have not reached our goal yet, which is to end the recession with a strong economy and people back to work.

How will we reach that goal? We need to do something this year, and we need to do it quickly so we do not miss a construction season, so we can create new opportunities for jobs in building bridges and highways and airports and water projects all across America—investment in our infrastructure that pays off over the long run and creates jobs immediately. That is something we need to do. It will take money to do it.

Fortunately, there is a source. President Bush had his Troubled Asset Relief Program and took hundreds of billions of dollars and loaned them to financial institutions and companies to get through the worst of the recession. Many of those companies are paying us back, some with interest. We wish to take the money that is being paid back there and invest it back into this economy to get it moving forward.

This sounds to me like something that Democrats and Republicans should agree on. I think we both share the goal of getting out of this recession and begin moving forward, but we need a cooperative, bipartisan effort for that to be achieved. I hope we can find it. I hope we can reach common ground there.

I believe most of the Senators from most of the States represented here have heard from their Governors. My State is struggling. Others are as well. There will be layoffs of key personnel—firefighters, policemen, and teachers, for example. We should find a way to help those States get through this tough patch they have run into because of a recession and downturn in revenues. We don't want to see our children suffer because teachers are laid off and there are more kids in the classroom. We certainly do not want to endanger our communities by laying off firefighters or policemen, if that means our safety is compromised in our homes and neighborhoods. So there ought to be some common ground we can find, both sides of the aisle.

At the same time, there is a meaningful discussion underway with Senators CONRAD and GREGG, Democrat and Republican, on long-term deficit reduction. In the midst of a recession it is hard, I think terribly hard, to argue we will not be adding to the national debt as we try to bring ourselves out of the recession. But we clearly need to have a plan—a direction and a long-term goal—of reducing our deficit. We can reach that goal, and I think we should. We need to do this on a bipartisan basis.

I hope in the days ahead, when the President gives the State of the Union Address, he will speak to this and he will try to help us in reaching that common goal.

So whatever the result in Massachusetts, it will, of course, make the news today, will diminish in importance as other stories replace it. But at the end of the day, we still have responsibilities. We still need to deal with the rising cost of health care. We need to deal with the fact that 50 million Americans do not have health insurance. We need to confront the health insurance companies that are turning down people when they need help the most with their health insurance plan. We certainly need to address the job situation, making sure our government is funding and inspiring new job growth across our country. We need to deal with a long-term deficit with a plan that starts to bring us out of our national debt or at least reduce our national debt.

That, to me, represents at least three immediate and attainable goals that should be done on a bipartisan basis. Whether we have 60 votes or 59 votes, those issues still challenge us. So the lesson from Massachusetts is the American people are expecting responsible results in Washington. We have to deliver them. We can deliver them. But to do it, we need a bipartisan approach. We need both Republicans and Democrats to work together toward these goals.

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

The PRESIDING OFFICER (Mr. BURRIS). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CHAMBLISS. 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. CHAMBLISS. Mr. President, is the Senate still in morning business?

The PRESIDING OFFICER. The Senate is in morning business.

Mr. CHAMBLISS. I ask unanimous consent that all time be yielded back and that we move to the nomination of Beverly Martin.

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

NOMINATION OF BEVERLY BALDWIN MARTIN TO BE UNITED STATES CIRCUIT JUDGE FOR THE ELEVENTH CIRCUIT

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to report the following nomination.

The assistant legislative clerk read the nomination of Beverly Baldwin Martin, of Georgia, to be United States Circuit Judge for the Eleventh Circuit.

The PRESIDING OFFICER. Under the previous order, there will be 60 minutes of debate equally divided and controlled between the Senator from Vermont, Mr. LEAHY, and the Senator from Alabama, Mr. SESSIONS.

Mr. CHAMBLISS. Mr. President, I ask unanimous consent to speak under

the time allotted to Senator SESSIONS and that I be followed by my colleague Senator ISAKSON.

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

The Senator from Georgia is recognized.

Mr. CHAMBLISS. I rise today to speak on behalf of a good friend, a very fine jurist, Judge Beverly Martin, who has been nominated by President Obama to the Eleventh Circuit Court of Appeals.

I have had the good fortune of knowing Judge Martin, who is a native of Macon, GA, for many years and could think of no one with more integrity, professional competence, and appropriate judicial bearing to sit on the Nation's second highest bench.

Judge Martin is a fourth-generation lawyer. Her great-grandfather, grandfather, and her father were all lawyers in Macon, GA. They started the law firm of Martin & Snow in Macon, which is where Judge Martin also began the practice of law after graduating from the University of Georgia School of Law in 1981.

I talked to my good friend Cubbege Snow, Jr., who was one of the senior partners at the firm at that point in time. I said: Cubbege, tell me about Beverly. What did you do with her when she came fresh out of law school to be the fourth generation Martin in that law firm?

He said: SAXBY, she started just like everybody else; we put her collecting accounts, which is the one thing lawyers have to do when they start out is that sort of menial type work.

I remember one day walking by her office and she is obviously on the phone with somebody trying to collect an open account, and she finally screamed at whoever it was on the other end and said, ''If you do not pay this bill, I am going to lose my job.''

So Beverly Martin started at the bottom of the ladder in the practice of law. She has worked herself up to the point now of being one of the finest district court judges we have in our State.

My good friend Jerry Harrell, who is also a member of that firm, says the thing he remembered best about now Judge Martin when she was practicing law is that she is very bright, but she approached everything from a true commonsense standpoint and that she was a very level-headed individual.

Judge Martin was drawn from private practice to Atlanta to go to work in the attorney general's office by then Attorney General Mike Bowers. She was there for a 10-year period. And in 1997 she was appointed U.S. Attorney for the Middle District of Georgia after serving for a couple of years as an assistant U.S. attorney.

During her tenure as U.S. Attorney for the Middle District of Georgia in Macon, Judge Martin was known as a tough prosecutor. She handled cases herself in a way that was not only very professional but in a very meaningful way.

At the same time, she was very compassionate outside of the courtroom. In fact, she started a program in Macon, Valdosta, Columbus, and Athens that is called the Weed & Seed Program. It is now a nationwide program that is run through U.S. Attorney offices. Judge Martin was a strong proponent and received national recognition for the work she did with the Weed & Seed Program in our State. She also held day camps for inner-city kids during the summertime. She served on various boards, including the board of Macon State College and Majority Women of Achievement, which board she serves on with my wife Julianne.

Her lengthy tenure as a prosecutor has given her a uniquely informed perspective. When handling criminal cases, as many of my colleagues know, a prosecutor must be tough but fair in carrying out their responsibilities. This experience has served her well as she has served on the District Court. It makes her exceptionally well qualified to serve on the Eleventh Circuit Court of Appeals.

While on the district court, Judge Martin was faced with several difficult criminal matters. In 2002, she refused to intervene and halt the scheduled execution of a man convicted of killing a Columbus, GA, police officer.

More recently, in 2008, she rejected arguments that Georgia's method of capital punishment was unconstitutional, determining that it more than conformed with the recent Supreme Court guidance on the issue.

In his choice of Judge Martin, the President not only picked a fine Georgian to sit on the nation's second highest bench, but he has also picked a topnotch legal mind.

More revealing about Judge Martin as a jurist than my remarks are the anonymous lawyer comments that have been written about her during her 9 years on the bench. Words such as ''smart,'' ''bright,'' ''respectful,'' and ''fair'' appear frequently. One lawyer wrote, ''Her legal ability is matched by her courtroom demeanor, which is the best around.''

Another said, ''She always calls it as she sees it. She has no leaning.''

Mike Bowers, attorney general and her mentor of 15 years, said she is the most evenhanded judge he has ever appeared before.

In fact, Mike, who is now in private practice, told me that he tried the very first jury trial case before Judge Martin. In Federal trials, the lawyers are all required to stand at a lecturn where they ask their questions to the witnesses, and it is not appropriate to get too close to the jury. But all of us used to try to do that because you could sometimes be more effective. He said: One day I was trying this case before Judge Martin, the very first case she had tried, and I obviously got a little too close to the jury. Being the evenhanded judge she is, she looked at her 15-year mentor and she said, very professionally: Mr. Bowers, please back away a respectful distance from the jury. He said: I remember it very well.

That is the evenhandedness with which Judge Martin has always conducted herself on the bench. I have no doubt Judge Martin will serve the people of Georgia, Alabama, and Florida very well on the Eleventh Circuit. She is, to put it plainly, a fair and wise judge. The President couldn't have chosen a more qualified individual for the Eleventh Circuit Court of Appeals. I am proud to lend my support to her and look forward to her swift confirmation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. ISAKSON. Mr. President, I am pleased to join my colleague Senator CHAMBLISS to endorse the confirmation and hopefully unanimous confirmation of Judge Beverly Martin to the Eleventh U.S. Circuit Court of Appeals. I thank President Obama for sending this nomination forward and for the consultation his people had with Senator CHAMBLISS and myself. I thank Senator LEAHY, chairman, and Ranking Member SESSIONS from Alabama of the Judiciary Committee for the diligence with which they approached this confirmation and the speed with which we have now brought it to the floor.

I am proud that the vote on Judge Martin today will be the first vote of the 2010 session of the Senate. As Senator CHAMBLISS said, Judge Martin comes from a long, distinguished family of lawyers from middle Georgia. She comes to the bench with a balanced temperament and the evenhanded process that comes from growing up in middle Georgia and having respect for one's fellow man.

I don't know Judge Martin and did not know Judge Martin until she was nominated. I am not an attorney so I didn't have a lot to fall back on when I made my first judgment. I decided what I would do is what I always did in my 33 years of business. I figured you could always find out what was at the heart of someone by calling those who competed with them, other members of the same profession. So I called lawyers, judges, prosecutors around Georgia, friends I had, and said: Tell me what you know about Judge Beverly Martin. Without exception, every response was positive.

It was interesting. One district attorney said: I like her because she has the tenacity of a prosecutor. She was a prosecutor for the northern district of Georgia. I talked to a dear friend of mine who is on the Georgia Supreme Court who said she has the temperament for a judge. I talked to another practicing attorney, who had tried cases before her and had competed with her when she was a practicing attorney herself, who said: JOHNNY, she is tough. She is fair. But she has a passion for the law, a passion for doing what is right.

I don't think you can come up with a finer endorsement than those three quotes.

I also join Senator CHAMBLISS in acknowledging and studying one's record. Some of her decisions I think have been outstanding. As a former prosecutor, she understands the dangers our law enforcement officers go through. She understands the value they serve. I think her ruling not to stay the execution of a murderer of a Columbus, GA policeman was absolutely the right decision. Her defense of the Georgia death penalty law as being constitutional was not only appropriate but right. Throughout all of her decisions, one thing is for sure: Whether you agreed or not, she gave it the thought and time necessary to make what she felt was the right decision.

In 2000, the Senate confirmed Judge Martin to the northern district court in Georgia. It did so unanimously. It is my hope that on this day the Senate once again will unanimously approve the confirmation of Judge Beverly Martin to the U.S. Eleventh Circuit Court of Appeals.

I yield the floor, suggest the absence of a quorum, and ask unanimous consent that the time be charged to each side.

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

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. 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. SESSIONS. Mr. President, I wish to speak on the nomination of Judge Beverly Baldwin Martin who President Obama nominated to the Eleventh Circuit on June 19. I remain at a loss as to why it has taken this long for her nomination to come before the full Senate for a vote. Judge Martin's nomination is one of the few that has had strong bipartisan support. Both of her home State Senators, Senator CHAMBLISS and Senator ISAKSON, have expressed their support for the President's nominee from the beginning. I have also expressed my support for Judge Martin and I believe she will be easily confirmed when the vote occurs.

As I have said many times, Republicans have been and are ready and willing to proceed to a roll call vote on her nomination for months but, for whatever reason, our Democratic colleagues, the leadership, would not take yes for an answer. Instead, they chose to force votes on controversial nominees such as David Hamilton and Andre Davis. Given those nominees' records, it was no secret they would engender opposition and that it would take some time for their records to be examined and to be prepared for debate.

I do not know the reasons for not calling up Judge Martin's nomination sooner. I hope it wasn't to purposely delay this noncontroversial nomination in order to create an illusion that a lot of judges are being obstructed. Certainly we have been accused of obstructing nominations in the last few months and we have heard these allegations repeated on the Senate floor and in the press, often supported by inaccurate and misleading information. Some of my Democratic colleagues have said they want to confirm judicial nominees at the same pace the Democratic-controlled Senate confirmed President Bush's nominees. I think my colleagues should be careful what they wish for, because President Obama's nominees have fared far better than President Bush's. For those who were not here then, and for those who don't—or won't—remember, I wish to take a moment to describe exactly what happened during that time.

President Bush began his Presidency by extending an olive branch and renominating two prior Clinton nominees to seats on the Circuit Courts of Appeal—one step removed from the Supreme Court. He renominated Democratic nominees. How was he repaid for that? The Democrats took the olive branch and broke it and gave it back to him. It began soon after President Bush was elected when a group of well-known professors—liberal activist professors—Laurence Tribe, Marsha Greenberger, and Cass Sunstein, met with the Democratic leadership and proposed changing the ground rules of the confirmation process in a meeting, apparently—certainly not open to the public. They proposed that Senators should consider a nominee's ideology—this had not been historically done—and for the first time in the history of the country, they proposed that the burden be shifted to the nominee to somehow prove they were worthy of the appointment instead of having the Senate respect the presumptive power of the President to make nominations and then object if that nomination was a concern to them. So it was clear to me then that as a result of that meeting, a majority of the Democrat Members of this body agreed to what they proposed. After the Democrats took control in the 107th Congress, then-Majority Leader Daschle promised to ''use whatever means necessary'' to defeat President Bush's judicial nominees.

Before the 2001 August recess, the Democrats granted hearings for only two circuit court nominees, and one was Roger Gregory, a former Clinton nominee who was renominated. They even refused to hold a hearing for now-Chief Justice John Roberts. His nomination at the time was to the District of Columbia circuit which had been scheduled for a hearing before the change in the Senate majority. Then, in an unprecedented and, I think, partisan move, our Democratic colleagues indiscriminately returned every single one of President Bush's 40 pending judicial nominations. There was no consideration of an individual nominee's record. There was no consideration of bipartisan support for the nominee. It was a simple obstruction, it appeared to me. Thirty of these nominees were later confirmed by voice vote or by a substantial majority.

This was followed by another unprecedented event: the systematic filibuster of highly qualified nominees, many of whom were later confirmed by voice vote or a substantial majority. The Democrats filibustered 30 attempts to hold up-or-down votes on at least 17 judicial nominees, highly qualified nominees—some rated unanimously well qualified by the American Bar Association. Senator REID summed up what they were doing during the filibuster of Priscilla Owen—a fabulous nominee; a justice on the Texas Supreme Court; a great lady—he opposed her nomination and he said in his quote: ''There is not a number of hours in the universe that would be sufficient'' to debate her nomination.

So, today, we hear outrage that President Obama's nominees have been waiting for weeks or months for a confirmation vote. President Bush's nominees to the circuit courts waited an average of 350 days—almost a year, on average; I was here—from nomination to confirmation. That was just the average. The majority of President Bush's first nominees to the circuit courts waited years for confirmation votes and some never even received a hearing in committee, despite being highly qualified, outstanding nominees. Priscilla Owen, Justice Owen of the Texas Supreme Court, waited 4 years for a confirmation vote. John Roberts, Jeffrey Sutton, and Deborah Cook all waited 2 years. Dennis Shedd and Michael McConnell waited for more than a year and a half. Terrence Boyle, who was nominated by President Bush for the Fourth Circuit, languished close to 8 years and never received a vote, even though he passed out of the Judiciary Committee with a majority, and the Democrats had the majority. Miguel Estrada, rated unanimously well qualified by the American Bar Association, was filibustered through seven cloture votes and never confirmed. Charles Pickering, Carolyn Kuhl, Williams Myers, Henry Saad, William Haynes—all I think outstanding nominees—all were filibustered and never confirmed. So I ask my Democratic colleagues: Did we have any outrage from that side then?

Let's look at the current pace of nominations. Unlike President Bush, President Obama did not extend an olive branch by renominating any of the outstanding pending nominees President Bush had submitted who were being held up. In fact, he ignored a request by all of the Republican Members of this body to do that. Instead, he chose Judge David Hamilton as his first nominee. He could hardly be characterized as a consensus nominee. Thirty-nine Senators—all Republicans—voted against him after a full debate.

The treatment of President Obama's and President Bush's nominees for the Fourth Circuit will illustrate what I am saying. During the 110th Congress, despite the 33-percent vacancy rate on that court, four of President Bush's

well-qualified, consensus nominees to that court, the Fourth Circuit, were needlessly delayed and ultimately blocked. President Bush nominated Steve Matthews in September of 2007. Despite his stellar qualifications, he was forced to wait 485 days to even get a hearing and the hearing never came. His nomination was returned in January of 2009. Chief Judge Robert Conrad of the district court had the support of his home State Senators and received an ABA rating of unanimously well qualified. Despite overwhelming support and exceptional qualifications, including having played point guard for Clemson in the ACC, he waited 585 days for a hearing that never came. His nomination was returned. Judge Glen Conrad had been chosen by Janet Reno, President Clinton's Attorney General, to investigate one of the allegations against President Clinton. Out of all of the prosecutors in America, she chose Judge Conrad. It is an outrage that he was not confirmed. He was a stellar nominee and should have been confirmed. The bar respected him and so did the Democratic administration.

Finally, Rod Rosenstein, whom the ABA rated unanimously well-qualified and who served in the Department of Justice in both Democrat and Republican administrations, waited 414 days for a hearing that never came. His nomination was returned on January 2, 2009.

President Obama's Fourth Circuit nominees have fared far better. Take Judge Andre Davis. He received a hearing a mere 27 days after his nomination, a committee vote just 36 days later, and was confirmed in early November of last year. Justice Barbara Milano Keenan was nominated on September 14, 2009. She received a hearing just 22 days later and was voted out of committee 23 days after that. Both Judge Albert Diaz and Judge James Wynn were nominated on November 4, 2009. The committee quickly held their hearing on December 16, 2009—despite the fact that the Senate was consumed with the healthcare debate—and their nominations are listed on the committee's agenda for this week.

The raw numbers also demonstrate that this is not the simple ''apples to apples'' comparison that some have tried to make it out to be.

President Obama has nominated little more than half the judicial nominees that President Bush had nominated at this point in his Presidency. Despite holding a time consuming Supreme Court confirmation hearing, the Judiciary Committee has still managed to hold hearings for all of President Obama's nominees, except for the few that were nominated just before the recess last month and were not ripe for hearings before the break. Compare that to this point under President Bush when 31 of his judicial nominees had yet to receive hearings.

And, not only has the Senate confirmed nearly the same percentage of President Obama's judicial nominees as were confirmed at this point under President Bush, but we are moving faster. Indeed, President Obama's circuit court nominees have received confirmation votes mere months after being nominated—far quicker than President Bush's circuit court nominees, who waited an average of 350 days. Many waited years and many never even received an up-or-down vote. The simple fact is that President Obama has nominated fewer and we have confirmed more.

All of this is not to lay the groundwork for some sort of payback, but to set the record straight. Republicans have not held a private retreat to plot how to block judicial nominees. We have not taken orders from outside groups to block nominees based on their ideology. We have not blocked nominees because we do not want them to sit on a specific case. We have not once attempted to filibuster nominees in the Judiciary Committee. That is how Democrats treated President Bush's nominees. Those are the facts.

We have not and will not do any of those things. Instead, we will continue to thoroughly analyze the records of President Obama's nominees, and hold fair and rigorous hearings to ensure that each nominee possesses the impartiality, the commitment to the rule of law, the integrity, the legal expertise, and the judicial restraint necessary to sit on our Nation's judiciary.

As ranking member of the Judiciary Committee, I look forward to continuing to work with the chairman to process nominations in the bipartisan manner that we have established over the past year.

I yield the floor.

I see our outstanding chairman, Senator LEAHY, is here. I know he wants to get back to the committee. I appreciate his leadership. He is a person I enjoy working with. We spat a little over these nominations, but he allows us to have full and fair hearings when we have them, and I think I can't ask for more than that.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, as we return for the second session of the 111th Congress, the Senate at last considers the long-stalled nomination of Judge Beverly Martin of Georgia to the Court of Appeals for the Eleventh Circuit. Even though Judge Martin is a well-respected district court judge with the strong support of both of her home State Republican Senators, Senator CHAMBLISS and Senator ISAKSON, her nomination has been stuck on the Senate Executive Calendar for over 4 months since it was promptly reported by the Judiciary Committee without a single dissenting vote.

The delays for consideration of the nomination of Judge Martin, along with delays for seven other judicial nominations currently on the Senate's Executive Calendar, are the result of a Republican strategy to stall, delay, and obstruct that began last year. I urge the Senate Republican leadership to reconsider their strategy and instead join with us and with President Obama to fill the more than 100 vacancies that have now accumulated on our Federal courts around the country.

The obstructionist tactics that we saw last year from Republicans led to the lowest number of judicial confirmations in more than 50 years. Only 12 of President Obama's judicial nominations to Federal circuit and district courts were confirmed all last year. The 12 Federal circuit and district court nominees confirmed last year was less than half of what we achieved during President Bush's first tumultuous year. In the second half of 2001, a Democratic Senate majority proceeded to confirm 28 judges. In the 17 months that I chaired the Senate Judiciary Committee during President Bush's first term, the Senate confirmed 100 of his judicial nominees.

Republicans have refused to agree to the consideration of qualified, noncontroversial nominees for weeks and months. Last December, only 3 of the available 13 judicial nominations on the Senate Executive Calendar were considered. By contrast, in December 2001, the first year of President Bush's administration, Senate Democrats proceeded to confirm 10 of his judicial nominees. At the end of the Senate's 2001 session, only four judicial nominations were left on the Senate Executive Calendar, all of which were confirmed soon after the Senate returned in 2002. At the end of President Clinton's first year, just one judicial nominee was left on the Senate Executive Calendar. At the end of President George H.W. Bush's first year, a Democratic Senate majority left just two judicial nominations pending on the Senate Executive Calendar.At the end of the first year of President Reagan's first term—a year in which the Senate confirmed 41 of his Federal circuit and district court nominees—not a single judicial nomination was left on the Senate Executive Calendar. This past December, Senate Republicans left 10 judicial nominees without Senate action and insisted on returning 2 of them to the President so that they would have to be renominated.

None of the eight judicial nominations currently pending on the Executive Calendar are controversial. Six were reported by the Senate Judiciary Committee without a single dissenting vote. We have wasted weeks and months having to seek time agreements in order to consider nominations that were reported by the Senate Judiciary Committee unanimously and then confirmed unanimously by the Senate once they were finally allowed to be considered.

Judicial vacancies have now skyrocketed to over 100, undoing years of hard work. The lack of Senate action last year is attributable to Senate Republicans and no one else. President Obama has reached across the aisle to

consult with Republican Senators. The nomination before the Senate today is another example of that. He has made quality nominations. While President Obama has moved beyond the judicial nominations battles of the past and reached out to work with Republicans and make mainstream nominations, Senate Republicans continue their tactics of delay.

When President Bush worked with Senators across the aisle, I praised him and expedited consideration of his nominees. When President Obama reaches across the aisle, the Senate Republican leadership delays and obstructs his qualified nominees. The Republican leadership has returned to their practices in the 1990s, which resulted in more than doubling circuit court vacancies, and led to the pocket filibuster of more than 60 of President Clinton's nominees. The crisis they created eventually led even to public criticism of their actions by Chief Justice Rehnquist during those years.

Instead of praising President Obama for consulting with Republican Senators, the Senate Republican leadership has doubled back on what they demanded when a Republican President was in the White House. No more do they talk about each nominee being entitled to an up-or-down vote. That position is abandoned and forgotten. Instead, they now seek to filibuster and delay judicial and even executive nominations. They have also abandoned their initial position at the start of this Congress that they would filibuster judicial nominees on which home State Senators were not consulted. It turned out such consultation and home State Republican Senator support did not matter when they unsuccessfully filibustered President Obama's first judicial nominee, Judge David Hamilton. He was filibustered despite the support of Senator LUGAR, his home State Senator and the longest serving Republican in the Senate.

Despite the fact that President Obama began sending judicial nominees to the Senate 2 months earlier than President Bush, last year's total was the fewest judicial nominees confirmed in his first year of a Presidency since 1953, a year in which President Eisenhower only made nine nominations all of which were confirmed. The number of confirmations was even below the 17 the Senate Republican majority allowed confirmation in the 1996 session.

This is wrong. The American people deserve better. The cost will be felt by ordinary Americans seeking justice in our overburdened Federal courts.

During President Bush's last year in office, we had reduced judicial vacancies to as low as 34, even though it was a Presidential election year. When President Bush left office, we had reduced vacancies in 9 of the 13 Federal circuits. As matters stand today, judicial vacancies have spiked and are being left unfilled. We started 2010 with the highest number of vacancies on article III courts since 1994, when the vacancies created by the last comprehensive judgeship bill were still being filled. While it has been nearly 20 years since we enacted a Federal judgeship bill, judicial vacancies are nearing record levels, with 102 current vacancies and another 21 already announced. If we had proceeded on the judgeship bill recommended by the Judicial Conference to address the growing burden on our Federal judiciary, as we did in 1984 and 1990, in order to provide the resources the courts need, current vacancies would stand over 160 today. That is the true measure of how far behind we have fallen. Justice should not be delayed or denied to any American because of overburdened courts and the lack of Federal judges.

We have seen this unprecedented obstruction by Senate Republicans on issue after issue—over 100 filibusters last year alone, which has affected 70 percent of all Senate action. Instead of time agreements and the will of the majority, the Senate is faced with a requirement to find 60 Senators to overcome a filibuster on issue after issue. Those who just a short time ago said that a majority vote is all that should be needed to confirm a nomination, and that filibusters of nominations are unconstitutional, have reversed themselves and now employ any delaying tactic they can.

These obstruction tactics took dangerous lows last year when Senate Republicans voted to leave our troops without funding at a time when we are fighting two wars. Had the Senate Republican filibuster of the Defense Department appropriations bill been successful, they would have cut off funding for our troops in the field. Senate Republicans also filibustered the veterans bill.

Judge Martin's nomination is the longest pending of the judicial nominees currently on the Executive Calendar. Judge Martin is a well-respected Federal district court judge. Her nomination received a unanimous rating of ''well qualified'' from the American Bar Association's Standing Committee on the Federal Judiciary and has the support of both Republican home State Senators, Senator CHAMBLISS and Senator ISAKSON. Judge Martin has spent 25 years in public service as a Federal judge, as U.S. attorney for the Middle District of Georgia, as an Assistant U.S. attorney in that office, and as an assistant attorney general in the Office of the Attorney General of Georgia. Judge Martin's nomination should have been an easy one to have confirmed months ago. Republicans should have thanked President Obama for consulting with the home State Republican Senators and moved forward. I wish we could have reached a time agreement sooner. It should not have taken 4 months.

I urge Senate Republicans to reconsider their strategy and allow prompt consideration of the other judicial nominees awaiting Senate consideration: Judge Joseph Greenaway of New Jersey, nominated to the Third Circuit; Justice Barbara Keenan of Virginia, nominated to the Fourth Circuit; Jane Stranch of Tennessee, nominated to the Sixth Circuit; Judge Thomas Vanaskie of Pennsylvania, nominated to the Third Circuit; Judge Denny Chin of New York, nominated to the Second Circuit; Rosanna Malouf Peterson, nominated to the Eastern District of Washington; and William Conley, nominated to the Western District of Wisconsin.

Mr. President, I will reserve the remainder of my time and yield 6 minutes to the Senator from Delaware, an extraordinarily valuable member of the Senate Judiciary Committee.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. KAUFMAN. I thank the Senator. It is a pleasure to serve with him on the Judiciary Committee and see the work he is doing.

Mr. President, I ask unanimous consent to speak as in morning business for 6 minutes.

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

IN PRAISE OF LISA BROWN

Mr. KAUFMAN. I rise once again to recognize one of America's great Federal employees.

One year ago today, Barack Obama took the oath of office as President of the United States. As with every change in administration, the White House welcomed many new staff members, appointed by the President to help him carry out his policy goals.

I have spoken many times about career Federal employees who serve regardless of which political party controls the executive branch. Today, I want to use my time to highlight the important work performed by those Federal employees who serve in appointee positions. Although their jobs depend on the outcome of elections and political circumstances, they are no less accountable to the people and no less dedicated in their service.

This holds true for the appointees from both parties, who, given the opportunity, eagerly leave jobs in the private and nonprofit sectors to serve in government. Many of our Nation's elected leaders once served in this capacity, including some of my Senate colleagues.

On this first anniversary of President Obama's inauguration, many are reflecting on the past 12 months and trying to gauge his administration's success. One thing I am certain about is that he could not carry out his ambitious agenda without the help of the talented White House staff.

The great Federal employee I am honoring today has the challenging job of making sure the White House staff are working together and that all of the information the President needs reaches his desk.

Lisa Brown serves as White House staff secretary. It is a position many

Americans are unfamiliar with, but it is one of the most important in the West Wing. The staff secretary is responsible for keeping the lines of communication between the President and his senior staff open and organized. Nearly every memo destined for the President's desk must first pass through the hands of the staff secretary, who filters the most pressing items and ensures that the President's decisions are conveyed to the appropriate staff member. Think about how complex that is.

Lisa is a native of Connecticut, and she graduated magna cum laude from Princeton with a degree in political economy. She also holds a law degree with honors from the University of Chicago.

After clerking for the late Judge John Godbold, on the U.S. Court of Appeals for the Eleventh Circuit in Alabama, Lisa was a partner at the Washington law firm Shea & Gardner. While working in the private sector, she also engaged in pro bono work in the area of civil rights and disabilities law. During that time, Lisa gained valuable expertise in these fields, which she would later put to use in her government service.

In 1996, Lisa began working as an attorney adviser in the Justice Department's Office of Legal Counsel. After a year in that role, she was appointed deputy counsel to Vice President Gore, and in 1999 she was appointed as his counsel. At the same time, Lisa served on the executive board of the President's Committee for Employment of People with Disabilities. She also worked on legislative issues with the Vice President's Domestic Policy Office.

After the Clinton administration ended, Lisa moved to the nonprofit sector, where she became executive director of the American Constitution Society for Law and Policy. When President Obama was elected, he asked her to return to government service as a key part of his White House team.

Despite her busy schedule in one of America's most stressful work environments, Lisa still finds time to raise a 6-year-old son with her husband Kevin. Juggling family responsibilities and a demanding workload is a challenge she shares with many other West Wing staffers.

Lisa and other political appointees are a living reminder of the elective nature of our government. When the people decide to give control of the executive branch to the party in opposition, that party is always ready to call on a cadre of talented and dedicated citizens ready to shape policy.

Many of them bring to their jobs the unique perspective of having worked for a previous administration, and they frequently leave higher paying jobs to return to government service. When they do so, they are not only signing on to serve the President. They also commit to long and stressful hours working on behalf of the American people to whom the President and his West Wing staff are answerable.

Mr. President, I hope my colleagues will join me in honoring the service of Lisa Brown and all those working and who have worked in the West Wing under Presidents Obama, Bush, Clinton, and their predecessors.

I yield the floor.

Mr. LEAHY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEAHY. 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. LEAHY. Mr. President, I see the distinguished assistant Republican leader on the floor. I ask unanimous consent that all time remaining on either side be yielded back.

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

Mr. LEAHY. Mr. President, have the yeas and nays been requested on the nominee?

The PRESIDING OFFICER. They have not.

Mr. LEAHY. I ask for the yeas and nays on the nominee.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Beverly Baldwin Martin, of Georgia, to be United States Circuit Judge for the Eleventh Circuit?

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Colorado (Mr. UDALL) is necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Missouri (Mr. BOND) and the Senator from Kansas (Mr. ROBERTS).

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

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 1 Ex.]

YEAS—97

Akaka	Collins	Inouye
Alexander	Conrad	Isakson
Barrasso	Corker	Johanns
Baucus	Cornyn	Johnson
Bayh	Crapo	Kaufman
Begich	DeMint	Kerry
Bennet	Dodd	Kirk
Bennett	Dorgan	Klobuchar
Bingaman	Durbin	Kohl
Boxer	Ensign	Kyl
Brown	Enzi	Landrieu
Brownback	Feingold	Lautenberg
Bunning	Feinstein	Leahy
Burr	Franken	LeMieux
Burris	Gillibrand	Levin
Byrd	Graham	Lieberman
Cantwell	Grassley	Lincoln
Cardin	Gregg	Lugar
Carper	Hagan	McCain
Casey	Harkin	McCaskill
Chambliss	Hatch	McConnell
Coburn	Hutchison	Menendez
Cochran	Inhofe	Merkley
Mikulski	Sanders	Udall (NM)
Murkowski	Schumer	Vitter
Murray	Sessions	Voinovich
Nelson (NE)	Shaheen	Warner
Nelson (FL)	Shelby	Webb
Pryor	Snowe	Whitehouse
Reed	Specter	Wicker
Reid	Stabenow	Wyden
Risch	Tester	
Rockefeller	Thune	

NOT VOTING—3

Bond	Roberts	Udall (CO)

The nomination was confirmed.

The PRESIDING OFFICER. The President will be immediately notified of the Senate's actions.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until 2:15 p.m.

Thereupon, the Senate, at 12:29 p.m., recessed until 2:16 p.m. and reassembled when called to order by the Acting President pro tempore.

The ACTING PRESIDENT pro tempore. The Senator from West Virginia is recognized.

MORNING BUSINESS

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business until 3 p.m., with Senators permitted to speak for up to 10 minutes each, with the time equally divided between the two leaders or their designees.

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

Mr. ROCKEFELLER. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. KYL. Mr. President, I further ask that I may be permitted to speak for as much time as I consume.

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

PRESIDENT OBAMA'S FIRST YEAR IN OFFICE

Mr. KYL. Mr. President, it was exactly 1 year ago that Barack Obama was sworn in as President of the United States. He began by promising to launch a new era of responsibility, bipartisanship, and transparency at home and to improve America's standing abroad. That message appealed to

the American people. The President came into office with high approval ratings, widespread support, and plenty of bipartisan good will in this Chamber. Taking stock now a year later, it is apparent the President has not delivered the change he promised. The President's approach to spending, debt, and big government has surprised and frustrated the American people. It is not what they bargained for. Much of the legislation introduced by the majority has passed on party-line votes and without the transparency he promised.

On this 1-year anniversary, I want to talk specifically about the conflict between President Obama's campaign promises and the policies he has promoted during his first year in office.

Despite his pledge to embrace fiscal responsibility, President Obama's domestic agenda has reflected a belief that big government and massive spending are the keys to promoting economic growth. From car company bailouts, to cash for clunkers, to a wasteful $1.2 trillion stimulus bill that failed to keep unemployment from topping 8 percent, as the administration claimed it would, Federal spending has soared. So has the national debt. President Obama said earlier this year that we cannot keep on borrowing from China, and that is true. So why does the President continue to advocate spending money that we do not have and will have to borrow? What ever happened to his campaign promise of a net spending reduction? Government spending grew by $705 billion in fiscal year 2009, an increase of 24 percent from 2008, and appropriations legislation enacted this year will increase spending by 8 percent more in 2010.

America's 2009 Federal deficit, which is the gap between total outlays and total revenue, made history—and not in a good way. It exceeded $1.4 trillion, which is the highest amount in history and more than three times as large as the biggest annual deficit during the previous administration.

The recordbreaking budget President Obama submitted to Congress doubles the deficit in 5 years and triples it in 10. It also creates more debt than the combined debt of every President from George Washington all the way through George Bush. There is no way to blame President Bush for this situation.

The total debt has reached an almost unimaginable sum—almost $12 trillion. This week, the Senate will take up an increase in the debt ceiling, which is the total amount of legal U.S. debt. That increase will come on the heels of a $290 billion increase in the debt ceiling that was passed late last year and another increase that was passed early in 2009 to accommodate the stimulus bill. Interest payments on this debt are expected to reach $800 billion—just interest alone—$800 billion per year by 2019. Clearly, we have not entered a new era of fiscal responsibility but, rather, quite the opposite.

Of course, the most expensive piece of legislation passed last year was the health care bill. The $2 trillion-plus bill, the most consequential domestic legislation in a generation, was hardly a work of fiscal responsibility or bipartisanship. It passed both bodies of Congress on a partisan vote. The legislation will create a massive new entitlement at a time when America cannot afford its existing entitlement programs.

The bill is filled with deals for special interests that President Obama said would be banned from doing business with his administration. Last week, for example, the White House reached a deal with labor union leaders to exempt, until 2018, union health care plans from a tax that will hit many other Americans.

The bill also violates several key pledges President Obama made about health care reform—first, the pledge that it would be deficit neutral. Richard Foster, who is the Chief Actuary for the Centers for Medicare and Medicaid Services, estimates that under the reform legislation, national health spending will rise by $222 billion over the next 10 years, and the Congressional Budget Office tells us that the Senate bill double-counts the savings from certain Medicare reforms. It uses certain funds to extend the solvency of Medicare by 9 years while simultaneously using those exact same funds to offset the cost of the bill. According to the Congressional Budget Office:

> To describe the full amount . . . as both improving the Government's ability to pay future Medicare benefits and financing new spending outside of Medicare would essentially double-count a large share of those savings and thus overstate the improvement of the government's fiscal position.

In short, this bill is not deficit neutral.

The President also pledged that middle-income families would not see their taxes raised. This is the second broken pledge. As Republicans have explained repeatedly, this bill is packed with taxes that will hit many middle-income Americans, including seniors and the chronically ill. In fact, the Senate version contains a total of 12 new taxes.

The third broken pledge relates to costs. President Obama said his health care bill would reduce costs. It does not. Costs for many families will actually increase thanks to a litany of new Federal requirements and mandates.

This whole process has also shown that the President's professed commitment to transparency was nothing more than a campaign slogan. He promised at least seven times that the health care negotiations would be aired on C–SPAN, as he put it, ''so the American people can see what the choices are.'' But that didn't happen. As Speaker PELOSI reminded us, the President promised a lot of things on the campaign trail. Those who were not invited to the Democrats' secret negotiations did not know the details of the respective health care bills until just before each of them came out for a vote, and we are talking about bills that are more than 2,000 pages long and contain hundreds of hidden provisions.

Even before the health care legislation is concluded, the President is proposing yet another spending bill, a second stimulus package. The stimulus bill—they call it a jobs bill now—that recently passed the House of Representatives would cost taxpayers $260 billion more in deficit spending. I do not believe the way to create jobs is to expand the size and expenditures of the Federal Government. I believe we must encourage growth in the private sector, not by taking money out but by putting money back in. It is understandable and unfortunate that job creators may be nervous about economic conditions. The economy is still shaky and new taxes loom on the horizon.

After seeing the dismal employment report in December, a month in which the economy lost another 85,000 jobs, Diana Furchtgott-Roth, a former chief economist of the U.S. Labor Department, advised the administration to ''press the reset button on economic policy.'' More specifically, she urged the President not to raise taxes, scale back Federal spending, focus on deficit reduction, and reject the new environmental regulations that will drive U.S. jobs overseas.

I hope in the coming year President Obama will consider more sensible domestic policies so that we can rein in the out-of-control spending that has characterized his first year. This would truly be change we can believe in.

I would also like to discuss the tension between rhetoric and reality in the President's foreign and national security policies.

Throughout the campaign, President Obama pledged he would improve America's reputation abroad and repair supposedly damaged alliances. In September 2007, Candidate Obama said:

> America's standing has suffered. Our diplomacy has been compromised by a refusal to talk to people we don't like. Our alliances have been compromised by bluster. Our credibility has been compromised.

So what has been the President's strategy for boosting America's standing? He has gone on an apology tour of sorts, a fundamental consequence of which, in the words of Charles Krauthammer, has been ''to effectively undermine any claim America might have to world leadership.''

The President has devoted much energy to improving relations with our adversaries. Not only have these efforts failed to yield positive results, but they have also led the administration to mistreat several key U.S. partners.

The administration's approach to Iran has been regrettable, to say the least. President Obama came into office hoping to negotiate a ''grand bargain'' over the Iranian nuclear program. He embraced a policy of engagement with the radical Iranian theocracy.

So far, this policy has done nothing to stop Iran from developing nuclear weapons and brutalizing its own people. But it did prevent the Obama administration from offering robust support to the pro-democracy demonstrators who flooded the streets last summer to protest a stolen election. Rather than embrace the protestors, who were standing up for liberty and human rights, President Obama initially said that he did not want ''to be seen as meddling in Iranian elections. Those protestors, by the way, are still out in the streets, waging a courageous struggle for democracy.

Despite all these U.S. efforts to engage the Iranian government, the negotiations over Iran's nuclear program have gone nowhere, and the Iranian president recently declared that Iran ''will continue resisting'' international demands until the United States abolishes its own nuclear arsenal.

We must remember that Iran is the world's leading state sponsor of terrorism, a government that murders peaceful student democracy activists. The events of the past year have shown that the Iranian regime is not a good-faith negotiator. Now is the time to maximize leverage over Iran through targeted sanctions. Meanwhile, we must not take any options off the table if we hope to prevent an Iranian nuclear weapon.

The President's Iran strategy was based on the idea that U.S. engagement would produce real concessions. That did not work with Tehran, and it has not worked with Moscow either. Despite U.S. diplomatic efforts, the Russian government continues to withhold support for strong U.N. sanctions against Iran, it continues to bully its democratic neighbors, such as Georgia and Poland, and it continues to practice authoritarian domestic policies. America's allies in Eastern Europe and Near Asia are getting nervous. President Obama's cancellation of a planned missile-defense system in Poland and the Czech Republic, and the manner in which it was executed, gave the impression that the U.S. had caved to Russian pressure.

There are few regions in the world as volatile as the Middle East. Unfortunately, the Obama administration has alienated our closest Middle Eastern ally, Israel, by stubbornly pushing it to adopt a comprehensive ''settlement freeze.''

As Elliott Abrams, a former deputy national-security adviser, has written in National Review, the administration has managed to damage the U.S.-Israel alliance, weaken Palestinian Authority President Mahmoud Abbas, and produce ''a massive policy failure.'' We all want a just and lasting solution to the Israeli-Palestinian conflict. But demanding unilateral concessions from the Israeli government is no way to achieve it.

As for Latin America, it was highly regrettable that the U.S. imposed sanctions on Honduras, since the removal of former Honduran president Manuel Zelaya was a constitutionally justified act of democracy. Despite initially siding with Zelaya, a close ally of Venezuelan leader Hugo Chavez, the Obama administration appears ready to recognize the validity of the recent Honduran elections. The administration should now lift suspension of aid, cease any further contact with Mr. Zelaya, and denounce his extra-constitutional behavior.

With regard to Venezuela, the President's policy of engaging Hugo Chavez proved a failure. Writing in The Weekly Standard, Jaime Daremblum, Costa Rica's former ambassador to the United States, says, ''If Obama believed his personal charm and assurances of goodwill would be sufficient to sway Chavez and the Castro brothers, he was mistaken.''

Indeed, Chavez has responded to friendly U.S. overtures by continuing to suffocate Venezuelan democracy, continuing to cooperate with Iran and Russia, and continuing to harass neighboring democracies, such as Colombia, where Chavez has funded vicious narco-terrorists. In an editorial last spring, the Washington Post noted, ''This may be the first time the United States has watched the systematic destruction of a Latin American democracy in silence.''

Meanwhile, pending free-trade agreements with U.S. allies in Colombia, Panama, and South Korea still have not been approved by this Congress. That represents yet another foreign-policy failure for this administration. I sincerely hope the President urges Democratic leaders to take action on these agreements sometime this year, preferably soon. Implementing these three trade deals would provide a boost to the U.S. economy and would also strengthen the U.S. position in two important regions.

I also hope the President resists the temptation to support protectionist measures that will hurt our economy and damage our foreign relations. In his first year, the President signed a stimulus package containing a protectionist ''Buy American'' provision, agreed to discontinue a U.S.-Mexican trucking program, and imposed a tariff on Chinese tires. These policies were economically foolish, and they damaged America's credibility as a promoter of trade liberalization.

Finally, a word about the administration's antiterror policies, and its decision to increase the number of U.S. troops in Afghanistan. I am pleased that President Obama has maintained many of the policies that were formulated by President Bush, including the use of military commissions to try suspected terrorists. However, I am disappointed that the President has decided not to use a military commission to try Khalid Sheikh Mohammed, the mastermind of the 9/11 attacks, and several of his co- conspirators.

Giving these terrorists a civilian trial in New York City will pose significant national security risks; among other things, it will compromise U.S. intelligence-gathering methods. The administration has chosen to prosecute several other terrorists before a military commission. So why not Khalid Sheik Mohammed? Why should the highest-ranking al-Qaida leader captured since 9/11 be given a civilian trial while other al-Qaida members are given military commission trials?

The war against al-Qaida is just that, a war. It is not a law enforcement matter. By announcing that Khalid Sheik Mohammed and other senior al-Qaida members will receive a civilian trial, the Obama administration has signaled that terrorists belong in the U.S. criminal-justice system. They do not. These men are enemy combatants waging war on the United States.

The terrorists who are scheduled to receive civilian trials in New York City have been held at the Guantanamo Bay detention facility. When the President took office, he promised that Guantanamo would be closed within a year. It is now a year later, and Gitmo is still open, as it should be.

There is a good reason that President Obama has not yet been able to fulfill his pledge: Closing Gitmo is a bad idea. The process of removing those detainees who are still being held at Gitmo will create a series of logistical problems and security threats.

Last month, six Gitmo detainees were sent back to their home country of Yemen. Just a few days later, a Nigerian man with links to a Yemen-based terrorist organization attempted to blow up Northwest Airlines flight 253. The flight 253 bombing attempt highlights the deadly threat posed by al-Qaida's Yemen affiliate, known as ''al- in the Arabian Peninsula.'' The administration has wisely halted the transfer of Gitmo detainees to Yemen. But it seems intent to try the flight 253 bomber as a criminal defendant, rather than an enemy combatant. That is deeply misguided, for the reasons I have just listed, as well as the unnecessary difficulties it raises for our intelligence gathering.

The most important front in the war on terrorism remains the battle for Afghanistan. Several weeks ago, the President announced that he would be deploying an additional 30,000 U.S. troops to finish the mission. I strongly support that decision, yet I also worry that the President has set an artificial timeline for withdrawing American forces. The President declared that a withdrawal would begin no later than July of next year. I hope that he is willing to embrace a flexible timeline. Military decisions in Afghanistan should be determined by conditions on the ground, not by the political climate in Washington.

The U.S. commitment to Afghanistan has been costly, and it will continue to be costly. That brings me to the connection between U.S. policies at home and U.S. strategy abroad. While domestic policy is not written to influence

foreign policy, it affects what we can spend on defense and security.

President Obama recently acknowledged the relationship between U.S. economic strength and U.S. global leadership, when he said, ''Our prosperity provides a foundation for our power. It pays for our military. It underwrites our diplomacy.''

Well, that is absolutely true. Our leadership is contingent on our prosperity—and our ability to pay for a robust national defense.

But massive amounts of new spending, new taxes, and European-style government programs will weaken the U.S. economy and make it more difficult for us to exercise global military leadership.

Just look at what happened last year: While $1.2 trillion was pumped into the stimulus bill and the majority in this chamber passed a $2.5 trillion government takeover of health care, the defense budget was practically frozen. Missile defense has been cut, and there's been a reduction in the number of interceptors in Alaska that protect us from a North Korean attack.

So, there has to be balance in spending scarce resources.There is a tipping point at which excessive social spending chokes economic growth and weakens military power.

European nations can get by with relatively low levels of defense spending and high social spending because, for decades, they have enjoyed the protection of America's security umbrella. As Mark Steyn writes in National Review ''Sweden can be Sweden because America is America.''

But if we become more like Europe, if entitlement programs beginto swallow our budget whole, will we still be able to afford the burdens of global military leadership?

I submit that military decline is not an option for the United States. As former Secretary of State Madeline Albright put it, we are ''the indispensable nation.''

That is what American exceptionalism means. It means that, because of our unique history, our unique power, and the unique appeal of our founding principles, America plays a special role in global affairs.

I fear that many of the policies adopted over the past year will make it harder for America to continue playing this special role. I hope that during the year ahead, the administration will pursue a more sensible and responsible course.

The ACTING PRESIDENT pro tempore. The Senator from Illinois is recognized.

Mr. BURRIS. Mr. President, are we in morning business?

The ACTING PRESIDENT pro tempore. The Senator is correct. We are in morning business.

MARTIN LUTHER KING, JR.

Mr. BURRIS. Thank you, Mr. President.

Every so often in the winding history of our country there is an entire generation that rises to confront the challenges of a moment. Every so often there is a movement so powerful that it changes the course of history. And every so often there is a visionary leader, a person with singular ideas, who comes along exactly at the right time to harness the energy of a movement and capture the imagination of a generation.

These are rare figures whose names are etched into our national consciousness, whose memorials dot the landscape of our Capital, and whose words and actions help to redefine the very fabric of our Nation. Dr. Martin Luther King, Jr., was just such a leader. He rose to prominence as a key figure of the civil rights movement, but he came to transcend both the movement and the generation that brought him to national prominence.

Earlier this week we came together as a nation to celebrate and commemorate the life and work of Dr. King. His message of equality and fairness for all inspired the transformative civil rights era and continues to resound throughout the United States even today.

The legacy of Dr. King is one that lives on through the service and goodwill of Americans in communities across the country.

And Dr. Martin Luther King, Jr. Day serves as an annual opportunity for people across the Nation to give back and volunteer to help those who are suffering.

It was this generosity of spirit that defined Dr. King's life and work.

And by living out his selfless dedication to our fellow man, we can honor his vision and continue the work he left behind.

The fact that I stand before you today on the floor of the U.S. Senate is proof of the enduring legacy of Martin Luther King.

Out of the chaos, violence, and injustice of segregation, Dr. King found the strength to speak of peace, hope, and righteousness.

Where many saw hate and resentment, Reverend King saw an opportunity to build bridges, to seek out the humanity of those on both sides, and to appeal to the compassion that lives in each of us.

There were some who lashed out with clenched fists. But although he knew he would be met with hostility, Dr. King came to the table, time and again, with arms outstretched.

Half a century ago, most people could barely conceive of a world in which someone like me could address the highest lawmaking body in our land.

Fewer still could have dreamed of the day when a man with a mother from Kansas and a father from Kenya would be sworn in as President of the United States of America.

I never thought I would live to see the day, Mr. President.

But even 50 years ago, when much of America could barely dream of such a future, Dr. King knew this day would come.

His vision never faltered, in spite of the dark days he witnessed and the tragic violence that eventually took his life.

The march towards equality has been long.

It began long before Martin Luther King walked this Earth, and it will continue long after all of us are gone.

But so long as this great Nation endures, Dr. King's spirit will live on in our highest aspirations.

His voice rings through our history.

And although he did not live to see the promised land, his steadfast gaze still guides our every step, his booming voice sets the cadence of our march, and we know he will be waiting for us when we get there.

In the near future, a monument to Dr. King will rise on the National Mall, just a short distance from this Senate Chamber.

He will stand shoulder-to-shoulder with other giants in our history: Washington, Jefferson, Lincoln, and King.

It is fitting that this great leader should be memorialized alongside other Americans who have helped to build a more perfect union.

And as we observed Martin Luther King, Jr. Day earlier this week and as we continue to build this monument, it is my hope that we can keep his spirit alive in our hearts.

As Dr. King might say, let us keep our feet on the march and our hands on the arc of history.

Let us look to the future with the same fierce urgency that he showed us more than 40 years ago.

Let us complete this journey together, arm in arm, and make Martin Luther King's dream a reality.

HAITI

Mr. BURRIS. Mr. President, I also wish to address a matter that is impacting our hemisphere; that is, the country of Haiti.

In recent days, we have all heard the tragic news and seen the shocking images of the earthquake that devastated the nation of Haiti just last week.

Even today, more than a week after the earthquake, the full measure of this catastrophe is difficult to ascertain.

Relief workers have only just begun to go out into the cities and towns that surround the Haitian capital, and we are starting to get initial reports from the outlying areas.

Essential infrastructure has been destroyed by the earthquake. Shelter, food, and water are in short supply, and it is nearly impossible to get aid to the people who need it most.

But it is the human toll of this natural disaster that is truly the most horrifying.

Estimates have soared to include over 200,000 people who may have died, and as many as 3 million who may be injured or homeless.

My thoughts and prayers are with all those whose lives have been touched by this terrible tragedy—those who have died, those who have been injured, and those who cannot yet get in touch with their loved ones.

I know my colleagues on both sides of the aisle will join me in pledging steadfast support for the people of Haiti in this time of crisis.

Haiti is one of the poorest nations on Earth, so this earthquake only compounds the challenges its people continue to face every day.

There are shocking disparities between Haiti and all other nations within the Western Hemisphere, and this tragedy has only widened the gap and exposed these disparities for all to see.

That is why it is especially gratifying that, in the wake of great calamity, America has answered the call again.

I commend President Obama for his focused and timely humanitarian response to this situation, and I applaud the excellent work of the volunteers, rescue workers, and military personnel who have rushed to provide aid.

They continue to save lives and provide care to those in need.

And I will work with my colleagues here in the Senate and with the administration to make sure these people have the tools and resources they need to be a part of the recovery.

Americans have already made a difference in the lives of many Haitians.

But we can and should do more.

The humanitarian crisis in Haiti is growing more desperate by the hour. In spite of the best efforts of relief workers, aid is not arriving fast enough, and thousands of lives hang in the balance.

That is why the American people have already responded in record numbers to requests for help.

They realize that, in many ways, the Haitian people are no different than ourselves.

And while they are not our countrymen, they are our neighbors in the world community, and today they require our assistance.

The American people have shown an extraordinary capacity for generosity. Donations and volunteers continue to stream into the disaster area. Here in Washington, we must do everything we can to encourage people to keep giving, and to make sure we can get supplies and assistance to those who need it most.

We must pledge ourselves to this humanitarian cause—to the belief that, in the aftermath of great tragedy, we can help restore hope to the beleaguered people.

Out of rubble, and chaos, and pain, we can help the people of Haiti begin to rebuild their lives and their country.

We can play a constructive part in the rebirth of this island nation, to help them chart a new course as they emerge from these trials and hopefully relegate the days of poverty to the past.

I ask my colleagues in this great body to join me in this pledge, and to join the millions of Americans who have already rallied to this cause. Both individually and as a nation, we can make a difference.

In this situation, we must make a difference because some of our brothers and sisters in that country are in dire need of our assistance and help for which we have responded very aggressively and very favorably to help them.

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

EXTENSION OF MORNING BUSINESS

Mr. BURRIS. Mr. President, I ask unanimous consent that the period of morning business be extended until 3:45, with Senators permitted to speak for up to 10 minutes each, with the time equally divided between the two leaders or their designees.

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

Mr. BURRIS. I ask unanimous consent that time under the quorum call be equally divided.

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

Mr. BURRIS. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

HAITIAN CHILDREN

Ms. KLOBUCHAR. Mr. President, I come to the floor today to call attention to the ongoing humanitarian crisis in Haiti and to the plight of the many Haitian children who have been adopted by American families and are still waiting to be brought from the disaster to loving homes, to families who are waiting to welcome them. Many have been waiting for a year, 2 years. Many of the families in my State have actually gone to Haiti, and they have met these children.

In the days immediately following the earthquake, the United States, the United Nations, other nations, and organizations have moved swiftly to provide food and water, medicine and clothing, as well as international aid workers to assist in these disaster areas. The people of this country, the people all over the world, have been extraordinarily generous. Currently, thousands of American civilians, as well as members of our Federal agencies and Armed Forces, are in Haiti lending their hands to help the Haitian people.

Unfortunately, though the United States is doing much to save lives in Haiti, lives continue to be lost. And unfortunately, some of the most helpless of Haiti's people—its children—are among those in most need of our help. I am focusing on this issue, this small but important piece of our aid relief, because I have had so many families come to me from my State who are clutching photos of children they are waiting to bring home.

Minnesota has one of the highest rates of international adoptions in the country. Part of that is because we have had a strong tradition of aid, of bringing people from Somalia, the Hmong community, to our State. We have also had a strong tradition of reaching out for decades and adopting children from other countries.

Many of the families I met with over the weekend have been able to confirm that their children are safe, and for that they are so grateful. But they have also heard reports of orphanages that are not in the best shape—not enough food, not enough water. They know these children because so many of them have seen them before. They knew even before this in the poorest country in the Western Hemisphere that these children were not always getting adequate diets.

On January 15, I wrote to Secretaries Clinton and Napolitano, urging them to use their authority under the Immigration and Nationality Act to grant humanitarian parole to all U.S. families applying for entry to the United States on behalf of their prospective children during this period of emergency. I also spoke with Secretary Clinton. She was amazingly generous with her time, and sympathetic and working on this issue.

I am thankful that on Monday, January 18, Secretary Napolitano announced her authorization of the use of humanitarian parole for orphans who are eligible for adoption in the United States. Humanitarian parole is typically used sparingly in cases of compelling emergency. But as I noted in my letter, the magnitude of this disaster clearly warrants broader application of this policy.

There are details, and the details are important. How are these kids going to get to the United States so the paperwork can be processed? There has been talk of a safe haven set up, but we have not seen that happen. Meanwhile, our families in Minnesota are getting more desperate as they hear about the second quake today, as they hear about the problems from the people who are running the orphanages.

This is what I am talking about. Betsy Sathers, a Minnesota resident, was widowed when her husband of 10

months was killed in the tragic I–35W Minneapolis bridge collapse on his way home from work. They talked about having children. So Betsy Sathers decided to adopt some children. She signed up to adopt kids in Haiti. She recently returned from celebrating their second birthday—twins. That is who I am talking about when I talk about someone who is awaiting the arrival of these children in her home.

This is another family—I have their picture here—I met over the weekend. Ginger and Dale Reynolds are adopting two kids, Roselene and Rodeley. They were in the final stages and hoping to bring their kids home. They were told they were in the next batch of adoptions when they last visited before the earthquake hit.

What is striking about this family is that Ginger still signs all of her e-mails with blessings, and they are still incredibly positive despite having their kids in this orphanage. They are also stressing how they want us to help all families, not just theirs. When I met with them, another family was there who was not quite as far along in the process. They spent most of their time talking about how this other family should be helped as well.

Finally, Dawn and Lee Sheldon—I have their photo as well. This is when they were in Haiti. These are the two children they want to adopt who are not with them yet. They are adopting two children. The conditions have been very bad for the particular orphanage where their two kids have been staying. This family has been glued to CNN, which has filmed at the orphanage, looking to see these children's faces.

While we talk legalities, understandably, orphans in Haiti are continuing to suffer from lack of water, lack of food, lack of shelter. Many orphanages have been partially or entirely destroyed in the shocks from this quake. In others, the bodies of deceased personnel still lie near the children, for aid agencies are unable to take away all of the dead.

The hardship and the horror that these orphans face is extreme, and we must act now to bring them out from the unsanitary and potentially traumatizing situation in which they find themselves.

I am grateful for the quick work of Secretary Napolitano and Secretary Clinton. They are on the scene. They are doing the work. But we have to do everything we can to bring these children home. These orphanages, the ones that have not been damaged and are still functioning, need the beds, sadly, for other children. These children have homes to go home to—homes that are welcoming them, homes that consider them their children.

Mr. President, I yield the floor, and 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. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

INCREASING THE STATUTORY LIMIT ON THE PUBLIC DEBT

Mr. BAUCUS. Mr. President, I ask consent to execute the order of December 22, 2009, with respect to H.J. Res. 45.

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

Under the previous order, the Committee on Finance is discharged of H.J. Res. 45 and the Senate will proceed to the consideration of the joint resolution, which the clerk will report.

The bill clerk read as follows:

A joint resolution (H.J. Res. 45) increasing the statutory limit on the public debt.

The PRESIDING OFFICER. The Senator from Montana is recognized.

AMENDMENT NO. 3299

Mr. BAUCUS. Pursuant to the previous order, on behalf of the majority leader, I have a substitute amendment at the desk which I now call up.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Montana [Mr. BAUCUS], for Mr. REID, proposes an amendment, numbered 3299.

Mr. BAUCUS. I ask unanimous consent that further reading be dispensed with.

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

The amendment is as follows:

(Purpose: In the nature of a substitute)

Strike all after the resolving clause and insert the following: ''That subsection (b) of section 3101 of title 31, United States Code, is amended by striking out the dollar limitation contained in such subsection and inserting in lieu thereof $14,294,000,000,000.''.

AMENDMENT NO. 3300 TO AMENDMENT NO. 3299

Mr. BAUCUS. Mr. President, pursuant to the previous order, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Montana [Mr. BAUCUS] proposes an amendment numbered 3300 to amendment No. 3299.

Mr. BAUCUS. I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To protect Social Security)

At the appropriate place, insert the following:

( )(a) LIMITATION ON CHANGES TO THE SOCIAL SECURITY ACT.—Notwithstanding any other provision of law, it shall not be in order in the Senate or the House of Representatives to consider any bill or resolution pursuant to any expedited procedure to consider the recommendations of a Task Force for Responsible Fiscal Action or other commission that contains recommendations with respect to the old-age, survivors, and disability insurance program established under title II of the Social Security Act.

(b) WAIVER.—This section may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(c) APPEALS.—An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

Mr. BAUCUS. Mr. President, Ralph Waldo Emerson enjoined:

Pay every debt as if God wrote the bill.

Today, we will debate whether the United States continues to pay its bills. We will debate whether the United States will continue to pay the interest it owes on the money it has borrowed.

The spending laws that created the current national debt are behind us. The only question that remains is whether the government will honor its obligation to pay the bill. We have gone to the restaurant, we have eaten the meal, the waiter has delivered the check, and now the only question is whether we will pay the check. To state the question is to answer it: We simply must do so. We must pay the check for the bill, for the restaurant, for the meal we have eaten.

The legislation before us would increase the limit on the amount of money the U.S. Treasury can borrow. If Congress does not enact this legislation, and soon, then the Treasury would default on its debt for the first time in history. If Congress does not enact this legislation, then the government would fail to pay the benefits to a portion of Social Security recipients, the Government would fail to pay benefits to a portion of the beneficiaries of all other Federal programs. That plainly would be unacceptable, and plainly we must enact this legislation.

When the Federal budget runs a deficit, the U.S. Treasury must borrow money to make up the difference. In language around here, we call it the shortfall. That shortfall results from laws enacted in the past that spent money and cut taxes. If we want to avoid the need to borrow, then Congress and the President must enact laws that will cause the Federal Government to spend less money or raise more revenue in the future. Simply preventing the Treasury from borrowing more money is not the solution.

If Congress does not allow the Treasury to borrow more money, then the Treasury will not have the money to pay its bills. The Treasury has no legal authority to prioritize spending and pay only the most important bills. They do not have that authority. If the bills are due, they are due. The Treasury does not even have a way to determine which are the most important bills. If the debt ceiling is not raised, the Treasury would have to pay bills on a first-come, first-served basis. Some of these bills would be interest

payments on previously borrowed money. If the Treasury does not pay these interest payments, then the Federal Government would default on its financial obligations. That would be the first time in the history of the country. If that were to happen, financial entities would be afraid to loan the Treasury money. They would charge astronomically higher interest rates. This would only worsen already high budget deficits.

In some situations, the financial entities would not loan us money at all. This could prevent the Federal Government from meeting all of its programmatic commitments, but the disastrous economic effects would go well beyond that. The price of Treasury securities in the secondary markets would drop. This would cause an immense wealth loss for owners of assets in many other financial markets. This, in turn, would cause untold damage in those markets and further worsen the recession.

What is more, the value of the dollar could drop even further. This would increase inflation in the United States. It could well end the dollar's role as the reserve currency of the world, further exposing the American economy to global economic forces beyond our control.

In addition to paying interest costs, the Treasury pays many other important bills. Among those bills are Social Security benefits. If Congress does not raise the debt limit, then Social Security benefits would have to compete for funding on a first-come, first-served basis with all other Federal payments. If Social Security payments did not come up for funding first, then they would not be paid.

Clearly, we should not let this happen either. The conclusion is simple. We must raise the debt ceiling. Federal budget deficits are at record highs. Why is that? The reasons are simple. We have been and still are in the deepest recession since the Great Depression. We have been in an unprecedented financial crisis. The current administration inherited those problems.

How have these problems contributed to record deficits, we might ask? Well, first, the recession directly affects the Federal budget. The recession has caused revenues to fall to record lows. Since 1970, the Federal Government has collected an average 18 percent of the gross domestic product in tax revenues. That is since 1970. In 2009, however, revenues accounted for only 14.9 percent of GDP, a drop of more than 3 percent.

Meanwhile, the recession has required much greater sums to be spent on unemployment benefits and on Medicaid payments. Second, Congress has had to pass legislation to fight the recession. We needed to enact a large stimulus package to foster economic growth. The package Congress enacted provided stimulus of about $185 billion in fiscal year 2009, and it is estimated to provide stimulus of about $400 billion in fiscal year 2010. This package has done some good—not perfect, but it has done some good. It helped prevent a deeper recession. It has significantly increased economic growth.

Regrettably, the package has not produced enough jobs yet. The Finance Committee and other committees will be looking at additional options to increase job growth as soon as we can turn to them. But let's be clear. If Congress had not enacted the stimulus package, then the country would be in a depression instead of a recession. The stimulus package was the right thing to do.

Third, as a result of the financial crisis, the Bush administration asked for and Congress gave legal authority under the Troubled Asset Relief Program, known as TARP. TARP gave the President authority to help financial institutions, as well as the struggling automotive industry, to weather the financial storm.

The Bush administration was using these authorities before the Obama administration took office. So the recession and financial crisis created needs that, in turn, led to high deficits and record borrowing. How do we reduce such commitments for the future? They are too high. We have to stop. We have to do something about all this. How do we avoid having to borrow such huge sums of money in the future? First, we have to fix our health care system. The current health care system has led to skyrocketing costs in Medicare and Medicaid.

To reduce those costs for the long run, we need to pass comprehensive health care reform. That is a good first step to get that deficit under control. That is exactly what we are doing. In late December, the Senate passed health care reform. According to the nonpartisan Congressional Budget Office, our health care reform bill reduced the Federal deficit by $132 billion in the first 10 years. Let me say that again.

According to the CBO, this health care regulation will reduce the Federal deficit by $132 billion in the first 10 years—not increase but reduce. That helps. The bill would reduce Federal deficits by $650 billion to $1.3 trillion in the second 10 years; that is, in the second 10 years, there is a much greater reduction in deficit spending, according to the nonpartisan Congressional Budget Office, a reduction of between $650 billion to $1.3 trillion, a reduction in the Federal deficit in the second 10 years. This deficit reduction is likely to continue in subsequent decades.

Second, after we do all that, after we do all we can do to increase job growth, we need to start working on deficit reduction for the coming decade and also subsequent decades. Because the economy was in a deep recession and the financial markets were frozen, the government borrowed a lot of money. Once the recession is over, we have to reduce borrowing to a fiscally responsible level, and we should begin doing that as soon as we can.

But in the meantime, we cannot allow the Nation to default on its debt. We cannot allow benefits from programs such as Social Security to be paid on a first-come, first-served basis. No one enjoys raising the debt limit. Nobody. It is not something that is a lot of fun to do. No one enjoys paying debts either, but it is simply what we must do to honor our commitments.

There were times when the Senate joined together in recognition that we have this obligation as a joint obligation. Four times in the last 26 years, the Senate has raised the debt limit by unanimous consent. Let me repeat that. Four times in the last 26 years, the Senate has raised the debt limit by unanimous consent. The Senate did so as recently as 1996, under a Republican Senate and a Democratic President.

The Senate did so by unanimous consent three times in the 1980s, twice under a Democratic Senate and Republican President. It has been more than 17 years since the Senate last divided strictly along party lines on a debt-limit vote. We have raised the debt limit a dozen times since then. Honoring the Nation's obligations should not be a partisan matter, and usually it is not. It has until recently not been a practice of the minority in the Senate to filibuster debt limit increases. Under President George W. Bush, the Senate raised the debt limit four times, with simple majorities, with fewer than 60 votes. The Senate did so twice under President Reagan as well.

All but four sitting Senators have voted for a debt limit increase at one time or another in their careers. Among sitting Senators who have served in more than one Congress, only one Senator has never voted for a debt limit increase.

So I call upon my colleagues to rise to the occasion. Let us pay our debts. Let us honor our obligations. Let us allow the debt limit to be raised.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, I think most of the people watching this debate, studying how Congress works and how the Federal Government works, know there is a statutory limit on the amount of debt that can be issued by the Federal Government. If the public does not know this, they are constantly reminded of it because, from time to time, we pass legislation that does what this legislation does, increase the borrowing capacity of the Federal Government.

Right now this legal limit stands at $12.394 trillion, and it applies to money borrowed from Federal investors such as banks and pension funds, as well as money borrowed from government programs such as Social Security and Medicare. Yes, we ought to admit that a lot of the Federal debt is owned by various foreign governments as well. I think the latest I saw, in the case of China maybe investing and holding about 8 percent of all the Federal debt

and then you have other countries as well.

This determination is made when the Secretary of Treasury goes to the market and says: We want to borrow X number of dollars, and people bid on it. Obviously, we take it for the lowest interest rate we can get, whatever individuals or pension fund or foreign entity might want to take our debt for that interest. That happens throughout the year.

The decision to increase the debt limit is never an easy one. In recent years, I have reluctantly supported increases in the debt limit on the grounds that Congress must pay its bills. That is quite obvious. Some countries—such as Argentina—decided, from time to time, they did not want to pay their debt, and they are paying the piper for making those unwarranted public decisions in those countries. We do not want to be in that shape.

But Congress sometimes, and too often, has been very irresponsible. I am going to get into some of this current irresponsibility but, at the same time, I do not wish to say some other political party is entirely responsible, over a period of decades, for irresponsible spending. But I think it has reached a new height recently. Because of that, I will be voting no.

Sometimes deficits are unavoidable. People know about wars. The No. 1 responsibility of the Federal Government is to provide for the national defense, the protection of Americans or a threat to our security. We meet that threat. If that requires borrowing to do it, to protect the United States, we consider that justified.

But you cannot plan for wars. You can plan for peace by having a strong national defense. So war is one reason, recession is another. Natural disasters are another example. All of these can result in lower taxes and higher spending, which produces bigger deficits that add to our Federal debt.

But sometimes deficits can be avoided. Since the beginning of 2009, the majority in Congress has approved a $787 billion stimulus bill, a $408 billion supplemental appropriations bill, an additional $350 billion for the financial bailout, and, most recently, an Omnibus appropriations bill that increased Federal spending by 12 percent over the previous year's levels.

In my recent 21-county tour of southeast Iowa, I discussed the most recent example as an example of how spending recently has gotten entirely beyond the commonsense view that Midwesterners look at spending by government. I pointed out how 1 year ago today, the new President was sworn in. The previous President was under a budget that was established for a 5-month period of time. That last budget under Bush had spending at a 3-percent increase. But just as soon as the new majority came into power with a new President, that 3-percent increase was not enough for the remaining 7 months, it was jacked up to 9 percent and then, for the year we are in, the 12 percent I just spoke about.

I think you have to adopt a principle of spending that has increases in expenditures related to the economic growth of the tax policies that provide revenue to the Federal Government. That doesn't have to be on a year-to-year basis, but over a long period we ought to have that balance. In other words, without increasing tax rates, with economic growth of the tax base, more money will come in to the Federal Treasury under the same tax rates.

Well, that growth in Federal income coming in makes it possible to appropriate more money, but there ought to be some relationship between the amount of money coming in and the expenditures made by the Congress.

The bills I just referred to—the stimulus bill, the Omnibus appropriations bill, and others—I voted against every one of those on the grounds that we could not afford them. The fact that we are here this week facing yet another vote to increase the debt limit proves that is true. Many of my colleagues, particularly on the other side of the aisle, insist that it is not their fault. They continue to blame previous administrations for all fiscal problems.

I want to make it clear that we in the Republican Party got kicked out of the majority in 2006 because we lost fiscal integrity. I hope we are reestablishing that, and I hope that in the process of reestablishing that we can convince the people who had doubts about Republicans that we can regain their trust.

More recently, as I indicated, it seems a great deal of the current debt problem is related to irresponsible spending that has taken place near term.

What do they target us with when they want to blame us for the deficit? They criticize the 2001 and 2003 tax cuts which they insist were excessive and unfair. Such criticism overlooks several facts. First, these were not Republican tax cuts. They passed both the House and Senate with bipartisan support. Second, Federal revenue quickly returned to the historical average following these tax cuts, so they were not excessive relative to the government's historic claim on revenue.

I suppose you can take any period of time you want, but in the post-President Kennedy period of time, it seems to me the average take of the economy that has come through the Federal Government in the way of taxes has been about 18 to 19 percent. Even including the tax cuts of 2001 and 2003, those cannot be considered excessive relative to the government's historic claim on revenue; in other words, what the government takes as opposed to what they leave in the pockets of taxpayers in the United States.

It is very important to remember that our Tax Code is not fully indexed to inflation and economic growth. Thus, every year without a tax cut results in a small but not insignificant tax increase or more revenue coming into the Federal Treasury without our actually changing rates. Indeed, without the 2001 and 2003 tax cuts, Federal revenue would have risen well above that historic average of 18 to 19 percent. In fact, when we passed those tax cuts, it was very near 21 percent.

Third, critics insist that the 2001 and 2003 tax cuts unfairly benefitted the wealthy. Again, critics are wrong. I quote the Congressional Budget Office. Around here, we don't question the Congressional Budget Office. Maybe you want to. But if you want to question them, it takes 60 votes to override their determination of something, if there is a budget point of order.

According to the Congressional Budget Office, the bottom 90 percent of households pays the smallest share of Federal taxes in nearly 30 years while the top 10 percent pays the largest share. When taxes are measured as a share of income, the bottom 90 percent of households pays the lowest effective rates in nearly 30 years while the top 10 percent pays their historic average.

You can say it many times, but it never sinks in because people have their own ideas of how to show populism, and it is to always hit the wealthy of America. From that standpoint, you have to understand that percentage of top income earners, if you compare what they are paying into the Federal Treasury now with what they were paying in even during the Reagan years, you will find it is a much higher percentage right at this point.

In regard to what I just said about historical averages, President Obama's budget and the budget resolution adopted by the Democratic majority in Congress last year both called for the continuation of 70 to 80 percent of the 2001 and 2003 tax cuts. So you can badmouth those tax bills all you want, but the new President, the new majority wants to maintain about 70 to 80 percent of them. So some of it isn't so bad, but you never hear that. It is all about the 2001 tax cuts being everything for the wealthy.

If these tax cuts were so excessive and so unfair then, why does the majority party support so many of those tax cuts right this very day?

The desire to blame our current predicament on the previous administration also overlooks two other facts. First, the Democrats controlled the majority of the Senate during half of the previous administration, including its final 2 years. I think it is disingenuous for them to deny any responsibility for where we are today.

Second, when the new administration took office in 2009, it sent up a budget that proposed to increase the debt three times faster than the previous administration. You know where that takes us to from the 40-year average? I talked about the 40-year average of the proportion of the GNP that is coming into the Federal Treasury as far as

taxes are concerned at 18 to 19 percent. Take a 40-year average on what the percentage of the national debt is to gross national product. It is about 40 percent. This is going to be reaching 80 to 90 percent under this budget that was sent here in the previous year.

The majority party essentially approved most of that very same budget. So they have now signaled the intention to continue to increase the national debt at a record pace.

Finally, let me say a word about the health care bill adopted by the Senate. Rather than taking an incremental approach and waiting for the results to see what works and what doesn't work, the majority wants to raise taxes and cut Medicare to pay for a brand new health care entitlement program. If they use all of the tax hikes, and all of the Medicare cuts they can support to pay for more spending, how will they ever reduce the deficit? At what point will those who want to blame our current predicament on previous administrations take responsibility for actions that are taking place now?

This week we have an opportunity to do that. I am glad we have a long period of time to discuss the debt limit but connect it with a lot of policies that seem to be out of proportion to problems that we previously had. If they want to continue to vote for more deficit spending, it seems to me they should vote to raise the debt limit or take actions that would reduce the need for such a dramatic increase in the debt limit.

I yield the floor.

The PRESIDING OFFICER (Mr. FRANKEN). The Senator from Montana.

Mr. BAUCUS. Mr. President, on another matter which is topical and tragic and which is on the minds of Americans and people all over the world today, I rise to share a few remarks involving the overwhelming disaster that has hit Haiti.

Words do not begin to describe the extent of the disaster—thousands dead, more than 1 million homeless. Just imagine how bad it is. It is almost impossible to imagine. Families continue to search and mourn for lost mothers and fathers, brothers and sisters, and sons and daughters. The earthquake may be the most lethal disaster to ever occur in the Western Hemisphere. This is not a disaster on some distant shore. Haiti is closer to Florida, for example, than the distance from one end to the other of my State of Montana.

I am encouraged by the outpouring of help from around the world. Many have flown to volunteer. Others have helped through in-kind contributions, cash. In fact, I recently heard that a vast number of people responded on the Internet through Blackberry and Twitter to give contributions. It is a huge number—not individually large, but the total is a massive outpouring of support.

Americans have shown remarkable generosity. These are tough economic times, but millions still want to give. This is the American spirit. It is who we are as Americans.

Amidst this destruction and great sorrow, there are stories that offer incredible hope. Maxine Fallon, a 23-year-old student, was buried for 6 days without food or water. She was buried deep in the rubble which was once her university. She sent text messages pleading for help. A search-and-rescue team rescued her from the ruins of her cratered school. Since arriving, rescue teams from the United States and other countries have saved more than 75 victims from the rubble.

As Americans, we rise to aid our friends and neighbors who are in need. There is no people in greater need right now than the people of Haiti. Haiti is the poorest country in the Western Hemisphere. Fifty-four percent of the population lives on less than a dollar a day. With so many struggling to survive, the earthquake's swift destruction must be met with a response equally forceful and rapid.

I propose we pass legislation as soon as possible called the Haiti Assistance Income Tax Incentive Act or simply the HAITI Act. The HAITI Act will allow U.S. taxpayers to make charitable contributions to Haiti relief programs until March 1, 2010, and claim those contributions on their 2009 income tax returns. The proposal is similar to legislation that passed unanimously in 2005, following the tsunami disaster along the Indian Ocean.

The HAITI Act is a bipartisan bill I am introducing with Senator GRASSLEY and several other Senators. The same language passed the House of Representatives earlier today.

This is simple legislation that would make a big impact. It will make it a little easier for Americans to contribute to the victims of the Haiti disaster. Frankly, most Americans want to contribute anyway. The American Red Cross and UNICEF's United States Fund raised about $7.3 million in donations over a 4-hour period while a Larry King Live special on Haiti aired. But the relief and rebuilding effort in Haiti will require billions and will take a long time. This legislation is an additional incentive for Americans to contribute to that effort. As search and rescue efforts give way to building, these donations will ensure that our efforts have a lasting impact.

While we must do what we can to provide relief now, the people of Haiti will need our help for many years to come. This is not just a 1-week, 1-month, several-month effort. Trade programs such as the HOPE and HOPE II Acts provide an opportunity to create new jobs in Haiti's export sector. As the people of Haiti work to rebuild what was destroyed, I will continue to work to provide generous access to the U.S. market for products produced in Haiti.

The suffering in Haiti is heartbreaking and the generosity in response to the Haiti earthquake is a reflection of the American spirit. Today I stand with the people of Haiti and I ask my colleagues in the Senate to stand with me. Let's pass the HAITI Act and let's do everything we can to help those who have lost so much in this terrible disaster.

Mr. GREGG. Mr. President, 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. GREGG. 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. GREGG. Mr. President, I ask unanimous consent to speak for up to 10 minutes, and that after my speech Senator THUNE be recognized, unless the Senator from Montana has somebody in between he wishes to be recognized.

Mr. BAUCUS. Mr. President, I reserve the right to have somebody else speak following the Senator from New Hampshire.

Mr. GREGG. I ask unanimous consent that the next Member to be recognized on our side be Senator THUNE.

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

Mr. GREGG. I wish to thank Senator THUNE for his courtesy.

Mr. President, I wish to speak a little bit here on this debt ceiling issue because it is critical. It is critical because of the size of it. We as a nation are running up debt at a rate we have never seen in history. The budget which we are presently functioning under will add approximately $1.4 trillion of debt from last year and potentially another $1.2 trillion next year. Under the budgets that were brought forward by the President, it looks as though we are going to have $1 trillion in deficits every year for the next 10 years. That is an expansion of our debt at a rate we have never seen before, except in a time of war.

What is the implication of that? Nobody understands what $1 trillion is. I don't understand what $1 trillion is. It is very hard to conceptualize $1 trillion. So I wish to try to put it in context.

We know for a fact that certain nations get into trouble when they allow their debt to get so large that their economy doesn't have the capacity to pay it down in an orderly way. We are regrettably seeing that today in Greece. There are other nations in Europe that appear to have the same types of problems, including Ireland, where their national debt, their sovereign debt, has gotten so large they are basically in a position where their capacity to pay it off is at risk. So the value of that debt gets adjusted by the marketplace and it becomes much more expensive for those nations to borrow, and at some point, even, potentially they can't borrow and they end up in what amounts to a national bankruptcy.

That has never been a threat to us as a nation because we have always had a vibrant economy, and because the dollar, ironically, is the currency of world reserve, we have been able to basically what is known as monetarize our own debt. There have always been people out there willing to lend to us as a nation because they have always presumed that the United States, because of our resilience, because of our economic strength, will always pay our debt, and that is why Treasurys are considered to be one of the safest investments in the world, or traditionally have been. That has been a great strength of our Nation, of course, to have this sort of integrity to our currency and to our ability to repay our debt. However, on the course we are presently pursuing, all of that is going to be called into question and called into question much sooner than we had expected, I suspect, or anybody had anticipated who had looked at this objectively 2 or 3 years ago.

We know there are certain thresholds that generate huge warning signs where red flags go up and say, your Nation is in trouble. A couple of those thresholds have actually been adopted by the European Union as they have looked at their membership and said, What is the proper deficit of an industrialized nation? What is the proper public debt ratio to GDP of an industrialized Nation? In Europe what they say is, You can't be a member of the European Union if your deficits exceed 3 percent of GDP and your debt exceeds 60 percent of GDP, your public debt. Well, our deficits are around 12 percent of GDP right now. They will ultimately go down, but there is no time in the next 10 years where they are projected to fall below 5 percent of GDP under President Obama's budgets. Our public debt is going to cross that 60 percent of GDP threshold probably within the next year. So arguably, as I said before on this floor, we would not be able to get into the European Union if we wanted to, because we would not meet their standards for fiscal responsibility as a nation. That is pretty serious.

What is even more serious is there is no end in sight to this. We are looking at a deficit and debt situation which will continue to expand and become even more and more problematic for us as a nation for as far as the eye can reasonably see which, for the purposes of discussion around here, is about 10 years.

We know that the public debt-to-GDP ratio, under the President's budget as proposed last year before this health care bill was taken up—and I would argue that this health care bill is going to radically aggravate the public debt issue in the outyears, and there will be debate about that because CBO will debate that point, but I don't think all the pay-fors will ever occur—independent of that, we know that under the budget as it is presently presented, the public debt is going to exceed 80 percent of GDP—80 percent of GDP—by the year 2019. In fact, there are some estimates that say it will exceed 100 percent of GDP before we hit 2020. Those are intolerable situations.

What is the practical implication of our adding that much debt through deficit spending over the next few years to our economy? A few things occur, and they are undeniable. They will occur on the path we are presently on. The first thing that will occur is it will be much harder for us to sell our debt because nations will start to say—people around the world, including our own public, I suspect, will start to say, Can they really pay that back. When they cross that 60-percent threshold, which is basically a key tipping point on the ability of a nation to manage itself, and they start heading up towards 80, 90, 100 percent of GDP as the public debt ratio, can they really pay back their debt? People are going to say, Well, I am not so sure. I am going to charge them a fairly significant premium before I am going to lend them any money. So the cost of our interest will go up dramatically. In fact, it is projected that in the year 2019, interest on the public debt alone will exceed $800 billion a year. That is more being paid out in interest which goes to people all over the world—people in China, people in Saudi Arabia, all over the world—that interest will be higher than any other item of Federal spending. What a waste of money that is. What a waste of money that is. What a misuse of money. All of that money could be used for something constructive in the United States—building infrastructure, building schools, assisting education, whatever. If you are going to spend it, why would you spend it on interest?

So we will be in a position where it will be harder for us to sell our debt. Actually, we will probably get to a position fairly soon—and I am willing to bet on this; I won't be in this Congress at the time, but before we hit the year 2020—where we will actually have to take some radical step as a nation in order to deal with our debt. Because if we allow it to go up under its present scenario, it becomes totally unsustainable. It is like a dog chasing its tail; it can't get there. We can't pay down the debt.

The practical implications of that are twofold: Either, No. 1, you inflate the economy and devalue the currency, and that is a very harsh thing to do to the American public because it devalues their savings and it makes it harder for the economy to be productive or, No. 2, you radically raise taxes to try to reach the obligations of the debt, and that also dramatically impacts the economy. It makes us less productive. It means less jobs will be created. Either one of those scenarios, or only one of those two scenarios, or maybe a combination will occur if we continue on our present course, which means that the next generation will actually have a lower standard of living than our generation. It means it will be much more difficult for the next generation of Americans to buy a house, send their kids to school, buy a car, to live the quality lifestyle we have had as a nation. In fact, it will be the first time in history, if we stay on our present course, that one generation has handed to another generation a lower standard of prosperity and quality of life. It is inexcusable to do that. It is unacceptable. Nobody in this body who has a public responsibility to the next generation—and we all have that responsibility—should do that to our children.

So what are we going to do to address it? Well, put very simply, we need to stop spending so much money. That is the bottom line. We need to stop spending so much money. Under the projections in this budget as it presently exists and was passed in this Congress, over my objection and over the objections of everybody on this side of the aisle, it is projected that we are going to be in a situation where, as I said, there will be $1 trillion deficits for as far as the eye can see and the size of government spending will go from 20 percent of GDP up to about 24, 25 percent of GDP if the health care bill is also passed. That will be the highest level of Federal spending that has occurred in this government since World War II. We have never had those types of levels of spending. So it is not a revenue issue—although right now it is a revenue issue because, obviously, right now the economy is in a recession—but over the long run it is not a revenue issue.

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

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

Mr. GREGG. It is a spending issue. It is not a revenue issue. It is primarily a spending issue. The fact is that we are spending a great deal more than we can afford as a nation, and this government has committed to a great deal more than we can afford. So we need to do something on the spending side of the ledger.

There is going to be a series of proposals brought forward by our side, and Senator THUNE is going to offer one in a minute, to try to get to the issue. They won't solve the whole problem, but they will at least make significant steps down the road of restraint and show that we are starting to get serious about it, and they are reasonable ones. Senator THUNE: End TARP. End TARP. We don't need it anymore. We should take those dollars and put them toward debt reduction. Freeze discretionary spending. That will be Senator SESSIONS' amendment, or something like that. Rescind some of the stimulus spending that is going to occur after 2011; that may be one of our amendments. I know Senator COBURN is going to suggest a series of other issues. All of these are steps in the right direction.

So I think on our side of the aisle the basic philosophy is this: It is irresponsible to increase the debt ceiling if you

don't do something responsible about addressing what is driving the debt ceiling, which is spending. So we are going to suggest a series of initiatives around here that we believe are responsible on the issue of controlling spending, and I hope those initiatives will be passed so we can begin to put this country back on the road toward fiscal responsibility.

Mr. President, I yield the floor. Again, I wish to thank the Senator from South Dakota for his courtesy and the Senator from Montana as well.

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

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

AMENDMENT NO. 3301 TO AMENDMENT NO. 3299

Mr. THUNE. Mr. President, I have an amendment at the desk and I ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from South Dakota [Mr. THUNE], for himself, Mr. VITTER, Mr. INHOFE, Mr. JOHANNS, Mrs. HUTCHISON, Mr. BROWNBACK, Mr. LEMIEUX, Mr. BURR, Mr. ENZI, Mr. COBURN, Mr. BARRASSO, Mr. BENNETT, Ms. SNOWE, Mr. GRASSLEY, Mr. ENSIGN, Mr. CRAPO, Mr. WICKER, Mr. BUNNING, Mr. GRAHAM, and Mr. CORNYN, proposes an amendment numbered 3301.

Mr. THUNE. I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To terminate authority under the Troubled Asset Relief Program, and for other purposes)

At the appropriate place, insert the following:

SEC. ___. REPEAL OF THE TROUBLED ASSET RELIEF PROGRAM.

(a) IN GENERAL.—Notwithstanding any other provision of law, the authorities provided under section 101(a) of the Emergency Economic Stabilization Act of 2008 (excluding section 101(a)(3)) and under section 102 of such Act shall terminate on the date of enactment of this resolution.

(b) LOWERING OF NATIONAL DEBT LIMIT TO CORRESPOND TO TARP REPAYMENTS.—Section 3101 of title 31, United States Code, is amended—

(1) in subsection (b), by inserting after the dollar limitation contained in such subsection the following: '', as such amount is reduced by the amount described under subsection (d)''; and

(2) by adding at the end the following new subsection:

''(d) The amount described under this subsection is the amount that equals the amount of all assistance received under title I of the Emergency Economic Stabilization Act of 2008 that is repaid on or after the date of enactment of this subsection, along with any dividends, profits, or other funds paid to the Government based on such assistance on or after the date of enactment of this subsection.''.

Mr. THUNE. Mr. President, we entered into this debate about the debt limit today. I appreciate the comments of my colleague from New Hampshire with respect to the overall picture of our financial and fiscal condition in the country right now. I think it is important to put that context out there because we are debating now a substitute amendment that the Senator from Montana is offering on the debt limit increase. I think that was originally proposed in the $650 billion range. We are now talking about tripling that—a $1.9 trillion increase in the debt limit—after having just voted on raising the debt limit before we went out for the Christmas holiday by about $290 billion.

So we have this proposal on the Senate floor that would increase the total amount of indebtedness of the U.S. Government by $1.9 trillion. As the Senator from New Hampshire very well pointed out, we are looking at deficits now into the foreseeable future that exceed $1 trillion. It doesn't look like in the 10-year window in which we do budgeting in the Senate that we are ever going to have a year where we don't have a deficit that isn't in the $1 trillion range. We had a $1.4 trillion deficit last year and will have another $1.2 trillion deficit this year. We keep racking up more and more debt that gets passed on to future generations and taxpayers.

As the Senator from New Hampshire pointed out, for admission into the European Union there are a couple of key thresholds. One is debt as a percentage of GDP, which is 60 percent, which is the threshold for admission into the European Union, and deficits, which is about 3 percent. He pointed out very effectively that we are at a threshold in this country that exceeds dramatically the deficit, the GDP threshold that wouldn't even allow us to get into the European Union, and we are going to blow by the debt to GDP threshold in the next year, which is 60 percent to GDP.

My point is, we are getting in perilous territory when it comes to the confidence and trust the American people have in the Federal Government's ability to manage responsibly and exercise fiscal discipline with their tax dollars. We are also getting to a point where I think those who are acquiring U.S. debt—and by that I mean the Chinese who, of course, are a big holder of U.S. debt—get to start saying: If we are going to continue to buy this debt, we are going to get a higher return. The higher our debt goes, the more risk they take on.

It is a fundamental rule of economics that we all learned that there is a corresponding relationship between risk and return. If an investor is going to assume more risk, they are going to demand a higher return. What we are doing now by piling up more debt is saying to the people who would buy that debt, the investors out in the world or in this country is, this is becoming a more risky proposition for you. As we pile up more debt, they are going to start saying: OK, if we are going to buy that debt and finance your spending into the future, we are going to need a higher return. That means higher interest rates.

Of course, when you start seeing Federal Government debt go up in terms of interest rates, generally what happens is other interest rates in our economy will go up as well. So you will start seeing student loans, for example, and homeowners and small businesses all being impacted by higher interest rates as a result of what inevitably happens when you run these kinds of deficits year after year and add as much as we are to the Federal debt.

We are not showing any evidence that there is a willingness to restrain that. In fact, if we look at just the last year—of course, the $1 trillion stimulus bill sort of started off the spending. Then since then we have had an omnibus, or minibus, spending bill, both of which increased spending year over year by about twice the rate of inflation, and sometimes in excess of that.

But what we have seen now between fiscal years 2008 and 2010 are astronomical increases in the size of the Federal Government. If we start with the legislative branch appropriations bills between 2008 and 2010—that covers a couple of appropriations years—we are looking at a 17.3-percent increase. If we look at appropriations for the Interior and the Environment, it is an increase of 21.4 percent over that time period; appropriations for Commerce, Science, and Justice, an increase of 24.2 percent. Appropriations for Transportation and HUD increased a whopping 39.1 percent. The State and Foreign Operations appropriations bill beat even that and was increased by 48.7 percent.

Taken as a whole, the entire government grew by 16.8 percent during that time period. When I say that, I am talking between 2008 and 2010. We saw a 16.8-percent increase in the size of the Federal Government. That is just speaking to the appropriations bills over those 2 years. Of course, we all know that dramatically outpaces and dwarfs the rate of inflation and the growth we have seen in our economy over that time period.

What is even more notable is that none of those increases included the increased funding through the stimulus bill, which I mentioned was an additional $1 trillion. Of course, I am concerned that will be built into the budget baseline into the future, and we will see our appropriators assume that stimulus money is part of the baseline in spending.

Of course, those appropriations bills don't include this proposed stimulus 2 that we are hearing about: the bailouts of the banks, the insurance companies, and the car companies, or the $2.5 trillion expansion that would occur with a new health care proposal, or entitlement, in this country. So we have seen this dramatic increase in the growth of

government and in spending in Washington, most of which is financed with borrowing.

Last year, in fact, 43 cents out of every dollar we spent in the Federal Government was borrowed. We cannot continue to sustain a pattern of borrowing 43 cents out of every dollar we spend. In fact, as American families and households and small businesses are having to tighten their belts, in Washington, DC, the spending continues unabated.

What I am hoping to do with this amendment is to at least demonstrate that, as an institution, the Senate is willing to say we are going to take some steps, no matter how modest they are—and I would say my amendment isn't going to go a long way toward eliminating this Federal debt, but certainly I think it demonstrates to the American people that we get it; we are hearing that they are uncomfortable with the massive amount of borrowing and spending and taxes going on here. Americans are going to pay for this in the form of higher taxes and in the form of higher inflation. As I said, it will be also in the form of higher interest rates on mortgages and small business loans and student loans and those sorts of things. So we have a responsibility to demonstrate to the American people that we are serious about getting our fiscal house in order.

The most recent example, of course, as I mentioned earlier, in this pattern of expansion of the Federal Government is the health care bill, which is in the process right now of discussions, evidently, between the House and Senate and the negotiations that are ongoing. It passed the House and the Senate before the Christmas holiday. I happen to hope that people will come to their senses and defeat this bill and that it would not emerge in the conference committee, and we can start over and do it the right way—in a step-by-step way, not in a way that expands the size of government by $2.5 trillion.

That being said, the $2.5 trillion expansion of the Federal Government includes higher taxes, Medicare cuts, and also at the end of the day, according to the CBO, does very little for most people in this country to actually reduce the cost of their health care insurance.

In fact, what we have seen through studies done by CBO and by the CMS Actuary is that for most Americans, they are going to see, at best, their health insurance premiums stay the same. If they are in the individual market, they will see them go up. So the health care bill is an example of this runaway Federal spending. In fact, in the latter part of that debate, we got a response from the CBO to a question posed by the Senator from Alabama, Mr. SESSIONS, with regard to how the accounting is done in Medicare. One of the arguments we heard throughout the course of the debate was that it would extend the lifespan of Medicare. The question was posed to CBO: What happens with this additional Medicare tax and these Medicare cuts that would be imposed upon providers and senior citizens in this country?

The argument was always made that this will extend the lifespan of Medicare. Our question was, how do you spend money to create this entitlement program and pay for the health care expansion and say you are expanding Medicare? The answer that came back was that under the accounting convention regarding trust funds in a unified budget, in fact, there would be notes put into these trust funds that technically, legally speaking, would extend the lifespan of Medicare. But those dollars are also being spent on the new health care expansion.

From an economic standpoint, the conclusion you draw is that you cannot spend the same money twice. What they said is that you are spending the same money twice. You are double counting this money.

My view is that we have complicated this situation dramatically by this new health care entitlement program. That is why I think it is so important that we reverse course and start over and do this right, in a way that is step by step and gets at the fundamental issue most Americans are concerned about, which is the high cost of health care and providing access to more Americans and a higher quality of care.

I say all that as a background to get into this debate about the debt limit and to say I am very concerned. I also think most Americans are concerned about the amount of spending and borrowing and taxing that is occurring in Washington, DC. My amendment, very simply, says the Troubled Asset Relief Program that was enacted in late 2008—a $700 billion authority for the Treasury to use to help bring stability to the financial services industry in this country—would end. We would basically say that job, that mission, and that purpose has been served, completed. In fact, any unobligated funds should not be spent, and we should not allow TARP to become a sort of revolving loan fund, a political slush fund, to be used for all kinds of purposes. Most of the people who voted for it believed it would be used to bring stability to our financial services industry. We were told at the time that if we didn't do something, we were on the verge of imminent financial collapse, a financial meltdown. So many of us supported that at the time, with the belief that it would in fact be used to acquire the troubled assets that were on the balance sheets of a lot of financial institutions.

What happened is it evolved and morphed into something entirely different. It has been used to take equity positions not only in insurance companies but in auto manufacturers. It was suggested by the Treasury Department, whose interpretation is that they could use this for other purposes. We think the statute is plain about how these funds ought to be used. The Treasury has taken a different interpretation. When they chose to extend this program, it was set to expire at the end of December of last year. The Treasury Department chose to extend it. The assumption most of us made was that they have designs on how to use the funds. If they don't, certainly Members of Congress do.

I don't say that as a partisan statement. I think there are probably people on both sides who would love to know there is a few hundred billion dollars available to go toward some program they think is important. I am not saying anybody's ideas about government programs that might serve a particular constituency's needs are not important. They are important in the minds of individual Senators. But if we are thinking about the overall good of the country, we have to begin thinking about what we are doing.

This authority that was created under TARP—the $700 billion—is, if we don't shut it down, going to be used for all kinds of other ideas and purposes. We saw that most recently with the stimulus 2 bill that is proposed in the House of Representatives. They wanted to use TARP funding as an offset to pay for the new stimulus bill. We have seen proposals to use it for small businesses.

Frankly, I think we need to focus any efforts we make to create jobs in this country on small businesses because, after all, they create two-thirds or three-quarters of the jobs in our economy. Frankly, the TARP program wasn't designed to do that. It had a specific statutory purpose. That purpose is now being adulterated. It is used in all these different ways.

I happen to believe—and I hope a majority of my colleagues will as well—we should vote to end this program and not allow it to be used and misused and abused in a way that creates greater liabilities for the American taxpayers, creates more debt and borrowing because, after all, that is what it is.

The TARP authority is debt. When we talk about spending TARP money, it is not as if there is a big bank of money out there. What it means is that when TARP authority is used, we go out and borrow the money. Basically, we add to the Federal debt that we continue to pile up.

So the ENDTARP program—there is an acronym for everything around here—the ENDTARP program, Erasing Our National Debt Through Accountability and Responsibility Plan, or ENDTARP, is what my amendment embodies. Basically, we believe we ought to, as a body, as an expression of our willingness to, again, demonstrate to the American people we can get our fiscal house in order, vote to end this program.

I would like to illustrate, if I may, what I am talking about in graphic terms. This is a pie chart that shows the whole $700 billion that was authorized under TARP. The blue represents that the $545 billion—the latest information we have—has been spent or at

least committed. That was as of January 6, 2010. What this side, the red, represents is the unobligated funds. The unobligated funds is a combination of both the authority that was not used, and that was about $155 billion, and payments that have been made back into the fund. That is about $165 billion. So we have about $319 billion—$320 billion in round numbers—of unobligated authority in TARP. What my amendment simply would say is, this amount of money cannot be spent. We would end TARP, and instead of allowing the program to continue through October of this year, at which point, incidentally, they don't have to shut down the spending—the spending can continue to go on. The program, in effect, would shut down in October of this year. But we believe that this unobligated money in here, that we ought to not spend it. When we do not spend it, it is money we do not have to borrow, and that reduces the overall amount of the Federal debt and the amount of debt we are passing on to future generations.

Again, this is a way of illustrating what we are talking about, what the amendment would do. The blue represents the amount that has been committed or spent as of January 6. The other side, the red, represents the amount that has not been used, authorized but not spent, and has been paid back—in other words, unobligated balances in the TARP fund of about $320 billion.

It is a fairly straightforward amendment. I hope a majority of my colleagues in the Senate will vote with me to say to the American people that we hear you; we do not believe using this program in a way that was not intended, that further aggravates a very serious fiscal situation for this country, ought to be allowed to continue.

I think the American people have made it clear that they are tired of the bailouts. There was a Wall Street Journal/NBC poll indicating that 53 percent of Americans are unhappy with the government's current role in the private sector. In fact, 65 percent of Americans are opposed to government intervention by taking a majority stake in General Motors.

Again, despite the original projections when TARP was signed into law that we were going to be made whole and this was actually going to generate additional revenue for the American taxpayers, I think we now know the estimates that are coming forward suggest we are going to lose money. The amount of money that was authorized for this program, we are not going to get it all back, but the one thing we can do right now is to cut our losses by making sure that these unobligated funds do not get spent, that they do not go onto the Federal debt, and that they do not go onto additional borrowing. When we are borrowing 43 cents out of every dollar spent in Washington, DC, we need to exercise some fiscal discipline.

I hope my colleagues will vote to support this amendment. My understanding is there will be a vote sometime tomorrow on this amendment. I hope to have another opportunity to speak to it tomorrow morning. I wanted to lay the amendment down, make my colleagues aware of it, and encourage them to support it.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, frankly, I think the fundamental question facing us is, Are we going to pay our bills? That is the question before us today.

On the amendment offered by the Senator from South Dakota, I suspect the chairman of the Banking Committee, Senator DODD, will have something to say about that when we come back into session tomorrow. But the fundamental question we are facing with the debt limit extension resolution is, Are we going to pay our bills? We have incurred obligations. We have, as a country. Are we going to pay them? Are we going to pay our bills? That is the basic question. Are we going to live up to our commitment to pay our bills?

The discussion here quite correctly is somewhat—not correctly. The subject has moved over to, well, gee, aren't our deficits too high? Haven't we been spending too much compared with the revenue we are taking in? Yes. There is no one here who would argue the point that our deficits are too high. That is right. They are what they are partly because of the recession we are in, the subprime mortgage crisis that somewhat prompted all the problems we face as a country, a lot of loose lending by lots of institutions, packaging of obligations, of loans, and securitizing those loans, all the fees earned by banks and so forth. Pretty soon, all the mortgages became if not worthless, at least not worth very much at all. Our country consequently faced a recession by and large because of a lot of loose financial thinking in the last couple of years, beginning with the subprime mortgage crisis. We are where we are. We are trying to work ourselves out of the recession. But the basic question is, Are we going to pay the debts we obligated? Are we going to live up to our commitments?

The Senator from New Hampshire, the ranking member of the Budget Committee, quite correctly talked about our deficits being too high. He raised the prospect of, gee, maybe fairly soon various countries are going to charge us more on the debt we are borrowing, may want to charge a premium because they wonder if they can trust the obligation of the United States to pay its debts. I don't know whether that is true. I don't know when that may or may not be true. That is a very speculative question. We just do not know. A lot of people have very formed opinions on that point. But I do know something that is absolutely true, over which there is no debate; that is, if we default on our debts, then we are going to find the economy is going to collapse. I do know that as a fact. Every Member of this body knows that to be a fact. We must extend the debt limit so we can pay our debts. That is pretty simple. In the meantime, as a Congress, clearly we have to work to get these deficits under control. We have to do both, frankly. We have to extend the debt limit so we can pay our debts. If we do not raise it, we cannot pay our debts. So we have to raise it. In addition, we have to work at getting these deficits under control. There is no doubt about that.

Frankly, one good way to get deficits under control is to pass health care reform. The Congressional Budget Office, which we all think is doing a pretty good job even though they frustrate us a lot—by and large we agree with their conclusions—the Congressional Budget Office has said the health care bill that passed the Senate would reduce the deficits by $132 billion over the first 10 years. That is a reduction in deficits. That is going to help reduce the deficits. So all this talk—it is very proper talk—about the size of our deficits will be slightly less urgent once we start reducing the budget deficit. I am not one to stand up here and say health care reform is the total solution. I am only saying it reduces the budget deficit, according to the Congressional Budget Office, by $132 billion over the first 10 years. They go even further and say that the next 10 years the health care reform bill that passed the Senate will reduce the Federal deficit by between $650 billion and $1.3 trillion—reduce the Federal deficit by between $650 billion and $1.3 trillion. Now we are talking real money. Now we are talking about a more-than-significant reduction in the deficit.

I heard some numbers flying around here several minutes ago about it costs $2 trillion and this and that. That is not true. That is not what the Congressional Budget Office says. The Congressional Budget Office says, as I mentioned, a $132 billion reduction in the deficits in the first 10 years and between $650 billion and $1.3 trillion in deficit reduction in the second 10 years. That is what CBO says. I don't know where the Senator gets his numbers, but he did not get them from CBO. CBO's conclusions are as I have stated.

I urge us, frankly, to keep our heads screwed on straight and our feet on the ground. Let's decide what we have to do, and that is we have to pay our national debt and then go on and find ways to reduce the budget deficits. I think all of us can agree that is something we have to do.

To default on our national debt is certainly no way to run a government. We are supposed to be responsible people around here. Clearly, it would be irresponsible for us to not act in a way that prevents a default on our obligations.

Mr. President, I yield the floor. 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. BAUCUS. 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. BAUCUS. Mr. President, I am going to speak a little bit about the amendment offered by the Senator from North Dakota, Mr. CONRAD, cosponsored by the Senator from New Hampshire, Mr. GREGG. It has not been offered yet. I am not totally certain it will be offered. I think it will be offered. I am going to speak on the amendment now, but if we are ready to enter a unanimous consent agreement as to the proceedings of the Senate tonight and tomorrow, I will stop my presentation so we can enter that order.

As I said, under the previous order, the amendment by the Senator from North Dakota, Mr. CONRAD, and the Senator from New Hampshire, Mr. GREGG, proposing a fiscal task force is in order to the pending measure.

Yesterday evening, the Vice President met with a number of interested parties, including our colleague, the Senate majority leader, the Speaker, the Senator from North Dakota, and others. I was at that meeting. Yesterday evening, that group discussed a fiscal commission to be created by an Executive order. I want to distinguish that effort, that is, that effort for the President to create a commission by an Executive order, from the amendment the Senators from North Dakota and New Hampshire propose on the bill.

I support the President's efforts to create a commission by Executive order, and I oppose the amendment to be proposed by the Senators from North Dakota and New Hampshire. The difference is that the Executive order would preserve the Senate's regular order. The amendment, on the other hand, would create a fast-track procedure to short-circuit the Senate's regular order.

Let me take this opportunity to share with my colleagues what a number of respected groups have been saying about the Conrad-Gregg amendment.

On January 14, the chief executive officer of AARP wrote to Senators about the Conrad-Gregg commission. As my colleagues know, AARP is the nonpartisan membership organization that represents 40 million people age 50 and older. AARP is the Nation's largest membership organization for people 50 and over and has offices in all 50 States. Listen to what AARP says:

> We urge you to vote against an amendment to be offered by Senators Conrad and Gregg to establish a fiscal task force and to instead focus on addressing the challenges of the nation's long-term debt through regular order . . .

AARP goes on:

> We oppose providing fast-track authority to a task force that will function with limited accountability outside the regular order of Congress, and with an exclusive focus on debt reduction. . . .

Quoting further, AARP says:

> AARP believes the issues that the fiscal task force is meant to address—including the revenue gap, health care costs and the long-term solvency of Social Security—are among the most fundamental challenges we face as a nation. As such, they are issues Congress itself, through its regular order, should tackle.

AARP recognizes that doing things the normal way is not always easy. Quoting again, AARP says:

> We recognize that these issues test regular order, as has been demonstrated by the long and difficult debate surrounding health care reform. Simply because these issues are difficult to address is not reason enough to abdicate the responsibility Congress has to act. However, an open debate is essential in a representative democracy to resolve issues that have as broad and deep an impact on its citizenry as changes to Medicare, Medicaid, Social Security and the tax system.

AARP focuses on the human costs. Quoting further, AARP says:

> . . . a task force that is directed to identify proposals to restore the nation's long-term balance sheet cannot do so without regard to the impact its recommendations would have on individuals. Broad, deep cuts to the nation's health and economic security pillars—Medicare, Medicaid, and Social Security—could reduce long-term debt, but would do so by shifting significant burdens and risks to older Americans and millions of others who rely on these benefits.

AARP recommends in particular that Social Security be excluded from the commission's deliberations. AARP says:

> We urge that Social Security not be considered in the context of debt reduction; this program does not contribute to the annual deficit, and its long-term solvency can be resolved by relatively modest adjustments if they are made sooner rather than later.

That is true. It is very true. Social Security does not contribute to the annual deficit. It does not. And if one looks at the long-term prospect of Social Security, it is in healthy shape for 25, 50 years. It does not add in any way significantly to the national debt.

Here is how AARP concludes its letter. AARP says:

> Given the significance of Social Security and Medicare to the well-being of nearly all Americans, AARP believes a full and open debate is essential to ensuring the development of balanced solutions. As such, we oppose any legislative proposals that bypass or short circuit the protections afforded by regular order . . . to reach debt reduction goals.

That is what AARP writes, and I ask unanimous consent to have printed in the RECORD the full text of AARP's letter to Senators.

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

AARP,
Washington, DC, January 13, 2010.

DEAR SENATOR: On behalf of our nearly 40 million members, AARP writes to express opposition to three budget amendments you will be considering on January 20, 2010. We urge you to vote against an amendment to be offered by Senators Conrad and Gregg to establish a fiscal taskforce, and to instead focus on addressing the challenges of the nation's long-term debt through regular order. We also urge you to vote against an amendment to be offered by Senator Reid to establish statutory paygo, and by Senator Sessions to establish multi-year caps on discretionary spending.

FISCAL TASKFORCE

AARP agrees that the nation's long-term debt requires urgent action. We are committed to supporting balanced policies that address the nation's long term fiscal challenges while also honoring the contributions of our members and the needs of millions of other Americans who rely on Medicare, Medicaid and Social Security. However the current fiscal crisis is far broader than these lifeline programs. We oppose providing fast-track authority to a task force that will function with limited accountability outside of the regular order of Congress, and with an exclusive focus on debt reduction. We further oppose the establishment of such a task force in light of the targeted Medicare savings and proposed Medicare Payment Board (that would have further authority to reduce Medicare spending) in the pending Senate health care reform legislation.

AARP believes the issues that the fiscal task force is meant to address—including the revenue gap, health care costs and the long-term solvency of Social Security—are among the most fundamental challenges we face as a nation. As such, they are issues that Congress itself, through its regular order, should tackle. We recognize that these issues test regular order, as has been demonstrated by the long and difficult debate surrounding health care reform. Simply because these issues are difficult to address is not reason enough to abdicate the responsibility Congress has to act. However, an open debate is essential in a representative democracy to resolve issues that have as broad and deep an impact on its citizenry as changes to Medicare, Medicaid, Social Security and the tax system.

Moreover, a task force that is directed to identify proposals to restore the nation's long-term balance sheet cannot do so without regard to the impact its recommendations would have on individuals. Broad, deep cuts to the nation's health and economic security pillars—Medicare, Medicaid and Social Security—could reduce long-term debt, but would do so by shifting significant burdens and risks to older Americans and millions of others who rely on these benefits. If a task force is formed to address long-term deficits, it should focus on systemic solutions that balance the twin goals of managing our national debt and ensuring the long-term health and economic security of Americans—not simply on authorizing budget cuts to eliminate the fiscal gap. Furthermore, we urge that Social Security not be considered in the context of debt reduction; this program does not contribute to the annual deficit, and its long-term solvency can be resolved by relatively modest adjustments if they are made sooner rather than later.

In addition, any meaningful examination of the nation's long-term fiscal challenges should include a serious assessment of both traditional revenue sources and tax entitlements. The tax code contains a multitude of tax preferences that automatically convey benefits, similar to spending entitlements, and entail significant amounts of foregone revenue. However, unlike Social Security and Medicare, which distribute their earned benefits broadly, tax entitlements are highly skewed to the most affluent. Moreover, the federal tax base has eroded over the past several years. For these reasons, it is both reasonable and fair to expect that a fiscal task

force prioritize an examination of revenue policies, and develop recommendations regarding revenues as a key premise of an overall strategy to address long-term deficits.

STATUTORY PAYGO AND MULTI-YEAR DISCRETIONARY CAPS

AARP is very troubled that Medicare is virtually singled out for arbitrary and automatic cuts should sequestration result from the establishment of statutory paygo. While we agree that some spending should be protected from sequestration, such as Social Security, very few mandatory programs are subject to automatic cuts under statutory paygo. Further, no automatic increase in revenues is required by sequestration, even though the possibility of such a result would undoubtedly prompt even stricter adherence to paygo. These limitations on sequestration leave Medicare especially vulnerable to arbitrary and automatic cuts that are unrelated to making the program more efficient or effective. This approach is especially unacceptable in light of the significant Medicare savings contained in the House and Senate health reform bills, and the proposed Medicare Payment Board in the Senate bill. Consequently, we oppose statutory paygo as a process that threatens to arbitrarily cut Medicare and the health security it promises for older Americans.

Finally, AARP is opposed to a multi-year cap on discretionary spending. Capping spending on less than a third of the federal budget will not result in any significant deficit reduction and would have a substantial negative impact on the federal governments ability to deliver the services our members expect. Congress routinely evaded the 1990 Budget Enforcement Act spending caps by ignoring them in session-ending budget deals, and averted cuts by simply adopting language each year wiping the paygo scorecard clean. Discretionary caps would pit programs that serve the elderly, the disabled and children against defense and homeland security programs. Moreover, given the ongoing military actions in Iraq and Afghanistan, discretionary spending limits would ultimately require steep cuts to non-defense discretionary programs—the vast majority of which have been funded well below current services levels for the past eight years.

AARP is committed to working on a bipartisan basis with Congress to develop and advance responsible policies to address the nation's long term fiscal challenges. However, given the significance of Social Security and Medicare to the well-being of nearly all Americans, AARP believes a full and open debate is essential to ensuring the development of balanced solutions. As such, we oppose any legislative proposals that bypass or short circuit the protections afforded by regular order, or that rely on imbalanced, automatic, and arbitrary spending cuts to reach debt reduction goals.

If you have any further questions, feel free to call me, or please have your staff contact David Sloane, Senior Vice President of Government Relations and Advocacy, 202–434–3754.

Sincerely,

ADDISON BARRY RAND,
Chief Executive Officer.

Mr. BAUCUS. Mr. President, AARP is by no means alone in taking these positions. On January 7, Barbara Kennelly, our former congressional colleague and now president and CEO of the National Committee to Preserve Social Security and Medicare, wrote to White House Chief of Staff Rahm Emanuel. The National Committee to Preserve Social Security and Medicare is a nonpartisan, nonprofit organization representing millions of members and supporters nationwide. For more than 26 years, the organization has fought for the interests of older Americans.

Here is what the National Committee to Preserve Social Security and Medicare says:

The National Committee strongly opposes the fiscal commission legislation authored by Senators Conrad and Gregg.

The national committee also focused on Social Security, arguing that it is inappropriate for such a commission, and they wrote:

Incorporating Social Security into such a commission would signal to America's seniors that the President is willing, and even eager, to cut Social Security benefits. Ultimately, older Americans will accept changes in Social Security only if they have a voice in the decision and feel confident that changes are solely for the purpose of improving and strengthening the program. For this reason, Social Security solvency should not be taken up in the context of a fiscal commission.

Turning to the specifics of the Conrad-Gregg commission, the national committee wrote:

The legislation would effectively remove nearly every government program, including the Federal tax system, from the legislative jurisdiction of Congress. By fast-tracking the commission's recommendations through Congress with no allowance for amendments, the Conrad-Gregg measure would prevent Congress from exercising its legislative responsibilities with respect to Social Security. Enacting legislation that would push through changes of this importance to millions of Americans, especially seniors, without the opportunity for members of an elected Congress to amend them, ultimately disenfranchises the public and undermines the legitimacy of the political process.

Later in the letter, the national committee wrote:

The National Committee strongly believes that decisions relating to complex or essential programs such as Social Security, Medicare, Medicaid and taxes should be made through the regular legislative committee process. Such a process allows each program to be considered separately by substantive experts based on program solvency and policy goals.

That is what the National Committee to Preserve Social Security and Medicare writes, and I ask unanimous consent to have printed in the RECORD the full text of the letter from the National Committee to Preserve Social Security and Medicare.

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

NATIONAL COMMITTEE TO PRESERVE SOCIAL SECURITY AND MEDICARE,
January 7, 2010, Washington, DC.

Hon. RAHM EMANUEL,
White House Chief of Staff,
Washington, DC.

The National Committee to Preserve Social Security and Medicare is deeply concerned about the push to create a fiscal commission designed to reduce the -federal debt. Incorporating Social Security into such a commission would signal to America's seniors that the President is willing, and even eager, to cut Social Security benefits. Ultimately, older Americans will accept changes in Social Security only if they have a voice in the decision and feel confident that changes are solely for the purpose of improving and strengthening the program. For this reason, Social Security solvency should not be taken up in the context of a fiscal commission.

The National Committee strongly opposes the fiscal commission legislation authored by Senators Conrad and Gregg. The legislation would effectively remove nearly every government program, including the federal tax system, from the legislative jurisdiction of the Congress. By fast-tracking the commission's recommendations through Congress with no allowance for amendments, the Conrad-Gregg measure would prevent Congress from exercising its legislative responsibilities with respect to Social Security. Enacting legislation that would push through changes of this importance to millions of Americans, especially seniors, without the opportunity for members of an elected Congress to amend them, ultimately disenfranchises the public and undermines the legitimacy of the political process.

The President has made clear his strong interest in pressing for fiscal responsibility measures. He has studied the Conrad-Gregg proposal and listened to the views of Senator Conrad and others on the subject. He has also contemplated creating his own commission through executive order. The National Committee believes that the advantage of an executive process is that it does not allow for a fast-track mechanism. However, we are concerned about an executive order for some of the same reasons we are concerned about the fast-track process.

The National Committee strongly believes that decisions relating to complex or essential programs such as Social Security, Medicare, Medicaid and taxes should be made through the regular legislative committee process. Such a process allows each program to be considered separately by substantive experts based on program solvency and policy goals. Moreover, we are concerned that an executive order which permits Social Security to be taken up in the context of fiscal or budgetary decisions will ignore the needs of Social Security and the well-being of its beneficiaries.

Seniors already believe that Social Security is being used by the government as a piggy bank. Now they fear that the President and the Congress are ready to use a fiscal commission to cut Social Security benefits, making seniors pay the price for the excesses of Wall Street. Those fears will only be unfounded if Social Security is strengthened and made solvent on its own merits and by people who recognize the importance of Social Security and the many protections it provides.

Cordially,

BARBARA B. KENNELLY,
President and CEO.

Mr. BAUCUS. Mr. President, as well, on January 13, the president, secretary-treasurer, and executive director of the Alliance for Retired Americans sent a letter to all Senators on the Conrad-Gregg commission. The Alliance for Retired Americans is a nonpartisan, nonprofit organization representing retired union members. They wrote:

The Alliance for Retired Americans, on behalf of its nearly four million members throughout the nation, writes in opposition to the Bipartisan Task Force for Responsible Fiscal Action Act of 2009, S. 2853. We oppose attempts to attach it to debt ceiling or any other legislation. We cannot support the bill's fast-track means of implementing vast

changes to programs such as Social Security, Medicare and Medicaid outside the regular legislative process.

The alliance talked about how the process would work, and they wrote:

Under the legislation, the jurisdiction for major long-term changes to programs including Social Security, Medicare, and Medicaid would be turned over to an 18-member task force, made up of 16 members of Congress and 2 administration officials.

Then the alliance wrote about what is wrong with the process, and here is what they wrote:

Regardless of the expertise of task force members, their representations would be crafted behind closed doors and subject to a fast-track up-or-down vote by Congress. Forcing changes to these critical benefit programs by eliminating open debate or amendments is an undemocratic way to address the future of such programs.

The alliance contrasted the new task force process with the existing committee process, and here is what they wrote:

Currently, congressional committees of jurisdiction consider changes and improvements to these vital programs with the opportunity for due consideration and debate. These committees, with their broad-based and detailed knowledge of the programs under their jurisdiction, are the proper forums for considering any changes to Social Security, Medicare and Medicaid.

The alliance concluded:

We strongly caution against a process that would bypass the regular legislative process in favor of an expedited, fast-track process that leaves room for little accountability and almost no room for input from the American people.

That is what the Alliance for Retired Americans writes, and I ask unanimous consent to have printed in the RECORD the full text of the letter from the Alliance for Retired Americans.

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

ALLIANCE FOR RETIRED AMERICANS,
Washington, DC, January 13, 2010.

DEAR SENATOR: The Alliance for Retired Americans, on behalf of its nearly four million members throughout the nation, writes in opposition to the Bipartisan Task Force for Responsible Fiscal Action Act of 2009, S. 2853. We oppose attempts to attach it to debt ceiling or any other legislation. We cannot support the bill's fast-track means of implementing vast changes to programs such as Social Security, Medicare and Medicaid outside the regular legislative process.

Under the legislation, jurisdiction for major and long-term changes to programs including Social Security, Medicare, and Medicaid would be turned over to a 18–member task force, made up of 16 members of Congress and 2 administration officials. Regardless of the expertise of task force members, their recommendations would be crafted behind closed doors and subject to a fast-track up or down vote by Congress. Forcing changes to these critical benefit programs by eliminating open debate or amendments is an undemocratic way to address the future of such programs.

Since their creation, Social Security, Medicare and Medicaid have worked well to keep millions of America's seniors healthy and out of poverty. Social Security has been the bedrock of income security for nearly all Americans, providing guaranteed benefits to retirees, those with disabilities, and the survivors of retired and deceased workers. Likewise, Medicare and Medicaid has helped our nation deliver the promise of well-being and improved quality of life for retirees.

Currently, congressional committees of jurisdiction consider changes and improvements to these vital programs with the opportunity for due consideration and debate. These committees, with their broad-based and detailed knowledge of the programs under their jurisdiction, are the proper forums for considering any changes to Social Security, Medicare and Medicaid. We strongly caution against a process that would bypass the regular legislative process in favor of an expedited, fast-track process that leaves room for little accountability and almost no room for input from the American people.

The Alliance for Retired Americans is committed to enacting legislation that improves the quality of life for retirees and all Americans. If we can be of assistance, please contact Richard Fiesta or Sarah Byrne in the Department of Government and Political Affairs at the Alliance.

Sincerely yours,

BARBARA J. EASTERLING,
President.
RUBEN BURKS,
Secretary-Treasurer.
EDWARD F. COYLE,
Executive Director.

Mr. BAUCUS. What is more, on January 12, a broad consortium of organizations—56 in number—wrote to all Senators to express their concerns with the Conrad-Gregg commission. Among the organizations signing this letter were the AFL–CIO, AFSCME, Change to Win, the Campaign for America's Future, Common Cause, moveon.org Political Action, NAACP, the National Organization for Women, People for the American Way, the SCIU, and many others. This broad consortium of organizations wrote:

We write with strong opposition to the proposal of Senators Kent Conrad, Judd Gregg and others to create a deficit-reduction commission to override the normal legislative process and replace it with expedited procedures prohibiting amendments and limiting debate. If the Conrad-Gregg proposal were to become law, it could dramatically change by stealth critical benefits and services so vital to America's families.

The consortium of groups continued about the need for responsibility by writing:

Americans—seniors, women, working families, people with disabilities, youth, young adults, children, people of color, veterans, communities of faith and others—expect their elected representatives to be responsible and accountable for shaping such a significant, far-reaching legislation.

The consortium of groups continued about the problems with the commission, and here is what they said:

The American people are likely to view any kind of expedited procedure, where most members are sidelined to a single take-it-or-leave-it vote, as a hidden process aimed at eviscerating vital programs and productive investment.

The consortium of groups once again focused on problems with allowing the budget commission to change Social Security. They wrote:

An American public that only recently rejected privatization of Social Security would undoubtedly be suspicious of a process that shuts them out of all decisions regarding the future of a retirement system that's served them well in the current financial crisis.

The consortium of groups concluded:

We urge you to act decisively to prevent the creation of such an extraordinary and undemocratic budget commission.

That is what this consortium of groups, from Common Cause, to NOW, to People for the American Way, writes, and I ask unanimous consent to have printed in the RECORD the full text of their letter.

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

AMERICA DOES NOT NEED AN UNDEMOCRATIC ''DEFICIT COMMISSION''

The following statement, signed by more than 40 national organizations (see below) was written and distributed by Roger Hickey (202 955–5665), co-director, Campaign for America's Future, and Nancy Altman (301 229–2651) and Eric Kingson, (315 374–8338), co-directors, Project to Defend and Improve Social Security.

This statement has been sent to Senate Majority Leader Harry Reid, House Speaker Nancy Pelosi, all members of the Senate and House, and President Barack Obama (and key administration officials).

We write with strong opposition to the proposal of Senators Kent Conrad, Judd Gregg and others to create a deficit-reduction commission that would override the normal legislative process and replace it with expedited procedures prohibiting amendments and limiting debate. We write with an increasing sense of urgency, because plans to vote on the Conrad-Gregg proposal on January 20th or soon thereafter, as part of the debt ceiling bill. If the Conrad-Gregg proposal were to become law, it could dramatically change by stealth critical benefits and services so vital to America's families.

Those supporting this circumvention of the normal process have stated openly the desire to avoid political accountability. Americans—seniors, women, working families, people with disabilities, youth, young adults, children, people of color, veterans, communities of faith and others—expect their elected representatives to be responsible and accountable for shaping such significant, far-reaching legislation.

Any deficit reduction measures should be carried out in a responsible manner, providing a fairer tax system and strengthening—rather than slashing—Social Security and Medicare. We should be strengthening, not slashing, vital programs like Medicaid, Unemployment Compensation, the Supplemental Nutrition Assistance Program (food stamps), EITC, Supplemental Security Income, school meals, Early Head Start, Head Start, Child Care Development Fund, Chafee Foster Care Independence Program, National Family Caregivers Support Program, Individual Disability Education Act, vocational rehabilitation and other programs and services crucial to struggling lower income and middle-income people in every corner of our country.

And as unemployment continues to grow, we need a real debate about how to balance the need for economic recovery and productive public investment with the goal of long-term budget responsibility. The American people are likely to view any kind of expedited procedure, where most members are sidelined to a single take-it-or-leave-it vote, as a hidden process aimed at eviscerating vital programs and productive investment.

As you know, the current effort to reform the health-care sector seeks to achieve reductions in Medicare spending, without cutting benefits. But the proposed budget commission which will be viewed as a way to actually cut Medicare benefits, while insulating lawmakers from political fallout could confuse people and undermine the reform effort. And an American public that only recently rejected privatization of Social Security will undoubtedly be suspicious of a process that shuts them out of all decisions regarding the future of a retirement system that's served them well in the current financial crisis.

We urge you to act decisively to prevent the creation of such an extraordinary and undemocratic budget commission.

GROUPS THAT HAVE ALREADY AGREED TO SIGN (AS OF JANUARY 12, 2010)

AFL–CIO—American Federation of Labor-Congress of Industrial Organizations; AFSCME—American Federation of State, County and Municipal Employees; Alliance for Retired Americans; American Society on Aging; American Association of People with Disabilities; American Association of University Women; Americans for Democratic Action; Change to Win; Campaign for America's Future; and Center for Medicare Advocacy.

Common Cause; Demos; Disability Rights Education and Defense Fund; Food Research and Action Center; Frances Perkins Center; Generations United; Global Policy Solutions; Health & Medicine Policy Research Group; International Union, United Automobile, Aerospace & Agricultural; and LGBT Caucus of the American Academy of Physician Assistants, Inc.

MoveOn.org Political Action; NAACP; National Asian Pacific Center on Aging; National Association for Hispanic Elderly; National Association of Area Agencies on Aging; National Association of Mother Centers and Its MOTHERS Initiative; National Caucus and Center on Black Aged, Inc.; National Committee to Preserve Social Security and Medicare; and National Council of Women's Organizations.

National Indian Council on Aging; National Organization for Women; National Hispanic Council on Aging; National Senior Citizens Law Center; National Women's Law Center; OWL—The Voice of Midlife and Older Women; OpenLeft.com; and Pathways PA.

Pension Rights Center; People for the American Way; Progressive Democrats of America; Project to Defend and Improve Social Security; SEIU—Service Employees International Union; United Methodist General Board of Church & Society; USAction; Voices for America's Children; Wider Opportunities for Women; Women's Institute for a Secure Retirement; and the Women's Research and Education Institute.

STATE AND LOCAL ORGANIZATIONS

AFGE Council 220; AFGE Local 3937, AFL–CIO; California Alliance for Retired Americans; Coalition of Wisconsin Aging Groups; DelcoAction Seniors; New York Statewide Senior Action Council; Pennsylvania Alliance for Retired Americans; and Puget Sound Alliance for Retired Americans.

Mr. BAUCUS. It is not just progressive groups that oppose the Conrad-Gregg amendment. On January 15, a broad consortium of conservative groups sent what they called ''An Open Letter to U.S. Senators Urging Opposition to the Conrad-Gregg Bipartisan Tax/Spending 'Reform' Commission.'' This conservative consortium said:

On behalf of the millions of taxpayers, small businesses, families, senior citizens and shareholders represented by our respective organizations, we urge you in the strongest terms to oppose and vote against the ''Bipartisan Task Force for Responsible Fiscal Action Act of 2009,'' sponsored by Senators Kent Conrad and Judd Gregg, be it in stand-alone form or as an amendment.

These conservative groups explained their motivation. In their view, they said:

As written, the Conrad-Gregg proposal would lead to a guaranteed tax increase.

These conservative groups concluded as follows:

We urge you to oppose and vote against the misguided plan when it comes before you.

Among the signatories of this letter are the American Conservative Union, Americans for Tax Reform, the American Shareholders Association, the Competitive Enterprise Institute, Council for Citizens Against Government Waste, and the National Taxpayers Union.

Mr. President, I ask unanimous consent to have printed in the RECORD the full text of the consortium letter.

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

JANUARY 15, 2010.

AN OPEN LETTER TO U.S. SENATORS URGING OPPOSITION TO THE CONRAD-GREGG BIPARTISAN TAX/SPENDING ''REFORM'' COMMISSION

DEAR U.S. SENATOR: On behalf of the millions of taxpayers, small businesses, families, senior citizens and shareholders represented by our respective organizations, we urge you in the strongest terms to oppose and vote against the ''Bipartisan Task Force for Responsible Fiscal Action Act of 2009,'' sponsored by Sens. Kent Conrad (D–ND) and Judd Gregg (R–NH), be it in stand-alone form or as an amendment.

As written, the Conrad/Gregg proposal would lead to a guaranteed tax increase.

The plan put forth by Sens. Conrad and Gregg establishes an eighteen-member task force comprised of ten Democrat and eight Republican Congressmen, Senators, and Administration officials. A report from the commission would need to gather fourteen votes in order to make an expedited recommendation to both bodies. The recommendation would only pass with a super-majority vote in each chamber.

Despite the appearance of protection for taxpayers, this commission would guarantee a net tax increase be in its proposal. Every Democrat on the commission would insist on tax increases to ''balance'' spending cuts in the recommendation.

There is no conceivable scenario whereby the commission would issue a report that does not contain tax hikes, and history underscores the dangers of such a bipartisan deal that puts everything on the table:

In the 1990 Andrews Air Force Base debacle, Congressional Democrats convinced a number of Republicans to join them in a bipartisan deal promising $2 in spending cuts for every $1 in tax increases. Every penny of the tax increases ($137 billion from 1991–1995) went through. Not only did the Democrats break their promise to cut spending below the CBO baseline—they actually spent $23 billion above CBO's pre-budget deal spending baseline.

In order to make such a commission acceptable from a taxpayer perspective, language must be included that explicitly removes tax increases and/or new taxes from commission consideration.

However, the proposal in its current form will likely come before you later this month as am amendment to yet another bill to increase the debt limit, as Democrats will be looking to use this commission idea as a way to cover their big-spending tracks.

This bipartisan commission is a veiled attempt to lure Republicans into taking joint ownership of massive tax increases to pay for their crisis and is arguably one of the biggest threats to taxpayers. What's worse, it could become the Trojan horse for a European-style Value-Added Tax (VAT).

We urge you to oppose and vote against this misguided plan when it comes before you.

Sincerely,

Jim Martin, chairman, 60 Plus Association; Stephen P. Gordon, media director, Alabama Republican Liberty Caucus; Brian Johnson, executive director, Alliance for Worker Freedom; Susan A. Carleson,* chairman and CEO, American Civil Rights Union; David A. Keene, chairman, American Conservative Union; Grover Norquist, president, Americans for Tax Reform; Tim Phillips, president, Americans for Prosperity; Ryan Ellis, executive director, American Shareholders Association; John Tate, president, Campaign for Liberty; Sandra Fabry, executive director, Center for Fiscal Accountability; Timothy Lee, vice-president of legal and public affairs, Center for Individual Freedom; Chuck Muth, president, Citizen Outreach; Barbara Anderson, executive director, Citizens for Limited Taxation (MA); Wayne Crews, vice president for policy, Competitive Enterprise Institute; Tom Schatz, president, Council for Citizens Against Government Waste; Rick Watson, chairman, Florida Center-Right Coalition; Jamie Story, president, Grassroot Institute of Hawaii; Gregory Blankenship, president, Illinois Alliance for Growth.

Andrew Langer, president, Institute for Liberty; Robert McClure, president and CEO, James Madison Institute; Rep. James DeCesare, chairman, Kentucky Taxpayer Protection Caucus, House of Representatives; Colin Hanna, president, Let Freedom Ring; Del. Warren Miller, chairman, Maryland Taxpayer Protection Caucus, House of Delegates; Shane Osborn, Nebraska State Treasurer; Andrew Moylan, director of government affairs, National Taxpayers Union; Jerry Cantrell, president, New Jersey Taxpayers' Association; Deborah Owens, co-chair, Ohio Center-Right Coalition; Brandon Dutcher, vice president for policy, Oklahoma Council of Public Affairs, Inc.; Kim Thatcher, chairman, Oregon Taxpayer Protection Caucus, House of Representatives; Todd Kruse, Property Rights Association of Minnesota; Jason Williams, executive director, Taxpayer Association of Oregon; William Greene, president, RightMarch.com; Ben Cunningham, spokesman, Tennessee Tax Revolt; Laura Lee Adams, chairman, Utah Center-Right Coalition; Susan Gore, founder, Wyoming Liberty Group.

Mr. BAUCUS. Also on the conservative side, on December 29, 2009, the Wall Street Journal editorial page—no friend of progressive causes—published an editorial entitled ''The Deficit Commission Trap.'' The editors of the Wall Street Journal wrote:

We only hope Republicans aren't foolish enough to fall down this trap door.

I conclude by saying that people on both sides of the political spectrum have very grave reservations and urge opposition to the amendment to be offered by our good friends and colleagues, Senators CONRAD and GREGG, and I hope we do not adopt that amendment.

Mr. President, I yield the floor, and 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. BAUCUS. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

MORNING BUSINESS

Mr. BAUCUS. Mr. President, I ask unanimous consent 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.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

VOTE EXPLANATION

• Mr. UDALL of Colorado. Mr. President, due to the fact that I was ill and concerned for others traveling on the same airplane to Washington, DC, I was unable to cast a vote for rollcall No. 1 in the second session of the 111th Congress, the nomination of Beverly Baldwin Martin, of Georgia, to be a U.S. Circuit Judge for the 111th Circuit. Had I been present, I would have voted ''yea'' to confirm the nominee.•

HONORING OUR ARMED FORCES

PRIVATE FIRST CLASS BRIAN R. BOWMAN

Mr. BAYH. Mr. President, I rise with a heavy heart to honor the life of PFC Brian R. Bowman from Waveland, IN. Brian was 24 years old when he lost his life on January 3 when insurgents attacked his unit in Ashoque, Afghanistan. Brian was serving as a medic in the 1st Battalion, 12th Infantry Regiment, 4th Brigade Combat Team, 4th Infantry Division at Fort Carson, Colorado, as a part of Operation Enduring Freedom.

Today, I join Brian's family and friends in mourning his death. Brian will forever be remembered as a loving son and friend to many. Brian is survived by his devoted wife Casie, his father Robert Bowman and mother Paula J. Gerdes, two sisters and countless friends and relatives.

Brian was a Crawfordsville native who grew up in Waveland. Prior to entering the service in August of 2006, Brian graduated from Southmont High School in 2004. A gifted musician, he played the baritone for the Royal Mounties who were perennial contenders in the Indiana State Fair's band competition. His father said that he gave up sports to be in the band because he loved music.

While we struggle to express our sorrow over this loss, we can take pride in the example Brian set as a soldier, a husband, a son and a brother. Today and always he will be remembered by family, friends and fellow Hoosiers as a true American hero, and we cherish the legacy of his service and his life.

As I search for words to honor this fallen soldier, I recall President Lincoln's words to the families of soldiers who died at Gettysburg: ''We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here.''

It is my sad duty to enter the name of Brian R. Bowman in the RECORD of the U.S. Senate for his service to this country and for his profound commitment to freedom, democracy and peace. I pray that Brian's family finds comfort in the words of the prophet Isaiah who said, ''He will swallow up death in victory; and the Lord God will wipe away tears from off all faces.''

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

CELEBRATING MARTIN LUTHER KING, JR.'S BIRTHDAY

Mr. CARDIN. Mr. President, I wish today to honor the life of Dr. Martin Luther King, Jr.

I would like to take this opportunity not only to talk about the man but also the movement. During a time of segregation, violence, unnecessary bloodshed, and ignorant bigotry, a man named Martin Luther King, Jr., graced the world with his poignant determination for peace. His life continues to inspire not only Americans but the world in continued efforts for equality amongst all men and women.

This week the Nation reflects on Dr. King's life and legacy. I remember being a young man during his lifetime. I remember not only the struggles he faced but the justice he longed for. As I reread Dr. King's letter from Birmingham Jail, where he wrote about trying to explain to one's child why she can't go to a public amusement park because she was Black; where he wrote about the humiliation of nagging signs that read ''white'' and ''colored;'' where he wrote about the internal fight against a ''degenerating sense of nobodiness,'' I ask our Nation not to return to such a time but instead continue to move our Nation forward in accepting all people.

While Dr. King was fighting for national civil rights, I was growing up in Baltimore City, MD. I attended a segregated public school, and I remember with great sadness how discrimination was not only condoned but, more often than not, actually encouraged against Blacks, Jews, Catholics, and other minorities in the community. I remember the local movie theater denying admission to African Americans. I remember the community swimming pools that had signs hanging that read, ''No Jews, No Blacks allowed.'' In the wake of death threats, physical attempts on his life, home bombings, and jail time, Dr. King fought for the rights Americans hold so dear. He fought for the right to vote, the right to equal access, the right to an equal education, and the right to be treated and seen as an equal.

More than 40 years later, our Nation has made significant progress. We have elected our first African-American President, we have women running Fortune 500 companies, we have the first female Speaker of the House, we have our first Latina Supreme Court Justice, and many more accomplishments have occurred. And while we have come a long way from segregated lunch counters and firehouses and dogs being unleashed on protesters, we still have not reached the mountaintop. There are still laws, policies, and negative perceptions that infringe on individual civil rights.

The issues of today are not so different than the issues of Dr. King's time. We are at war. There is discrimination. There are disparities. There is hate. We must fight and expose these injustices. Dr. King believed that you must expose injustices ''with all the tension its exposure creates.'' We must take up these issues. We must address health care disparities, discrimination in all forms, abuses in our criminal justice system, and bad legislative policies. We must not shy away from what great people before us worked so hard to bring to light. This is not the time for what Dr. King called the ''moderate.'' This is not the time for those who say they agree with us in the goal but fail to take direct action. This is the time for action against injustices.

When more than 40 million Americans don't have access to quality health care, an injustice has occurred. When Americans receive discriminatory sentencing, an injustice has occurred. When Americans are subjected to discriminatory lending, an injustice has occurred. When hate crimes are perpetrated, an injustice has occurred. When our country uses torture, an injustice has occurred. When any form of discrimination is used, an injustice has occurred.

So I ask my fellow colleagues in the Congress and my fellow Americans nationwide, as we start a new year, a new decade, remember that ''human progress never rolls in on wheels of inevitability; it comes through the tireless efforts of men willing to be coworkers with God . . .'' Stand with us as we take up the controversial issues of the day—immigration, employment nondiscrimination, pay equity for women, hate crimes, sentencing reform, education reform, and remember such actions are taken in dedicated efforts toward a more loving and just union.

Dr. King said that the ultimate measure of a man or woman is not where he or she stands in the moments of comfort and convenience, but where

he or she stands at times of challenge and controversy. He stood up and fought for what was just in a world of controversy. I ask you all to stand up on the shoulders of Dr. King and fight for the elimination of hate and discrimination. Dr. Martin Luther King, Jr., will always be remembered for his courage, elegance and tireless endurance for the fight of equality in America.

PATIENT PROTECTION AND AFFORDABLE CARE ACT OF 2009

Mr. COBURN. Mr. President, I ask unanimous consent that these letters commenting on the Patient Protection and Affordable Care Act of 2009—the majority's ''health reform bill''—be printed in the RECORD.

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

PHYSICIAN ORGANIZATIONS THAT OPPOSE SENATE'S PATIENT PROTECTION AND AFFORDABLE CARE ACT

To date 43 state, county and national medical societies, representing nearly one-half million physicians, have stated their public opposition to the Senate healthcare overhaul bill, the Patient Protection and Affordable Care Act (H.R. 3590).

NATIONAL MEDICAL ASSOCIATIONS

American Academy of Cosmetic Surgery, American Academy of Dermatology Association, American Academy of Facial Plastic and Reconstructive Surgery, American Academy of Otolaryngology Head and Neck Surgery, American Association of Neurological Surgeons, American Association of Orthopaedic Surgeons, American College of Obstetricians and Gynecologists, American College of Osteopathic Surgeons, American College of Surgeons, and American Osteopathic Academy of Orthopaedics.

American Society for Metabolic & Bariatric Surgery, American Society of Anesthesiologists, American Society of Breast Surgeons, American Society of Cataract and Refractive Surgery, American Society of Colon and Rectal Surgeons, American Society of General Surgeons, American Society of Plastic Surgeons, and American Urological Association.

Association of American Physicians and Surgeons, Coalition of State Rheumatology Organizations, Congress of Neurological Surgeons, Heart Rhythm Society, National Association of Spine Specialists, Society for Vascular Surgeons, Society of American Gastrointestinal and Endoscopic Surgeons, Society for Cardiovascular Angiography and Interventions, and Society of Gynecologic Oncologists.

STATE AND COUNTY MEDICAL ASSOCIATIONS

Medical Association of the State of Alabama, Arizona Osteopathic Medical Association, California Medical Association, Medical Society of Delaware, Medical Society of the District of Columbia, Florida Medical Association, Medical Association of Georgia, and Kansas Medical Association.

Louisiana State Medical Society, Missouri State Medical Association, Nebraska Medical Association, Medical Society of New Jersey, Ohio State Medical Association, South Carolina Medical Association, Texas Medical Association, and Westchester (NY) County Medical Society.

DECEMBER 7, 2009.

Hon. HARRY REID,
Majority Leader, U.S. Senate,
Washington, DC.

DEAR SENATOR REID: The undersigned state and national specialty medical societies are writing you on behalf of more than 92,000 physicians in opposition to passage of the ''Patient Protection and Affordable Care Act'' (H.R. 3590) and to urge you to draft a more targeted bill that will reform the country's flawed system for financing healthcare, while preserving the best healthcare in the world. While continuance of the status quo is not acceptable, the shifting to the federal government of so much control over medical decisions is not justified. We are therefore united in our resolve to achieve health system reform that empowers patients and preserves the practice of medicine—without creating a huge government bureaucracy.

H.R. 3590 creates a number of problematic provisions, including:

The bill undermines the patient-physician relationship and empowers the federal government with even greater authority. Under the bill, 1) employers would be required to provide health insurance or face financial penalties; 2) health insurance packages with government prescribed benefits will be mandatory; 3) doctors would be forced to participate in the flawed Physician Quality Reporting Initiative (PQRI) or face penalties for nonparticipation; and 4) physicians would have to comply with extensive new reporting requirements related to quality improvement, case management, care coordination, chronic disease management, and use of health information technology.

The bill is unsustainable from a financial standpoint. It significantly expands Medicaid eligibility, shifting healthcare costs to physicians who are paid below the cost of delivering care and to the states that are already operating under severe budget constraints. It also postpones the start of subsidies for the uninsured long after the government levies new user fees and new taxes to cover expanded coverage and benefits. This ''back-loading'' of new spending makes the long-term costs appear deceptively low.

The government run community health insurance option eventually will lead to a single-payer, government run healthcare system. Despite the state opt-out provision, the community health insurance option contains the same liabilities (i.e. government-run healthcare) as the public option that was passed by the House of Representatives. Such a system will ultimately limit patient choice and put the government between the doctor and the patient, interfering with patient care decisions.

Largely unchecked by Congress or the courts, the federal government would have unprecedented authority to change the Medicare program through the new Independent Medicare Advisory Board and the new Center for Medicare & Medicaid Innovation. Specifically, these entities could arbitrarily reduce payments to physicians for valuable, life-saving care for elderly patients, reducing treatment options in a dramatic way.

The bill is devoid of real medical liability reform measures that reduce costs in proven demonstrable ways. Instead, it contains a ''Sense of the Senate'' encouraging states to develop and test alternatives to the current civil litigation system as a way of addressing the medical liability problem. Given the fact that costs remain a significant concern, Congress should enact reasonable measures to reduce costs. The Congressional Budget Office (CBO) recently confirmed that enacting a comprehensive set of tort reforms will save the federal government $54 billion over 10 years. These savings could help offset increased health insurance premiums (which, according to the CBO, are expected to increase under the bill) or other costs of the bill.

The temporary one-year SGR ''patch'' to replace the 21.2 percent payment cut in 2010 with a 0.5 percent payment increase fails to address the serious underlying problems with the current Medicare physician payment system and compounds the accumulated SGR debt, causing payment cuts of nearly 25 percent in 2011. The CBO has confirmed that a significant reduction in physicians' Medicare payments will reduce beneficiaries' access to services.

The excise tax on elective cosmetic medical procedures in the bill will not produce the revenue projected. Experience at the state level has demonstrated that this is a failed policy. In addition, this provision is arbitrary, difficult to administer, unfairly puts the physician in the role of tax collector, and raises serious patient confidentiality issues. Physicians strongly oppose the use of provider taxes or fees of any kind to fund healthcare programs or to finance health system reform.

Our concerns about this legislation also extend to what is not in the bill. The right to privately contract is a touchstone of American freedom and liberty. Patients should have the right to choose their doctor and enter into agreements for the fees for those services without penalty. Current Medicare patients are denied that right. By guaranteeing all patients the right to privately contract with their physicians, without penalty, patients will have greater access to physicians and the government will have budget certainty. Nothing in the Patient Protection and Affordable Care Act addresses these fundamental tenets, which we believe are essential components of real health system reform.

Senator Reid, we are at a critical moment in history. America's physicians deliver the best medical care in the world, yet the systems that have been developed to finance the delivery of that care to patients have failed. With congressional action upon us, we are at a crossroads. One path accepts as ''necessary'' a substantial increase in federal government control over how medical care is delivered and financed. We believe the better path is one that allows patients and physicians to take a more direct role in their healthcare decisions. By encouraging patients to own their health insurance policies and by allowing them to freely exercise their right to privately contract with the physician of their choice, healthcare decisions will be made by patients and physicians and not by the government or other third party payers.

We urge you to slow down, take a step back, and change the direction of current reform efforts so we get it right for our patients and our profession. We have a prescription for reform that will work for all Americans, and we are happy to share these solutions with you to improve our nation's healthcare system.

Thank you for considering our views.

Sincerely,
Medical Association of the State of Alabama,
Medical Society of Delaware,
Medical Society of the District of Columbia,
Florida Medical Association,
Medical Association of Georgia,
Kansas Medical Society,
Louisiana State Medical Society,
Missouri State Medical Association,
Nebraska Medical Association,
Medical Society of New Jersey,
South Carolina Medical Association,
American Academy of Cosmetic Surgery,
American Academy of Facial Plastic and Reconstructive Surgery,

American Association of Neurological Surgeons,
American Society of Breast Surgeons,
American Society of General Surgeons, and
Congress of Neurological Surgeons.

Past Presidents of the American Medical Association: Daniel H. Johnson, Jr., MD, AMA President 1996–1997. Donald J. Palmisano, MD, JD, FACS, AMA President 2003–2004. William G. Plested, III, MD, FACS, AMA President 2006–2007.

DECEMBER 1, 2009.

Hon. HARRY REID,
Majority Leader, U.S. Senate, Washington, DC.

DEAR LEADER REID: On behalf of the over 240,000 surgeons and anesthesiologists we represent and the millions of surgical patients we treat each year, the undersigned 19 organizations strongly support the need for national health care reform and share the Senate's commitment to make affordable quality health care more accessible to all Americans. As you know, we have been working diligently and in good faith with the Senate during the past year and have provided input at various stages in the process of drafting the Senate's health care reform bill. To this end, we have reviewed the Patient Protection and Affordable Care Act of 2009.

As you may recall, on November 4 our coalition sent you a letter outlining a number of serious concerns that needed to be addressed to ensure that any final health care reform package would be built on a solid foundation in the best interest of our patients. Since those concerns have not been adequately addressed, as detailed below, we must oppose the legislation as currently written.

We oppose:

Establishment and proposed implementation of an Independent Medicare Advisory Board whose recommendations could become law without congressional action;

Mandatory participation in a seriously flawed Physician Quality Reporting Initiative (PQRI) program with penalties for nonparticipation;

Budget-neutral bonus payments to primary care physicians and rural general surgeons;

Creation of a budget-neutral value-based payment modifier which CMS does not have the capability to implement and places the provision on an unrealistic and unachievable timeline;

Requirement that physicians pay an application fee to cover a background check for participation in Medicare despite already being obligated to meet considerable requirements of training, licensure, and board certification;

Relying solely on the limited recommendations of the United States Preventive Services Task Force (USPSTF) in determining a minimum coverage standard for preventive services and associated cost-sharing protections;

The so-called ''non-discrimination in health care'' provision that would create patient confusion over greatly differing levels of education, skills and training among health care professionals while inappropriately interjecting civil rights concepts into state scope of practice laws;

The absence of a permanent fix to Medicare's broken physician payment system and any meaningful proven medical liability reforms; and

The last-minute addition of the excise tax on elective cosmetic medical procedures. This tax discriminates against women and the middle class. Experience at the state level has demonstrated that it is a failed policy which will not result in the projected revenue. Furthermore, this provision is arbitrary, difficult to administer, unfairly puts the physician in the role of tax collector, and raises serious patient confidentiality issues.

This bill goes a long way towards realizing the goal of expanding health insurance coverage and takes important steps to improve quality and explore innovative systems for health care delivery. Despite serious concerns, there are several provisions in the Patient Protection and Affordable Care Act of 2009 that the surgical community supports, strongly believes are in the best interest of the surgical patients, and should be maintained in any final package. Specifically these include: health insurance market reforms, including the elimination of coverage denials based on preexisting medical conditions and guaranteed availability and renewability of health insurance coverage; strengthening patient access to emergency and trauma care by ensuring the survival of trauma centers, developing regionalized systems of care to optimize patient outcomes, and improving emergency care for children; well-designed clinical comparative effectiveness research, conducted through an independent institute and not used for determining medical necessity or making coverage and payment decisions or recommendations; and the exclusion of ultrasound from the increase in the utilization rate for calculating the payment for imaging services.

Further, while redistribution of unused residency positions to general surgery is a positive step in addressing the predicted shortage in the surgical workforce, we believe that the Senate should look more broadly at the issue of limits on residency positions for all specialties that work in the surgical setting that are also facing severe workforce problems.

Finally, we are pleased that you have accepted our suggestion and removed language which would reduce payments to physicians who are found to have the highest utilization of resources—without regard to the acuity of the patient's physical condition or the complexity of the care being provided. We thank you for making this important change.

While we must oppose the Patient Protection and Affordable Care Act as currently written, the surgical coalition is committed to the passage of meaningful and comprehensive health care reform that is in the best interest of our patients. We are committed to working with you to make critical changes that are vital to ensuring that this legislation is based on sound policy, and that it will have a long-term positive impact on patient access to safe and effective high-quality surgical care.

Sincerely,

American Academy of Facial Plastic and Reconstructive Surgery, American Academy of Otolaryngology-Head and Neck Surgery, American Association of Neurological Surgeons, American Association of Orthopaedic Surgeons, American College of Obstetricians and Gynecologists, American College of Osteopathic Surgeons, American College of Surgeons, American Osteopathic Academy of Orthopedics, American Society of Anesthesiologists, American Society of Breast Surgeons, American Society of Cataract and Refractive Surgery, American Society of Colon and Rectal Surgeons, American Society for Metabolic & Bariatric Surgery, American Society of Plastic Surgeons, American Urological Association, Congress of Neurological Surgeons, Society for Vascular Surgery, Society of American Gastrointestinal and Endoscopic Surgeons, Society of Gynecologic Oncologists.

ALLIANCE OF SPECIALTY MEDICINE,
December 2, 2009.

Hon. HARRY REID,
Majority Leader, U.S. Senate, Washington, DC.

DEAR MAJORITY LEADER REID: As the Alliance of Specialty Medicine (Alliance), our mission is to advocate for sound federal health care policy that fosters patient access to the highest quality specialty care and improves timely access to high quality medical care for all Americans. As patient and physician advocates, the Alliance believes that true health reform should be enacted through a responsible and transparent process. Over the past year, the Alliance has provided substantive comments on those health reform provisions that concern specialty physicians and patients in their care. We are extremely concerned that your substitute amendment, the ''Patient Protection and Affordable Care Act,'' to H.R. 3590, fails to address our previously mentioned concerns. Therefore, we oppose the substitute amendment in its current form. We stand ready to work with you to address the issues, outlined below, that continue to concern us.

PHYSICIAN PAYMENT UPDATE (SECTION 3101)

Medicare's sustainable growth rate (SGR) formula needs to be replaced with a permanent, stable mechanism for updating Medicare fees to continue to assure Medicare beneficiary access to high quality care. Rather than come back year after year, providing a short-term fix to this large problem, we must stop utilizing band-aid solutions and establish a new baseline for physician reimbursement. President Obama agreed with that proposal when he sent this year's budget to the Congress. The cost of interim updates to the physician fee schedule should not be shifted to out years, making permanent SGR reform even more difficult, and costly, to achieve. Already, as a result of previous interim updates, physicians currently face a 21% fee reduction beginning in January 2010. Medicare physician payment rates already are below market rates. Therefore, any long-term solution should, at the very least, recognize reasonable inflationary cost increases.

VALUE-BASED PHYSICIAN PAYMENT MODIFIER (SECTION 3007)

Rather than create a stable physician payment schedule, Section 3007 would dramatically alter the current payment system by adding a new, untested payment modifier that would redistribute Medicare payments based on quality and geographic cost variation, without a more systematic review of the potential consequences. While the Center for Medicare and Medicaid Services (CMS) has been testing various models in this area, CMS does not have the current capability to implement such a proposal and no valid methodology that incorporates appropriate risk adjustment factors and outcome measures even exists. Furthermore, there are many reasons for geographic cost variation, including differences in population demographics that merit significantly more study before such a measure could be implemented. Therefore, rather than add stability to the physician payment mechanism, the proposal would create yet more instability with an unrealistic and unachievable timeline.

CMS should be allowed to fully test models for value-based payment and determine which system would achieve maximum benefit before further modification of a flawed Medicare physician payment formula. There is widespread agreement that the current SGR process results in arbitrary and damaging cuts to Medicare physician payment. We cannot achieve a reliable or stable incentive for quality care by modifying arbitrarily—and arbitrarily changing—reimbursement rates. And because this new modifier in Section 3007 would be budget neutral,

some providers would face the dual blow of arbitrary SGR cuts and neutrality-imposed value-based purchasing cuts.

PAYMENT CUTS FOR SPECIALTY CARE (SECTION 5101)

While we understand the potential need to increase the payment rates of primary care physicians, many surgical and specialty medicine disciplines have faced significant cuts over the years while primary care fees have increased. As Medicare payments have continued their steady decline over the past few years, reimbursement for primary care services has actually increased. For example, CMS recently approved a more than $4 billion increase in the fee schedule for primary care services, as well as a 37 percent increase in one key code used by primary care physicians. In its March 2009 report, MedPAC noted that Medicare payments for primary care have increased 10.6 percent between 2006 and 2009. And these changes will continue in the future. Indeed, under the 2010 Medicare Physician Fee Schedule, reimbursement for primary care physicians will increase between 2–4 percent.

While primary care payments have been increasing, specialty care payments have been decreasing. Since 1992, specialists have seen significant reductions in the fees they receive for procedural services. Although modest increases may have been provided for physician services in recent years, they have not kept up with the rate of inflation nor have all physicians seen increases. In fact, many surgical services were cut again in 2008 and a number of specialties are facing additional cuts in 2010 as a result of changes CMS has made in the fee schedule. Specialists continue to lose more ground in the fees they receive for serving Medicare beneficiaries while their practice costs continue to steadily rise. This is particularly troubling because much of the funding for this health care reform proposal already relies on cuts to Medicare and to the physicians that provide those key services. Additional cuts will likely result in decreased patient access to critical health care services. With a shortfall of 49,000 surgeons and other specialists predicted by the year 2025, we can ill-afford to further exacerbate the access to care problem.

INDEPENDENT MEDICARE ADVISORY BOARD (SECTION 3403)

Congress should retain proper oversight of the process that determines how services are provided under Medicare and not relegate it to another entity. If the goal of a new Advisory Board is to find new ways to eliminate spending in the Medicare program, the end result may well be detrimental to patient care for our nation's elderly. Already, Medicare reimbursement rates are well below market rates for similar services. And yet, the solution seems to be to further ratchet down the costs, without oversight, without care to ensure that our seniors receive the care that they deserve. Further, the construct of the Board seems to selectively exempt certain providers from its purview—placing more pressure to cut Medicare in those areas under its jurisdiction. There is no question we need to improve the Medicare program to make it sustainable well into the future. However, Medicare cannot be ''fixed'' when we do not look at the whole program, but rather, chop it up and force program savings into specific areas, such as provider reimbursement. We certainly understand and appreciate concerns with the rising costs of health care. But this is not the way to approach this problem. Rather than develop a coherent proposal to appropriately address the issue, the proposal contained in the substitute amendment abdicates Congress' fundamental responsibility and instead hopes that others can develop additional solutions and then allows them to be implemented. If we go forward with this process, there will be myriad unintended consequences, including restricting access to important interventions and services for Medicare patients. You should not allow important health care decisions to be made with little clinical expertise, resources or oversight required to ensure that seniors are not placed in jeopardy.

MEDICAL LIABILITY REFORM (SECTION 6801)

We remain concerned that the current health care proposal before us does not address our broken medical liability system. Medical liability reform will help achieve health system savings by reducing the incentives for defensive medicine and it will also protect physicians from unaffordable liability premiums. Last fall, President Obama stated in the New England Journal of Medicine that he would be ''open to additional measures to curb malpractice suits and reduce the cost of malpractice insurance.'' Earlier this year, at the American Medical Association's Annual Meeting, the President also noted that we will not be able to implement changes in our health care delivery system that reflect best practices, incentivize excellence and close cost disparities ''if doctors feel like they are constantly looking over their shoulder for fear of lawsuits.'' With a President that understands the need for medical liability reform, we do not understand why your proposal only includes a Sense of the Senate on the topic.

We would prefer a more comprehensive approach to this dire problem, such as federal medical liability reform based on the California or Texas models, which include, among other things, reasonable limits on non-economic damages. As you are aware the Congressional Budget Office recently scored comprehensive and proven medical liability reforms, similar to those above, as saving the federal government $54 billion over the next decade. In addition to this savings, these reforms will also improve patient access to specialty care, particularly in rural and underserved areas. However, at the very least, we should do something in this area, and there are several bipartisan proposals which we should debate, consider, and then include within a comprehensive health care reform package.

EXCISE TAX ON CERTAIN ELECTIVE MEDICAL PROCEDURES (SECTION 9017)

Physicians strongly oppose taxes on distinctive physician services to fund health care programs or to pay for health care reform and we therefore are extremely concerned by the last minute addition of the tax on elective cosmetic surgery and medical procedures. This is a dangerous precedent to set as it places physicians in the role of tax collector, compromises patient safety by encouraging individuals to circumvent the tax by seeking procedures from non-medical personnel or providers in other countries, and jeopardizes patient privacy by opening physician practices up to IRS audits. Furthermore, once in place, we fear that this tax could easily be expanded to other health care services. As demonstrated by New Jersey's experience with a similar tax, the application of such a tax is arbitrary and confusing to administer.

PROVISIONS IMPORTANT TO MAINTAIN IN ANY HEALTH CARE REFORM

We applaud many of the provisions in your substitute amendment that improve access to health insurance and believe a number of provisions must be included in any meaningful health reform package to improve access to affordable health insurance and assure access to specialty medicine. Those provisions included in your substitute amendment that we believe should be maintained include eliminating pre-existing condition exclusions, providing adequate access to specialty care through the benefit package, addressing rescission of health coverage, ensuring continuity in Medicaid coverage for children who go in and out of the system, and prohibiting annual and lifetime coverage limits.

In addition, the Alliance is pleased that your legislation includes a provision to expand comparative effectiveness research (CER). Like you, the Alliance believes appropriately designed CER conducted by an independent entity with full participation of all relevant stakeholders should enhance information about treatment options and outcomes for patients and physicians, helping them to choose the care that best meets the individual needs of the patient. CER needs to recognize the diversity, including racial and ethnic diversity, of patient populations and subpopulations and communicate results in ways that reflect the differences in individual patient needs. It should not be a vehicle for making centralized coverage and payment decisions or recommendations.

The Alliance also appreciates the elimination of a provision which would automatically reduce payment rates by 5% for physician services if they are deemed ''outliers'', regardless of patient acuity or other key factors.

Finally, we appreciate that you addressed our concerns related to imaging services and clarified that the definition of advanced imaging does not include ultrasound as it relates to the increase in the utilization rate for imaging services.

Thank you for commitment and leadership on this issue. Physicians are an integral part of the health care system and are on the front lines of patient care. The Alliance hopes you will work with us to improve the Senate health reform package.

Sincerely,

American Association of Neurological Surgeons; American Association of Orthopaedic Surgeons; American Society of Cataract and Refractive Surgery; American Urological Association; Coalition of State Rheumatology Organizations; Congress of Neurological Surgeons; Heart Rhythm Society; National Association of Spine Specialists; Society for Cardiovascular Angiography and Interventions.

AMERICAN ACADEMY OF DERMATOLOGY AND AAD ASSOCIATION,
Washington, DC, Nov. 20, 2009.

Hon. HARRY REID,
Majority Leader, U.S. Senate,
Washington, DC.

Hon. MAX BAUCUS,
Chairman, Senate Finance Committee,
U.S. Senate, Washington, DC.

Hon. TOM HARKIN,
Chairman, Senate HELP Committee,
U.S. Senate, Washington, DC.

DEAR LEADER REID, CHAIRMAN BAUCUS, AND CHAIRMAN HARKIN: On behalf of the American Academy of Dermatology Association (AADA), which represents nearly 12,000 dermatologists and our patients across the country, I am writing to state that we are opposed to S. 3590, the Patient Protection and Affordable Care Act (PPACA), in its current form. This legislation simply contains too many flawed provisions and policies that will harm vulnerable patient populations, undermine ongoing quality improvement efforts, leave in place an unstable physician payment system, and exacerbate physician workforce shortages—jeopardizing access to quality health care.

We are extremely disappointed to have reached this decision, because AADA fully supports meaningful and comprehensive

health system reform that achieves our shared goals of improving the health care delivery system and providing coverage for more Americans. We are serious about achieving reform—after working closely with leadership on the House side and finding that H.R. 3961 and H.R. 3962 comport with most of our principles for reform, we indeed issued letters supporting the key provisions of those bills. Early this year, AADA readily embraced the Senate's offer to work as constructive partners in finding the common ground that would serve as the foundation of meaningful health system reform. On several occasions, AADA submitted thoughtful, constructive comments on numerous proposed reform components, and subsequent legislative provisions, in an effort to work in a collaborative fashion. However, PPACA has made it clear that the majority of our input has been dismissed.

AADA is on record with the Senate in opposition to the following key provisions:

The Independent Medicare Commission—This commission removes public accountability and Congressional oversight of Medicare payment policy. Even more troubling is the exemption of hospitals from the Commission's jurisdiction, forcing physicians to bear the costs of Medicare Part A inefficiencies. It is unreasonable to expect that the cost curve can be bent solely within the Medicare part B silo.

Misvalued Relative Value Units—This provision creates an unnecessary, duplicative bureaucratic layer. CMS and the RUC are already engaged in extensive efforts to review and correct RVUs that no longer reflect practice realities, and this existing process continues to bring about substantial changes without the need for a duplicative and new panel.

Failure to Address Physician Payment—This legislation seeks to ''transform the health care delivery system,'' which would require physicians to make substantial changes in their practices. However, the bill offers yet another short term solution to a fundamentally flawed physician payment system. Without a stable payment system, physicians will be unable to make the long-term investments required to implement health system reform and continue to modernize their practices. The abject failure to recognize the need for real long- term reform demonstrates a misunderstanding of physician practice costs, including the employment of millions of Americans in these small businesses, and will inhibit transformation in the health care delivery system. We hope that the Senate will follow the House's lead and pass a complete repeal of the Sustainable Growth Rate formula.

While we are appreciative of changes made to the resource use and PQRI provisions, that positive movement was negated by the inclusion of new provisions in PPACA that have the potential to harm patients and conflict with several of our principles for reform.

Tax on Cosmetic Surgical and Medical Procedures—In an effort to offset the cost of this legislation, PPACA would impose a cosmetic procedure tax that disproportionately affects women and the middle class. Furthermore, this tax inserts the federal government into the physician-patient relationship in a new way—specifically, the Internal Revenue Service will become an arbiter of what is cosmetic and what is medically necessary. Under the proposed language, an HIV-infected patient with severe and stigmatizing lipoatrophy (loss of facial fat) resulting from their antiviral medications might be taxed for seeking to reduce their social stigmatization and return their face to a normal shape.

Public Reporting—We have extensively participated in quality measure development and supported incentives for physician participation. However, several unresolved problems still make public reporting of performance results premature. Our ability to assess comparative quality from claims data and to risk-adjust any measures to reflect different patient populations is still in its infancy. Releasing performance measures to the public before physicians have had the opportunity to advance this science and build trust in a system to properly account for variations in patient populations has substantial risk. In particular, the physician profiling that will result from such a premature data release will discourage physicians from taking on the sickest, most vulnerable patients and those with complex medical and social conditions. This can only serve to exacerbate health care disparities and create new barriers to care for those patients who are most in need.

AADA has previously submitted comments related to additional policies, including the value-based physician payment modifier, the lack of any meaningful provision related to the reform of our nation's unbalanced medical liability system, and others in its prior communications.

Our nation's doctors and patients are in need of health care system reform—reform that can happen if we work together to create a system that embraces the principles of quality care, efficient use of resources, and a patient-centered approach to practicing medicine. We are deeply disappointed to find ourselves with a Senate bill which fails to address several of the concerns we have raised, and it is regrettable that our efforts at collaborative dialogue have not resulted in a bill that we can support.

We urge you to work with us to arrive at a legislative proposal that is consistent with our specialty's principles for health system reform—principles which are widely shared by the physician community. AADA believes it is incumbent upon every health care provider to commit to being responsible stewards of the nation's health care resources. The challenge is finding the balance between fiscal prudence, delivering high quality care, and preserving the trusted physician-patient relationship. Please feel free to contact John Hedstrom (jhedstrom@.aad.org) in the Academy's Washington office at (202) 842–3555.

Sincerely,

DAVID M. PARISER, MD, FAAD,
President.

Mr. COBURN. Mr. President. I ask unanimous consent to have printed in the RECORD the following letter I sent to Mr. Alan Frumin, Parliamentarian of the U.S. Senate, on January 8, 2010, regarding the ruling that occurred in the Senate on December 16, 2009, during consideration of the health care reform bill that permitted Senator SANDERS to unilaterally withdraw his amendment during its reading.

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

U.S. SENATE,
Washington, DC, January 8, 2010.

ALAN FRUMIN,
Parliamentarian of the Senate, U.S. Senate, Washington, DC.

DEAR MR. FRUMIN: I write to express my dismay with the situation that occurred in the Senate on Wednesday, December, 16th, 2009, regarding Sanders Amendment No. 2837. Specifically, I refer to the ruling that permitted Senator Sanders to unilaterally withdraw his amendment during its reading. This ruling had immediate, untoward, and severe ramifications for consideration of highly consequential legislation.

After thorough research into the matter, I firmly believe the Chair incorrectly applied Senate rules and precedents to permit Senator Sanders to withdraw the amendment. In doing so, the Chair cited a 1992 circumstance in which Senator Adams was allowed to withdraw an amendment during its reading, without unanimous consent. While this particular precedent has generated a significant amount of controversy in its own right, in this case it has only served to distract from the central issue at hand: even if the 1992 procedure were a proper precedent, it cannot be used to justify the withdrawal of the Sanders amendment.

Unlike the situation in 1992, consideration of Senator Sanders' amendment was governed by a unanimous consent order. The order not only sequenced the amendment but provided that no further amendments could be proposed to the Sanders amendment. In calling up his amendment, Senator Sanders expressly stated that he was doing so pursuant to the order. A 1971 precedent reflects well-established Senate practice: ''when the Senate is operating under a unanimous consent agreement or setting time for debate of a specific amendment that is action by the Senate on said amendment and subsequently it would take unanimous consent to withdraw the same.'' If this practice had been followed, Senator Sanders would not have been able to withdraw the amendment as a matter of right. Instead, he needed to propound a unanimous consent request, which he did not. Be assured, consent would not have been granted.

Following the ruling on December 16, your office justified Senator Sanders' unilateral withdrawal of his amendment, even in the face of the order, by claiming that the restrictions under a UC agreement for withdrawing an amendment are not imposed until after an amendment is pending. And you assert that the Sanders amendment could not be considered pending until the reading had been completed. I cannot find a basis for this explanation in Senate rules or precedents.

The assertion that the Sanders amendment was somehow not pending is illogical. A well-established practice, as expressed in a 1943 precedent, states ''the amendment must be before the Senate to be withdrawn.'' Thus, for the Sanders amendment to be withdrawn, it had to have been pending. If the amendment were not pending, and thus not subject to the order, it should not have been in order to withdraw it.

A 1979 precedent definitively demonstrates when an amendment must be considered pending. On December 10, 1979, Senator Roth of Delaware offered a second degree amendment to an amendment from Senator Stevens of Alaska. Objection was entered to dispensing with the reading of the Roth amendment. Upon a parliamentary inquiry during the reading, the Chair twice affirmatively stated that the amendment being read was the ''pending amendment'' and the ''pending order of business.''

Specifically, the Chair expressed the following: ''The Chair would advise that the amendment offered by the Senator from Delaware is the pending order of business. A unanimous consent request that the reading of the amendment be dispensed with was objected to. Therefore, the amendment is in the process of being read and now will be read.''

One can clearly draw two inferences from this ruling that demonstrate once an amendment is offered, it is pending:

1. If the amendment were not pending, the Chair would have stated that the order of business would be the reading of the amendment, not the amendment itself. Instead, the Chair stated that the pending order of business was the amendment, which was being read.

2. Furthermore, if the Roth amendment were not yet pending, the Chair would have stated the pending amendment was the underlying Stevens amendment. However, the Chair announced that the pending amendment was the Roth amendment.

Based on this precedent, which is directly on point and controlling, I believe it is conclusive that the Sanders amendment was, in fact, pending, thereby triggering the limitations imposed by a consent order. Because an order applied, ''action'' had been taken on the amendment. Therefore, Senator Sanders should have needed unanimous consent to withdraw his amendment.

If the amendment had been fully read, its disposition would have carried over until the next calendar day. That is what should have happened if Senate procedures were properly applied. Senators from both parties vividly understand that the Parliamentarian's advice in this matter may have been greatly consequential for the consideration of health care legislation.

Finally, it is disturbing to know that the only entities privy to the operative considerations underlying the ruling were your office and the majority party. Senator Cardin, who presided at the time of the ruling, submitted into the Record on December 21, 2009 a statement that mentioned the 1992 and 1950 precedents, supplied by your office, to attempt to justify his ruling.

Unfortunately, at the time of the ruling, I had no way of knowing about the 1992 Adams precedent since it occurred after the latest edition of Riddick's Senate Procedure was published. Furthermore, the 1950 precedent was inaccurately depicted in Riddick's, with the text of Riddick's contradicting the actual precedent cited. Had all the precedents been commonly available in a reliable and updated form, Senators could have had a basis to challenge the Sanders ruling in real time. By the time the dust had settled after the ruling, as Senators struggled to parse what had happened, such a challenge was long moot. In any event, neither of these precedents arose in the context of a consent order. I therefore believe the precedents were off-point and inapplicable.

You are a man of integrity, are a dedicated public servant, and hold the rules and precedents of the Senate in high regard. However, I believe this ruling was incorrect, and that it had a major adverse impact on a monumental piece of legislation.

Sincerely,

TOM A. COBURN, M.D.,
U.S. Senator.

TRIBUTE TO RICHARD GAUTHIER

Mr. LEAHY. Mr. President, today I would like to recognize Richard Gauthier, Chief of Police in Bennington, VT. Mr. Gauthier has been saving lives and protecting Vermont communities for nearly 30 years.

Chief Gauthier began his career with the Bennington Police Department in 1980 after graduating from the Vermont Police Academy in Pittsford. Six years later, he was promoted to detective, and in 1998, he was named chief of the department, a position he has held for the past 12 years.

Chief Gauthier received his bachelor's degree from Southern Vermont College in 1991, and later attended the FBI National Academy. He also holds a master's degree in criminal justice administration from Norwich University. As chief, he has led by example and consistently sought to improve the department, encouraging officers to seek additional education, improve their training and better their performance. He currently teaches courses in criminal justice at Southern Vermont College, his alma mater, where one former student described him as ''a phenomenal educator.''

During his time as chief, he has overseen a number of positive changes in the department and in the community including the formation of the Bennington County Child Advocacy Center/Special Victims Unit, of which he is a founding member. He also led efforts to specialize police investigation into drugs and gangs, and managed the department's move to a new police headquarters. A celebrated law enforcement officer, Chief Gauthier received the Vermont VFW Law Enforcement Officer of the Year in 2005 and the Vermont Commissioner's Award for Service to Children and Families.

Chief Gauthier will celebrate 30 years of service in September, and plans to step down as Chief of Police. I commend Chief Gauthier for his dedication to the city of Bennington and the State of Vermont. He has selflessly given so much to his community.

I ask unanimous consent that a story from The Bennington Banner about Chief Gauthier's career be printed in the RECORD.

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

[From the Bennington Banner, Jan. 6, 2010]

BPD'S CHIEF GAUTHIER RETIRING: 30-YEAR VETERAN OF FORCE PLANS TO STEP DOWN IN SEPTEMBER

(By Neal P. Goswami)

BENNINGTON.—Bennington Police Chief Richard Gauthier, a longtime member of the town police force, has informed officials of his decision to retire in the fall.

The 54-year-old Gauthier, appointed to the post in 1998, will reach the age of 55 and his 30th anniversary with the Bennington Police Department in September.

''I do have other goals that I want to achieve, and that would be a good time to start that,'' Gauthier said Wednesday in his downtown office. ''When I came on 30 years ago when I was 25, I made up my mind at that point that I was going to finish here if at all possible, and that's what happened.''

Gauthier joined the force two days after his 25th birthday, as a patrol officer. Six years later, he joined the Bureau of Criminal Investigations. After 12 years, and having reached the rank of sergeant, Gauthier was tapped by Town Manager Stuart A. Hurd to replace former Chief David Wooden.

''He was, I think, in the end, an excellent appointment. It was one of my first major appointments I had to face as town manager and, believe me, I was very, very nervous about it,'' Hurd said Wednesday.

''I say, more power to him. I certainly hate to lose him, and I think it's going to be an interesting process to try and replace him,'' he said. ''Overall, there isn't anything bad you can say about Rick Gauthier.''

Gauthier said his initial goal in police work was to become a detective, but his ambitions grew as he ascended the ranks of the department.

''That was as far forward as I was thinking at the time,'' Gauthier said. ''Later on, after I had been at (the Bureau of Criminal Investigation) for a while, I began entertaining the potential, but I was still surprised when I was actually chosen.''

Hurd said Gauthier was selected from a group of three internal candidates. Gauthier had a degree in criminal justice and as head of the police union had worked well with town officials, Hurd said.

''He brought all of those skills and all of those management styles, and in a sense, balance, to the police chief job in Bennington,'' he said.

Locals involved in the legal system had also vouched for him, Gauthier said.

''In talking with people in the law enforcement field—the state's attorney's office, lawyers who had worked with him—he really seemed to be heads and tails above everybody else in terms of his knowledge in police work,'' Hurd said.

For Gauthier, the highlight of his career in Bennington has been the ''ability to help people out that desperately need it at the time.'' As chief, being able to shape the department and focus improvements on training, equipment and the professionalism of the department has been most rewarding, he said.

Gauthier said the department has made substantial in those areas because of a quality command staff. ''I have what I consider to be a superior staff, a superior supervisory staff, and certainly this is a team effort,'' he said ''We are where we are because we have all worked together and done well.''

A strong relationship with other town officials has helped, too, Gauthier said.

''I'm kind of the envy of a lot of other chiefs around the state. My relationship with (Hurd) is excellent. We've disagreed on a couple of things, but the disagreements have always been kind of minor,'' Gauthier said. ''I've also had what I consider to be a very supportive select board, regardless of the members changing.''

Hurd agreed that any disagreements the two have had have been ''nothing of merit.''

''He's always been a part of the team. He's never been sort of egocentric, or sort of self-centered.

''He's always been willing to step up when tough budget times are necessary, and people have to look at their budgets very hard and make tough decisions,'' Hurd said.

Gauthier said he has tried to encourage the officers he commands to ''seek constant improvement,'' and hopes that will be a lasting legacy with the department.

''I hope that if I leave anything here, it's that continuous quest to improve all the time—improve yourself educationally, improve your performance as an officer, improve your training.''

He has followed his own advice, earning a master's degree while serving as chief, and may pursue a doctorate degree following his retirement.

Employment outside of law enforcement is likely, Gauthier said, who already teaches courses at Southern Vermont College. He remains coy, however, about his full plans. ''I've got a number of irons in the fire, and as I get closer to my actual retirement date, it will become clearer which one is the way I should go,'' he said.

Hurd said he intends to first look within the department to find Gauthier's replacement. The hope is to have someone on board at least 30 days before Gauthier departs, he said.

The search, once it begins, is expected to take at least two months. Hurd said he will create a review panel composed of himself, some select board members and possibly former Vermont State Police Director James Baker or former Bennington County Sheriff Gary Forrest. The panel will interview potential candidates, compare resumes to the

job requirements and conduct a ''deep reference check.''

''You're looking for somebody who understands the law, but you're looking for somebody who has the personality to command but also to lead. I think there is a bit of a difference. You can be a good commander, but you might not be a good leader,'' Hurd said. ''Hopefully, I'll be able to find somebody with similar management skills and personality.''

At least two members of the department are interested in the position, according to people familiar with their thinking. Lt. Paul Doucette, currently second in the department's chain of command, and Detective Sgt. David S. Rowland, the third highest ranking officer in the department, have expressed interest, sources said.

Hurd said he doesn't expect any long-term negative impact from the internal search. ''If you're goal is to stay and work and be a leader in Bennington then you're going to have to take some disappointment, because there's only going to be one chief. I'm prepared for that, and I think I'll be able to deal with it.''

REMEMBERING CHIEF RALPH JACKMAN

Mr. LEAHY. Mr. President, I rise today to pay tribute to a dedicated public servant in Vermont who passed away earlier this month.

Ralph Jackman joined the Vergennes Volunteer Fire Department in 1947, and took over the helm as chief of the department in 1954. Some 55 years later, in November 2009, he stepped down from his post—widely recognized as one of the longest serving fire chiefs in the Nation.

During his time as the chief, Jackman saw many changes at the fire department. The department grew immensely— doubling the number of firefighters and tripling the number of vehicles. He oversaw the establishment of a cadet program and the construction of a new fire station. He also found time for a variety of community service activities, including serving as the two-time president of the Vermont State Firefighters Association. Throughout his entire career, Jackman was in the thick of the action, responding to emergency calls and managing the volunteer department's operations.

Chief Jackman's family had firefighting in its blood. Jackman's twin brother Fred, who passed away in 2008, was a member of the Bristol Fire Department for 62 years, including 14 years as that department's chief. Chief Jackman's wife, as well as his five daughters, helped the Vergennes Volunteer Fire Department throughout his career. And eight of Chief Jackman's grandchildren are now firefighters.

My wife, Marcelle, and I wish to express our deepest condolences to Chief Jackman's wife, Myrle Jackman, his immediate family and his extended family in the fire service community throughout Vermont. They are rightly proud of Chief Jackman's long and distinguished career and the legacy he has left behind in Vergennes and Vermont.

I ask unanimous consent that a story from The Burlington Free Press about Chief Jackman's storied career be printed in the RECORD.

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

[From the Burlington Free Press, Jan. 7, 2010]

LAST CALL FOR CHIEF JACKMAN: HUNDREDS ATTEND FUNERAL

(By Matt Sutkoski)

VERGENNES.—Ralph Jackman made his last fire call Wednesday.

Jackman was chief of the Vergennes Fire Department from 1954 until November—55 years. He died Saturday at the age of 85. Services were held for him Wednesday morning.

Family, friends and more than 200 firefighters crowded into St. Peter's Catholic Church for the services. The firefighters came from surrounding towns and distant communities—Addison, Whiting, Bristol, Cabot, Burlington, Shrewsbury, East Montpelier, even Nashua, N.H.

At the service, Mark Bouvier of the Bristol Fire Department said Jackman's whole family helped with the chief's decades-long career. He had five daughters, and when they were growing up and a fire call came into the Jackman home in the middle of the night, everyone sprang into action. One daughter would answer the phone, others would make sure his gear was ready for him; another would open the garage door. ''He needed all his daughters to get ready for fire calls,'' Bouvier said.

Firefighting runs in the Jackman family blood. His twin brother Fred, who died in 2008, was a member of the Bristol Fire Department for 62 years and was chief for 14 of those years. Eight of Ralph Jackman's grandchildren are firefighters.

Jackman was one of the nation's longest serving fire chiefs, and he was often in the forefront of Vermont firefighting innovations, Bouvier said. Under Jackman, the Vergennes Fire Department was the first to acquire a hose-reel truck and the first to establish a cadet program.

As great a contribution Jackman made to the Vergennes Fire Department, he thought of all the city's residents, Bouvier said. He'd give fuel oil to needy residents during the time he owned a fuel business. Somebody else might get a warm coat from him, and he was heavily involved in a variety of charitable organizations until the end of his life, Bouvier said.

The Rev. Yvon Royer, officiating at the Mass, also took note of Jackman's lifelong contributions. ''He was a true icon of the community. It was a respect that was earned,'' Royer said.

After the service, with an honor guard of firefighters saluting, Jackman's American flag-draped coffin was loaded onto the back of Vergennes Fire Pumper Truck 316. Led by a contingent of Vergennes firefighters and followed by Jackman's family and friends, the truck bearing the coffin rolled slowly up Maple Street, turned right on Main, then right again onto Green Street to the Vergennes fire station.

The fire truck, parked in front of the station, then blasted its horn three times to ceremonially mark Jackman's final alarm.

2010 NATIONAL AMBASSADOR FOR YOUNG PEOPLE'S LITERATURE

Mr. LEAHY. Mr. President, I am pleased that this month Katherine Paterson of Barre, VT, has been named the 2010 National Ambassador for Young People's Literature. Her books, which include ''A Bridge to Terabithia,'' ''Jacob Have I Loved,'' and ''Bread and Roses Too,'' motivate young readers to become excited about reading and understand struggles and joy in their own lives. She has long inspired readers in Vermont and across the country to make reading a daily part of their lives.

Reading at a young age can have a dramatic impact on a child's ability to succeed and learn more than can be taught in a classroom. In my home town of Montpelier, VT, the Kellogg-Hubbard Library serves as the center of the community to many local children. When I am home, I love seeing children flood the library after school and borrow new and exciting books or choose to reread old favorites.

Despite what I witness at my local Vermont library, reading rates among children today are on the decline, which makes Ms. Paterson's role as National Ambassador even more crucial as she tours the country to attract new, young readers. I cannot think of a better suited choice for this challenging role, and I congratulate her on her appointment. On a personal note, Marcelle and I have valued our years of friendship with Katherine and John Paterson.

I ask unanimous consent to have printed in the RECORD a January 6, 2010, Washington Post article about this year's National Ambassador for Young People's Literature.

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

[From the Washington Post, Jan. 6, 2010]

KATHERINE PATERSON NAMED NATIONAL AMBASSADOR FOR YOUNG PEOPLE'S LITERATURE

(By David Montgomery)

The Stinky Cheese Man has been replaced by the Queen of Terabithia.

They have nothing in common, these two, and yet everything in common. Tuesday morning in the Library of Congress, with elementary school children as witnesses, the ceremony of succession was accomplished and a proud nation with so-so reading habits got a new National Ambassador for Young People's Literature.

She is Katherine Paterson, the award-winning author of more than 30 books, probably best-known for ''Bridge to Terabithia,'' which was published and Newbery-Medaled in the late 1970s but had its longest run on the bestseller lists after release of the 2007 movie.

The outgoing ambassador wisecracked about all the imaginary diplomatic perks he would be giving up. He is Jon Scieszka, the award-winning author of more than three dozen illustrated books and chapter books and the Web-savvy creator of an online kid empire—but perhaps best known for his 1992 opus, ''The Stinky Cheese Man and Other Fairly Stupid Fairy Tales.''

It's hard to imagine two more different writers being asked to perform the same mission. Scieszka was the first kid-lit ambassador, serving the two-year term.

''We couldn't be more different,'' said Scieszka, 55. ''Sometimes you want to read 'Bridge to Terabithia' and deal with that, sometimes you're feeling like a 'Knucklehead' and 'Stinky Cheese Man.' Kids are willing to try all of it.''

''If you're trying to catch young readers, you have to fish with the right bait,'' said

Paterson, 77. ''Kids that are going to be caught by Jon's books are not going to be caught by my books.''

Corey Shaw, 10, a fifth-grader at Brent Elementary School—one of three Capitol Hill schools that sent about a dozen students each to the ceremony—has read both ''Terabithia'' and Scieszka's ''Tut, Tut.'' He gave thumbs up to both.

''It's actually a very important and surprising book,'' Corey said of ''Tut, Tut,'' about a trip back in time to ancient Egypt.

Of ''Terabithia,'' about a boy and a girl who invent a magical land together, Corey said: ''The ending was very sad. Then I thought about it, and it's not that bad. You have to remember that you have to get over things.''

Indeed, many of the other students also turned out to be what you might call Stinky Cheese Terabithians, fans of both the incoming and outgoing ambassadors, which helped Librarian of Congress James Billington and the others behind the ambassadorships make their larger point. The ambassador's role is to raise national awareness about the importance of young people's literature in getting young readers off to a good start. By picking two such different writers as the first two ambassadors, the program reminds parents that there are many different ways to be a reader, Billington said.

''Read for your life,'' Paterson told the young people in the audience.''Read for your life as a member of a family, as a part of a community, as a citizen of this country and a citizen of the world.''

Meanwhile, reading rates among young people are in decline, while there has been an uptick in reading among adults, according to the latest figures released by the National Endowment for the Arts. Just over half of 9-year-olds, fewer than a third of 13-year-olds and about one-in-five 17-year-olds read almost every day for fun, the NEA reported in 2007.

The ambassador's responsibilities amount to making appearances at major book events around the country to evangelize for young reading—which Paterson has been doing for 30 years. ''It will sound a little fancier now that I have this medal,'' she said.

A selection committee of children's book experts and the outgoing ambassador recommended Paterson to Billington. Sponsors of the ambassador program include the library's Center for the Book and the Children's Book Council, a nonprofit trade association. Several publishers also underwrite expenses.

Paterson's works include ''Jacob Have I Loved,'' ''The Great Gilly Hopkins,'' ''Bread and Roses, Too,'' and, most recently, ''The Day of the Pelican,'' about a refugee family's escape from the war in Kosovo to the United States.

Paterson lives in Barre, Vt., but inspiration for ''Terabithia'' came when she lived in Takoma Park. Her son David had a best friend, Lisa Hill, and the pair played imaginative games in Sligo Creek Park. While away on vacation, Lisa was struck and killed by lightning. Paterson wrote ''Terabithia'' to make sense of the tragedy, with protagonists named Leslie and Jess.

Before the ceremony in the library, David Paterson walked up to the rows of students. Katherine Paterson's four children, seven grandchildren and husband had come to watch her be honored.

''How many kids have read 'Bridge to Terabithia'?'' he asked. Nearly 30 hands shot up. ''You can tell your friends you met the original Jess.''

Charlotte Harrington gasped. She's 9, a fourth-grader at St. Peter's Interparish School. ''Terabithia'' is one of her favorite books. ''It starts out miserable, and then goes joyous, then goes downhill, then uphill,'' she said after David Paterson walked away.

When it was Charlotte's turn to get ''Bread and Roses, Too,'' signed by Paterson, the girl told the author, ''I loved 'Bridge to Terabithia.' It's one of the best books ever.''

The Charlottes of the nation don't need an ambassador. But she and her friends had plenty of ideas for the new ambassador on hooking reluctant young readers.

''Give them a book that shows them what they feel like,'' said Fiona Campbell, 9, a fourth-grader at St. Peter's.

Isn't that what Paterson and Scieszka both have been doing, after their own fashion? Afterwards, they laughed about being such an odd couple.

''I think the No. 3 [ambassador] should be different from both of us!'' Paterson said. ''The variety of books is a wonder to behold, but we also have a variety of readers.''

100TH ANNIVERSARY OF THE BUFFALO BILL DAM

Mr. BARRASSO. Mr. President, during the 57th Congress, our predecessors passed the Newland Reclamation Act that changed the landscape of arid Western States. Part of the 1902 act, which created the Reclamation Service, included funding for a dam in a narrow, 70-foot gorge in the Shoshone Canyon, 6 miles from Cody, WY.

The construction of the Shoshone Dam began in 1905. Workers used 78,576 cubic feet of rubble concrete to build the massive structure. When work was completed on January 15, 1910, the Shoshone Dam was the world's highest concrete arch dam at 325 feet. The total bill for the dam was $1,345,000.

Water from the Shoshone River filled a reservoir that covered an area 10 miles long and 4 miles wide—over 300,000 acres of land. Promotional brochures published during the early years boasted that the dam and reservoir created a ''healthful, invigorating and enjoyable climate with an abundance of sunshine and irrigation water.'' Further, in an effort to draw enterprising farmers to the basin, they stated the area is ''immune from storms and that tornadoes and cyclones are unknown in the region.''

The 79th Congress once again passed legislation affecting the dam—this time to rename it for one of the West's favorite sons: William F. Cody. In 1946, the Shoshone Dam formally became the Buffalo Bill Dam. While Buffalo Bill may be most famous for his Wild West Show in the early 1900s, he had the vision to harness the Shoshone River to open the area for development. Cody and his colleagues had big dreams to build more than 50 miles of canals and irrigate more than 150,000 acres. He was only able to bring water to 6,000 acres before his finances and stamina ran out. However, it was because he saw the region's potential that the dam was initially built.

Those of us who are fortunate to call Wyoming home have a great appreciation for the opportunity to live with, utilize and benefit from the Buffalo Bill Dam. It is a positive presence in the world of the West.

Last week marked the tremendous structure's 100th birthday. We remember the ingenuity, courage and foresight of the men and women who made the dam possible. It changed the near desert landscape into one that supports a wide range of agricultural and recreational activities. We often say Wyoming is what America was. The Buffalo Bill Dam is a great reminder of this.

ADDITIONAL STATEMENTS

TRIBUTE TO CHUCK MACK

• Mrs. BOXER. Mr. President, as Chuck Mack is honored by the Teamsters Joint Council 7, I take this opportunity to commend him for his tireless and dedicated service to the International Brotherhood of Teamsters.

Chuck Mack first joined the Teamsters as a seasonal plant worker for Del Monte in the summer of 1960. A few years later, he was elected business agent at Local 70 in Oakland, CA. In 1971, Chuck transitioned to a position in Sacramento, working as a lobbyist for the California Teamsters Public Affairs Council. The following year, he returned to Local 70, where he was elected as secretary-treasurer. For the next 27 years, until he retired in 2009, Mr. Mack served as Local 70's secretary-treasurer, where he was a strong and passionate advocate for bay area workers and their families.

Though serving as secretary-treasurer for Local 70 was a full-time job, Mr. Mack further showed his commitment to the International Brotherhood of Teamsters by also serving as the president of Joint Council 7 from 1982 until 2009—the second longest-serving Joint Council president in history. Mr. Mack also held several other distinguished positions during his tenure with the Teamsters, including: vice president of the International Brotherhood of Teamsters Western Region; IBT director of Port Division; and Western Conference of Teamsters Pension trustee. Though retired from many of his positions since June 2009, Mr. Mack continues to serve as the co-chair of the Western Conference of Teamsters Pension Trust.

Mr. Mack is known for his integrity and strong work ethic. From his humble beginnings with the Teamsters in the 1960s, Mr. Mack has worked for more than 40 years to help negotiate first-class rights for workers and their families throughout California. It is through his efforts that some of the strongest rights for workers have been won, including good jobs with good wages, access to health care, and fair and just contracts.

I have known Chuck Mack for many years, and I am continually inspired by his dedication to the labor movement. As a stalwart defender of equal rights and a champion for workers everywhere, I wish him many more years of continued community involvement and leadership.•

REMEMBERING BART SINGLETARY

• Mrs. BOXER. Mr. President, I am honored to remember Bart Singletary—a man of great generosity and humility who recently passed away.

Bart was a devoted father and husband, successful businessman, prolific philanthropist and dedicated steward of some of inland southern California's most influential civic institutions. His many achievements and stalwart presence in the Riverside community will have a lasting impact on the people of the Inland Empire.

Bart Singletary had an abiding connection to the city of Riverside. He was a second generation native of the city, and as a young man he tended the grounds of the historic Citrus Experiment Station. Years later, this land became the site of Bart's beloved alma mater, the University of California, Riverside. After marrying his wife, Barbara, Bart took a position at a real estate firm that was offered to him by a fellow Riverside native and childhood friend, William Austin. They eventually became partners in William Austin Co., a property management and development firm based in Riverside. They enjoyed a successful business partnership that spanned more than four decades.

Bart's affection for his community was embodied in his relentless involvement in many of the area's civic organizations and educational institutions. He served as the chairman of the Greater Riverside Chambers of Commerce, he was the president of Riverside Community Hospital, and he helped to found the city of Riverside Economic Development Committee. He was also president of the board of trustees for the UC Riverside Foundation, and was actively involved with the California Citrus State Historic Park Operating Corporation, serving as its treasurer and on its Board of Directors.

In 1984, at the age of 57, Bart enrolled at UC Riverside to continue studies that he had begun years earlier at UCLA. He approached his schooling with characteristic humility and good humor—taking an internship at the university where his supervisor, Vice Chancellor for University Advancement Emeritus Jim Erickson, was 10 years his junior. His experience as an undergraduate during this time cemented his commitment to the university. In 2006, Bart and Barbara, along with his partner William Austin and his wife Toby, gave $15.5 million to UCR. This gift was the largest in the university's history and represented the largest combined charitable trust given to a University of California campus in the first half of this decade. The donation enabled the university to create 22 endowed professorships and bolstered the university's proposal to establish a medical school.

Singletary leaves a distinguished legacy of service and leadership that is an example to us all. His trusted counsel and willingness to leverage his success for the benefit of others endeared him to, and earned him the respect of, all of those who were fortunate enough to have known him.

He is survived by his wife, Barbara, three children, three step-children, and five grandchildren. I extend my heartfelt condolences to them.

The city of Riverside, State of California and our Nation has lost an exemplary individual with the passing of Bart Singletary.•

REMEMBERING MICAH H. NAFTALIN

• Mr. CARDIN. Mr. President, as chairman of the Helsinki Commission, I wish to pay tribute to Micah Naftalin who served as national director of the Union of Councils for Soviet Jews until his death in late December. Micah worked tirelessly as a leader in the grassroots activist movement in the U.S. on behalf of Soviet Jews denied their fundamental freedoms and human rights, including their right to leave the U.S.S.R. His passionate advocacy included close work with the Helsinki Commission over the years, with a particular focus on the cases of individual refuseniks, Jews denied permission by the Soviet authorities to exercise their right to emigrate.

Micah brought a unique zeal to his work on behalf of struggling Soviet Jewry and helped pave the way for an exodus of Jews from the Soviet Union. From the push to enact the Jackson-Vanik amendment in the early 1970s and vigils outside of the Soviet Embassy to the 1987 Freedom Sunday mass rally on the National Mall under the banner, ''Let My People Go,'' Micah was there. He saw the reforms ushered in by Soviet leader Mikhail Gorbachev as an opening that might lead to relief for Jews and others denied their basic human rights in that country. Besides emigration concerns, he also closely monitored manifestations of anti-Semitism in the U.S.S.R. and the plight of political prisoners.

With the easing of restrictions on emigration and the eventual breakup of the Soviet Union, Micah continued his human rights advocacy, contributing to efforts to monitor developments throughout Russia's regions as well as in newly independent countries, including Ukraine and Belarus. In 1993, he served as a public member on the U.S. delegation to the Implementation Meeting on Human Dimension Issues. Micah testified before the Helsinki Commission on numerous occasions drawing on his decades of experience as an activist fervently dedicated to advancing human rights on behalf of others. His voice will be sorely missed. On behalf of the Commission, I offer his family our heartfelt condolences.•

TRIBUTE TO RAYMOND PAUL PRITCHARD

• Mr. GRASSLEY. Mr. President, I would like to take a moment to honor a remarkable Iowan, Raymond Paul Pritchard, a native of Bondurant, IA. He is a distinguished World War II Air Force veteran and a civil servant of 29 years.

Following graduation from Bondurant High School in 1937, Mr. Pritchard went to work for Standard Oil Company. In 1941, Mr. Pritchard joined the Army Air Corp and served his country valiantly for the entirety of World War II. As an engineer and top turret gunner in the 384th Bomber Group, Mr. Pritchard was involved in numerous missions in the hostile skies of Europe, including several bombing runs over Germany and Czechoslovakia that were critical to the war effort.

Upon returning from World War II, Mr. Pritchard became a U.S. Postal Service worker. Mr. Pritchard retired in 1974, following 29 years of public service.

Mr. Pritchard and his wife Helen have three children, along with seven grandchildren, and five great-grandchildren. He is a member of Christ United Methodist Church, American Legion Post 374, and a 50-year member of Pioneer Lodge No. 22.

Mr. Raymond Paul Pritchard is a truly remarkable Iowan and American, who exemplifies great military and civilian service to his country.•

TRIBUTE TO STEVEN C. MCCRAW

• Mr. INHOFE. Mr. President, I commend Mr. Steve McCraw on his appointment to become the director of the Texas Department of Public Safety.

Mr. McCraw is a native of El Paso, TX, and holds a bachelor of science degree and a master of arts degree from West Texas State University. Mr. McCraw began his career in 1977 as a State trooper and sergeant narcotics investigator for the Texas Department of Public Safety prior to his appointment as a special agent with the FBI in 1983.

As an FBI special agent, Mr. McCraw was assigned to the Dallas, Pittsburgh, Los Angeles, Phoenix, Tucson, and San Antonio field offices. His FBI Headquarters assignments included Unit Chief of an organized crime unit; an Inspector; Deputy Assistant Director; Assistant Director of the Office of Intelligence, which was established in February 2002; and Assistant Director for the Inspection Division where he was responsible for strategic planning, internal investigations, and bureau-wide performance evaluations. He also served as the Inspector-In-Charge of the South East Bomb Task Force and the Director of the Foreign Terrorism Tracking Task Force, which was established by the President in October 2001.

After his retirement as an FBI Assistant Director in August 2004, Texas Governor Rick Perry appointed Mr. McCraw as the director of the Governor's Office of Homeland Security. Mr. McCraw has been instrumental in leading the State's homeland security

efforts and spearheading emergency efforts and responses to a variety of security threats to the State and emergencies. His extensive background in the law enforcement and intelligence fields enabled him to make well-informed decisions in preparing for and responding to all hazards and threats in Texas.

On 17 July 2009, Mr. McCraw was selected as the Director of Texas Department of Public Safety which is a capstone to his law enforcement career as he returns to lead the department of over 8,500 commissioned and noncommissioned personnel.

I congratulate Mr. McCraw on this appointment and his long public service and substantial law enforcement career.●

125TH ANNIVERSARY OF SOUTH DAKOTA SCHOOL OF MINES AND TECHNOLOGY

● Mr. JOHNSON. Mr. President, today I celebrate the 125th anniversary of the founding of the South Dakota School of Mines and Technology. Throughout its history, SDSM&T has been consistently providing students with a high-quality, affordable education. Graduates are fully prepared for successful, rewarding careers in engineering and science.

I have had many opportunities during my time in office to personally visit the School of Mines and Technology. I have always been impressed with the professionalism and dedication of the administration and faculty, the tradition of excellence at the institution, and the commitment to learn from the students who attend the school.

I am proud to be a partner with SDSM&T on its innovative research that has tremendous benefits for my State, as well as to the Nation and to the world, especially in the areas of engineering, science and technology, and defense. This work has everyday applications to the general public, the government and to Main Street businesses. The School of Mines has a great tradition as one of the top engineering schools in the Nation and their graduates are always in high demand by some of the top companies in the world. In 2009, South Dakota School of Mines and Technology was the only institution of higher learning where the starting salary for its graduates was more than the cost of the education.

I salute the great legacy and tradition of South Dakota School of Mines and Technology on the occasion of its 125th anniversary and commend the work and commitment, past and present, of the administrators, faculty, alumni and students of Mines. I wish them well in the upcoming year of observances and celebrations.●

CENTRAL MICHIGAN UNIVERSITY FOOTBALL TEAM

● Mr. LEVIN. Mr. President, I want to share today with the Senate my congratulations to the Central Michigan University Chippewas football team, champions of the Mid-American Conference and of the 2010 GMAC Bowl, on a successful and exciting season.

On January 6, 2010, in Mobile, AL, the Chippewas won their 12th game of the season, against just two losses, defeating Troy University, 44–41, in two overtimes in the GMAC Bowl. It was truly one of the college football season's most thrilling games.

Down by 12 points in the fourth quarter to a talented Troy team, the Chippewas came back to take the lead. They did not flinch when Troy tied the game with a last-second field goal to send the game into overtime, and persevered through two overtimes to triumph.

As expected, quarterback Dan LeFevour played a big role in the victory. LeFevour, a senior, had already become major college football's all-time leader in total touchdowns, set a long list of Mid-American Conference records, and become the only player in NCAA history with both 12,000 career passing yards and 2,500 career rushing yards. At the GMAC Bowl, LeFevour completed 33 of 55 passes for 395 yards, passing for one touchdown and rushing for another in overtime. Another Chippewa star, receiver Antonio Brown, caught 13 of LeFevour's passes for 178 yards, and had 203 yards in kickoff returns, including a 95-yard return for a touchdown that helped kick off CMU's fourth-quarter comeback.

It was a proud moment not just for CMU and Michigan, but across the Midwest, as the Chippewas broke a 14-game bowl losing streak for Mid-American Conference teams.

The team's competitiveness, skill, determination, and grit generated great pride not only in Mount Pleasant, CMU's home, but across the State of Michigan, which is home to half the Chippewas' roster. I join the proud citizens of Michigan in congratulating the Chippewas on a fantastic season, and enter the names of the team's players and coaches into the RECORD as permanent recognition of their success.

Players: Jahleel Addae, Vince Agnew, Andrew Aguila, Deja Alexander, Bryan Anderson, Nick Bellore, Brian Bennyhoff, Jake Bentley, Shamari Benton, Matt Berning, David Blackburn, Dannie Bolden, Tim Brazzel, Antonio Brown, Reggie Brown, John Carr, Derek Carter, Landon Carter, Paris Cotton, Jon Czerwienski, Leron Eaddy, Kirkston Edwards, Jake Ekkens, James Falls, Jeff Fantuzzi, Adam Fenton, Eric Fisher, Cedric Fraser, Kashawn Fraser, Eric Fraser, Connor Gagnon, Cornelius Gallon, Josh Gordy, David Harman, Jerry Harris, Brett Hartmann, Richard Hayes, Richie Hogan, Daniel Jackson, Gary Jackson, Jason Johnson, Todd Johnson, Aaron Kaczmarski, Matt Kanitz, Darren Keyton, Larry Knight, Dan LeFevour, Jake Linklater, Jeff Maddux, Matt Maletzke, Tommy Mama, Ben Masztak, Jordan McConnell, Aaron McCord, Colin Miller, Sean Murnane, Connor Odykirk, Allen Ollenburger, Jake Olson, Mike Petrucci, Cody Pettit, Tim Phillips, Kito Poblah, Ryan Radcliff, Evan Ray, Malek Redd, Tyler Reed, Chris Reeves, Mike Repovz, Nick Reynolds, Derek Rifenbury, Caesar Rodriguez, Adam Schneid, Bryan Schroeder, Will Schwarz, D.J. Scott, Bobby Seay Jr., Valtorrey Showers, Sean Skergan, Alex Smith, Chris Starkey, Armond Staten, Darryll Stinson, Kevin Sweet, Zurlon Tipton, Matt Torres, Kyle Torzy, Shane Torzy, Carl Volny, Rocky Weaver, A.J. Westendorp, Lorenzo White, Zach Wiersma, John Williams, LaVarus Williams, Sam Williams, Cody Wilson, Jeremy Wilson, Steve Winston, Kyle Zelinsky and Frank Zombo.

Coaches: Interim Head Coach Steve Stripling, Offensive Coordinator Mike Bajakian, Defensive Coordinator Tim Banks, Linebackers Coach Mark Elder, Running Backs Coach Jeff Beckles; Recruiting Coordinator and Tight Ends Coach Max Glowacki, Offensive Line Coach Don Mahoney, Special Teams and Defensive Tackles Coach Paul Volero, Graduate Assistants Ryan Oshnock and Tony Pape, Director of Football Operations Plas Presnell, and Strength and Conditioning Coach Dave Lawson.●

TRIBUTE TO MARK INGRAM, JR.

● Mr. LEVIN. Mr. President, in December, Mark Ingram, Jr. became the 75th college football player to win the Heisman Memorial Trophy as the Most Outstanding College Football Player in the United States for 2009. In winning this award, one of the most coveted and prestigious awards any college athlete can receive, Mark joined an exclusive and distinguished list of college football players, which includes many of the greatest players to ever lace up a pair of cleats. This honor must be especially gratifying for Mark as he becomes both the first person from Flint, MI, and the first player from the University of Alabama to be declared the winner of this award.

This year was an especially close race. In fact, it is reported that this was one of the closest ballots in the history of the award. There are many great players on the college level today, and Mark can take particular pride in knowing that, as a sophomore, he put together a 2009 season that outshone them all. Clearly, he has earned the respect and admiration of the many that follow and cover college football on a daily basis.

Mark had an outstanding sophomore season. He scored 17 touchdowns and amassed 1,658 rushing yards, a single-season school rushing record. In addition to winning the Heisman, Mark was honored as the SEC Offensive Player of the Year. These are tremendous honors, and in a emotional acceptance speech, Mark spoke about the many people and situations that helped him to develop the drive and determination

necessary to excel on the gridiron. Mark grew up and played high school football in Flint, MI, and is, simply the latest athlete from this talent rich area of Michigan to excel in collegiate or professional competition.

After winning this award, Mark went on to lead his football team to a 37 to 21 victory in the BCS Championship Game, which was played in the Rose Bowl in Pasadena, CA, on January 7. In that game, Mark scored a late touchdown that sealed his team's victory. He rushed for 116 yards in 22 carries, which helped his team secure a hard fought victory and earned him recognition as the offensive player of the game.

While his exceptional athletic qualities are now well known to many, I am equally delighted to know that Mark also has distinguished himself in the classroom. This, to me, speaks volumes about his character, focus, and determination. His future appears to be bright both on and off of the football field. I know my colleagues join me in congratulating Mark Ingram, Jr. on this most impressive achievement. I wish him the best for a long and rewarding career, both on and off of the gridiron.●

150TH ANNIVERSARY OF THE FOUNDING OF THE CITY OF LANSING

● Mr. LEVIN. Mr. President, it is with great pleasure that I recognize an important milestone for the city of Lansing, the 150th anniversary of its founding. This is a moment worthy of celebration, and I am delighted to have this opportunity to share the pride of the residents of Lansing with my colleagues. The city and its citizens have been an integral part of Michigan's rich history, contributing much to the progress of the State and to its citizens. In the past 150 years, the city of Lansing has grown into a thriving community, and it is affectionately referred to by its residents as ''the small city with the big city feel.''

The city of Lansing had a rather humble beginning. In fact, Lansing's tenure as the capital of Michigan exceeds its history as a city. Lansing has served as Michigan's capital since 1847, when it was moved from Detroit. Chosen largely for its central location and its equal distance from some of Michigan's larger cities, the small township with fewer than 100 residents located 40 miles from the nearest railroad was designated the capital of Michigan. On February 15, 1859, the town of Lansing officially became a city. In the 1870s, Elijah E. Myers began to design the capitol structure that has endured as Michigan's center of government. The capitol building was completed in 1879.

Events in Lansing's early history helped to shape the city's rich culture and heritage. Transportation vastly improved in 1865 when Lansing was connected to the State railroad system. With this advance in infrastructure, business and industry in Lansing grew steadily throughout the 1870s. In 1887, R.E. Olds produced the first horseless carriage in Lansing, and in 1903, Olds Motor Works was the first car company to use an assembly line and interchangeable parts in the production of automobiles. A thriving business community attracted many new residents to Lansing, which included a major migration of African Americans and other workers from the South, as well as returning soldiers from WWI and WWII. This hardworking and diverse population helped to shape Lansing's distinct character.

Lansing also is home to many nationally recognized institutions. Among them is the Ingham Medical Center, which opened its doors in 1980 as the world's first arthroscopic surgery center. Just next door, in East Lansing, is home to one of our country's leading universities, Michigan State University. Originally named the Michigan Agricultural College, MSU has educated many throughout the State and from across the Nation since 1855. In 1969, Dr. Clifton R. Wharton, Jr., became the first African American to head a major research university when he was appointed president of Michigan State University. Another impressive landmark is the Michigan Library and Historical Center, which is just a short walk from the Michigan State capitol. It opened on March 6, 1989, and became the second largest State library in the Nation.

The city has endured its share of challenges through the years, from natural disasters, such as earthquakes and floods, to epidemics and economic downturns. We once again find ourselves in a defining moment in our State's history, as we continue to navigate one of the deepest economic recessions in decades. It will be in Lansing where our Governor and State legislators will work to craft policies that will steer Michigan toward a more prosperous future.

I am proud to recognize Lansing's history and to honor all who have made significant contributions over the years. It is Lansing's legacy of policymaking and its rich history that has created a diverse and thriving community, one that will continue to grow and prosper for generations.●

TRIBUTE TO BUDD LYNCH

● Mr. LEVIN. Mr. President, 65 years ago, a young Canadian serving his nation was struck by German artillery fire on a Normandy battlefield. The blast tore away his right arm and shoulder, and at a field hospital, a chaplain performed last rites on young Joseph James Lynch.

It is the good fortune of the Detroit Red Wings hockey club and thousands of fans in Michigan and across the United States and Canada that ''Budd'' Lynch survived the loss of his right arm with his life, his talent, and his sense of humor intact. Now 92 years old, Budd remains a leading citizen of Hockeytown after 60 years as a radio and television broadcaster, publicity and community affairs executive and public address announcer.

His broadcasting skills have been widely honored: He is a member of the Michigan Sports Hall of Fame and a winner of the Ty Tyson Award for Excellence in Sports Broadcasting from the Detroit Sports Broadcasters Association. In 1985, he received the Foster Hewitt Memorial Award, the highest honor in hockey broadcasting, and was inducted into the Hockey Hall of Fame.

As much as his talent at the microphone, it is Budd Lynch's unstoppable good humor that has endeared him to generations of hockey fans. Only someone with Budd's upbeat personality could refer to himself as ''the one-armed bandit.''

But even many of Budd's many fans don't know of all he has done for his community. For 20 years, he has hosted an annual charity golf tournament, with proceeds benefitting the Guidance Center, a Wayne County nonprofit organization that provides services including substance abuse and mental health counseling, parenting skills training, literacy promotion and educational programs for metro Detroit families. And he has spent countless hours providing guidance to fellow amputees, providing a living, breathing example that the loss of a limb does not stand in the way of a life lived joyfully.

The city of Wyandotte, which Budd has long called home, has planned a salute for him later this month, with the proceeds going to the Guidance Center. He will be presented with a key to the city, but Budd Lynch already has the key to the hearts of hockey fans in Detroit and around the NHL. I salute him for his years of service and sacrifice—to Canada, to the Red Wings, to hockey, and to the community and to our State that have for so many decades been proud to claim him as one of our own.●

TRIBUTE TO DR. CLAUD YOUNG

● Mr. LEVIN. Mr. President, it is a pleasure to pay tribute to Dr. Claud Young, the founder of the Michigan Chapter of the Southern Christian Leadership Conference and a tireless and dedicated advocate for civil rights and social and economic justice. His significant contributions as a physician and as an advocate for social and economic justice have impacted many across Michigan and the Nation.

Dr. Young's more than four decades of service will be recognized by the Michigan SCLC at a dinner in his honor. This is a fitting tribute to a man who has spent his career engaged in the noble fight for justice for all. In 1970, Dr. Young, a noted physician, founded the Michigan Chapter of the Southern Christian Leadership Conference with the mission to continue the noble efforts of Dr. Martin Luther King, Jr. to achieve social, economic, and political justice through nonviolence and the strength of love.

Under his leadership, the Michigan SCLC has waged numerous successful battles and has had an enduring impact on the lives of many. I guess one could say, it is in his genes, having come from a family historically noted for its commitment to public service and community empowerment.

Once again, I am delighted to congratulate Dr. Young, a community leader and my good friend. I wish him and the SCLC the best as they continue their important work.●

TRIBUTE TO THE BRANDON BAUMAN FAMILY

● Mrs. LINCOLN. Mr. President, today I congratulate the Brandon Bauman Family for being named the 2009 Northern Arkansas County Farm Family. The recognition comes in honor of the Baumans' efficiency of production, conservation of energy and resources, leadership in agriculture and community affairs, home and farm improvement, and home and farm management.

Brandon and his wife Amy have two daughters, Caroline and Abigail. They farm 2,200 acres with rice, soybeans, wheat, and oats. I was pleased to help recognize the Baumans earlier this month during the 70th Annual Stuttgart Chamber of Commerce Membership Meeting and Banquet in Stuttgart.

As a seventh-generation Arkansan and farmer's daughter, and as chairman of the Senate Agriculture Committee, I understand firsthand and appreciate the hard work and contributions of our farm families. Agriculture is the backbone of Arkansas's economy, creating more than 270,000 jobs in the state and providing $9.1 billion in wages and salaries. In total, agriculture contributes roughly $15.9 billion to the Arkansas economy each year.

Our farm families are critical to our Nation's economic stability. Agriculture leads all U.S. product groupings with the largest trade surplus at $23 billion in fiscal year 2009, almost triple the next largest category of transportation products. We must work to continue the farm family tradition, so families such as the Baumans are able to maintain their livelihoods and continue to help provide the safe, abundant, and affordable food supply that feeds our own country and the world and that is essential to our own economic stability.

I salute the Baumans and all Arkansas farm families for their hard work and dedication.●

TRIBUTE TO NORMA STRABALA AND DEBBIE AHRENS

● Mrs. LINCOLN. Mr. President, today I congratulate Norma Strabala as ''Citizen of the Year'' and Debbie Ahrens as ''Volunteer of the Year'' for Stuttgart, AR.

I was pleased to be on-hand as Norma and Debbie were recognized earlier this month during the 70th Annual Stuttgart Chamber of Commerce Membership Meeting and Banquet in Stuttgart. I have felt a long kinship to Stuttgart, one of our delta communities not far from and very similar to my hometown of Helena. Stuttgart always feels like home, and I am grateful for the friendships I have made there. As members of a community with such a great spirit of volunteerism and caring, Norma and Debbie should be particularly proud of their recognitions.

According to those who know her best, Norma always strives to help other people through her attitude and actions. She has consistently worked to establish programs that help those less fortunate. She was a key figure in coordinating volunteer efforts during and after the 2008 tornado and 2009 straight-line winds that damaged much of the city, and during each holiday season.

Similarly, Debbie is known throughout Stuttgart for her volunteer efforts. Through the years, she has been active on many local Chamber of Commerce committees and is a deserving recipient of the designation of ''Volunteer of the Year.''

We should all embrace the spirit of service and volunteerism on display by these deserving individuals. I send my heartfelt congratulations to both Norma and Debbie.●

RECOGNIZING THE WYNNE INTERMEDIATE SCHOOL

● Mrs. LINCOLN. Mr. President, today I would like to congratulate Wynne Intermediate School, in Wynne, AR, on achieving the designation as a ''Program of the Month'' from the national ''Reading Is Fundamental,'' or ''RIF,'' program for the month of December 2009. RIF prepares and motivates children to read by delivering free books and literacy resources to children and families who need them most.

Located in the Arkansas Delta, not far from where I attended public school myself, the Wynne Intermediate School RIF program serves 462 children in the 4th and 5th grades. For the past 16 years, Wynne Intermediate School has held engaging motivational activities for both students and parents. With the closest bookstore 50 miles away, families depend on the RIF program to enjoy reading together.

I believe that education is the key to success for our young people. The knowledge and training that students receive today are the tools that carry them for the rest of their lives.

That is why I am so proud to help recognize Kaley Boeckmann, RIF coordinator, and the entire faculty and staff at Wynne Intermediate School for their dedication in helping increase opportunities for students to read and learn. Through their leadership and good example, countless students have been motivated to expand their horizons through the written word.

Most important, I would also like to congratulate all of the students in Wynne who have discovered the joy of reading. I encourage them to make the most of their education and opportunities.●

TRIBUTE TO ALBERT D. ROSELLINI

● Mrs. MURRAY. Mr. President, I would like to take a moment to recognize a very special advocate and former Governor of my home State of Washington who is celebrating his 100th birthday on Thursday.

Albert D. Rosellini served two terms as Governor of Washington State, first being elected in 1956. Before he was elected Governor, he served as the deputy prosecutor of King County and 18 consecutive years in the State senate.

Throughout his career, Governor Rosellini has been a dedicated public servant and an inspiration to generations of public servants. I know that Governor Rosellini's knowledge, drive and passion for service has made my home state a better place to live and work. It is an honor to have had the opportunity to earn the support and advice of such an extraordinary figure in my State's history.

In the State senate, Albert was a champion for labor, small business and equality, introducing an unfair practice bill to ensure small businesses receive decent prices, a fair employment practices bill, and an equal wage bill for women.

He strived to improve the quality of education in Washington State by supporting measures to improve retirement programs and raise salaries for teachers. He also promoted improvements to schools for the mentally disabled, deaf and blind. As a sponsor of the Youth Protection Act, Albert promoted progressive correctional programs for delinquents and revitalized penal institutions and juvenile institutions that are still in use today.

In 1951, he introduced a bill that created a teaching hospital on the campus of the University of Washington, continuing his goal to improve education and medical facilities across the State. That hospital is the basis of the acclaimed medical center we have there today.

As Governor, Albert worked to diversify Washington State's industry by creating the Department of Commerce and Economic Development which brought international trade to Washington. This department helped launch the high tech industry in this area and developed Overlake Park in Bellevue where Microsoft and other high tech companies are currently established.

The leadership abilities displayed by Governor Rosellini were quickly noticed by his colleagues and he was elected chairman of the National Governors Association during his second term as Governor.

Since leaving office, Governor Rosellini has continued his commitment to better Washington State. In 1979 he helped our State's athletes attend and compete on the world's stage

as the chairman of the United States Olympic Committee for Washington State. Additionally, as a result of the great improvements made to Washington's transportation system while Governor, he was made a member of the Washington State Transportation Committee for 11 years, acting as chairman for the last 2.

I greatly respect the Governor for his unmatched dedication to public service and the State of Washington and thank him for making such a critical difference in the history of my State.●

TRIBUTE TO GLENDA MLADY REIMER

● Mr. NELSON of Nebraska. Mr. President, on the occasion of her retirement, I take this opportunity to honor Glenda Mlady Reimer for her many years of service to our great Nation. I have known Glenda for a number of those years and will miss her unfailing good humor and her dedication to public service.

Glenda began her illustrious career in 1989 after graduating from Northeast Nebraska Community College in Norfolk, NE. She spent the next 7 years working for my good friend, former U.S. Senator Jim Exon, first on his reelection campaign, then as his scheduler and office manager. During that time, Glenda distinguished herself, continually helping others and coordinating activities. She was the volunteer coordinator for Vice President Al Gore's first Inaugural Ball. In 1993 she served as president of the board of directors of the Nebraska Society of Washington, DC, where she still remains an active member today. Glenda also served as the coordinator with Members of Congress for the 1995 National Champion Cornhusker Football Team presentations at the White House. In 1996, Glenda became a member of the board of directors, Cornhusker Capital Chapter, University of Nebraska Alumni Scholarship program, where she continues her lifelong support of my home State's university.

After a few years working in the private sector, Glenda returned to Capitol Hill in 2001, joining Maryland Senator BARBARA A. MIKULSKI's Washington office. At the end of that year, the U.S. Air Force hired Glenda for her current position as legislative specialist and scheduler in the Congressional Budget and Appropriations Liaison Office. Over the past 8 years, Glenda has touched the lives of countless uniformed military servicemen and women. She always worked to instill a sense of direction, dedication and family, marking her exemplary career with superb professionalism.

While serving in a variety of positions within the U.S. Senate and Air Force, Glenda has assisted me and many members of the Appropriations and Budget Committees with numerous scheduling and coordinating challenges. Her thorough and efficient planning, experience, wisdom, hard work, and organizational skills assured mission success every time. Glenda will definitely be missed.

In closing, I firmly believe that Glenda Mlady Reimer deserves acknowledgment and appreciation for her outstanding service to both the legislative and executive branches of our Federal Government. She consistently conducted herself in a manner which brought great credit upon her, the U.S. Senate, and the U.S. Air Force. Glenda's outstanding character and dedication to service have resulted in a career of which she and her son Joel can be very proud; and I am sure my fellow Members of the Senate join me in thanking her for her commitment to our country and in wishing her all the best for her future.●

50TH ANNIVERSARY OF POWNAL, VERMONT

● Mr. SANDERS. Mr. President, the State of Vermont will celebrate the year 2010 by marking the 250th anniversary of the historic town of Pownal, VT.

In celebrating Pownal, we celebrate a town that has done much more than merely survive the centuries. This bucolic little hamlet represents the strength and progress of our great State through the years.

Since its original charter in 1760, Pownal was built on a rich history that dates back to the divisive years of the revolution. During its earliest days many Pownal residents were stirred to join the Green Mountain Boys to fight for our independence. The fervor demonstrated by the original residents of this town set its course as the bedrock of loyalty and excellence in the State of Vermont.

Today we cherish the historic Mooar-Wright House which is the oldest house in both Pownal and the Green Mountain State. We commend the town's early emphasis on education, with two former U.S. Presidents serving as teachers in north Pownal. Over the centuries this town was a pocket of industrial accomplishment in Vermont. Some of the State's largest cotton and woolen mills were housed in Pownal and later replaced by lime quarries. They helped carry Vermont through years of industrial development and growth. These auspicious achievements, however, also served as a reminder of our capacity for change because the industrial mills in Pownal were singled out for child labor. This documented injustice symbolized the past and put the town on the national map in 1916 when it was depicted on a United States postage stamp to commemorate the passage of the first child labor laws. The heart of the town became its national image in 1946 when the United Nations Bulletin featured a photo of the Pownal Center as ''a picture of peace.'' Throughout the years this town was both the root of tradition and the spark of progress: a balance that few places or populations can claim.

Today, Pownal has developed into a town of more than three thousand. The buildings have grown and the industries have changed, but the ideals remain the same. On its 250th anniversary, Pownal continues to encapsulate the beauty and independence of our State. I thank the residents of Pownal for their contributions to our State's rich and unique history.

Mr. President, it is indeed an honor to represent the State of Vermont and the Town of Pownal and to promote its many successes.●

ABERDEEN FEDERAL CREDIT UNION

● Mr. THUNE. Mr. President, today I recognize the Aberdeen Federal Credit Union, AFCU, a member-owned not-for-profit financial cooperative located in Aberdeen, SD.

Chartered on April 11, 1935, this year marks the 75th anniversary of the AFCU. As a community charter, membership is open to all who live, work, worship, or attend school in Brown County. Building upon their mission of being responsive to their members' needs by providing competitive financial services, their membership has grown to nearly 10,000 Brown County residents. The AFCU has much to be proud of and I am confident that their success will continue well into the future.

As a credit union member myself, I understand firsthand the benefit of a credit union membership. Credit unions are a part of the community and they are well aware of the specific needs of their members. Their commitment to providing the best possible service is commendable, especially in the financial environment we are faced with today.

The AFCU will commemorate their 75th anniversary during their annual meeting held in Aberdeen, SD, on January 23, 2010. I would like to offer my congratulations to the leaders and membership of the AFCU on this milestone anniversary and wish them continued prosperity in the years to come.●

TRIBUTE TO FRED ROSENBAUM

● Mr. WYDEN. Mr. President, today I honor Fred Rosenbaum, a brigadier general, businessman, public servant, philanthropist, Holocaust survivor and one of Oregon's greatest residents. I have known few others who matched Fred's courage and dedication to improving the lives of every American. Although cancer may have taken Fred from this world, nothing can take away the remarkable legacy he left to Oregon and the Nation as a whole.

From his childhood as a Jew in Nazi Germany, Fred Rosenbaum saw the worst of humanity. Growing up in Vienna, Austria, Fred experienced the anti-Semitic riots of Kristallnacht

first-hand. At age 12, shortly after Kristallnacht, school officials attempted to round up Fred and his Jewish classmates in a school basement, for eventual capture by the Nazi SS. Fred narrowly escaped them by crawling out a window and eventually finding his way to England. From England, Fred helped his parents escape from Austria.

Fred and his family eventually immigrated to Portland, OR, to start a new life. Within just a few years, Fred began serving his new country. At age 16, Fred lied about his age and joined the Army, serving in the Philippines. In a sense, Fred experienced both fronts of the Second World War.

Fred's service to his country extended for long after the conclusion of the war. After Fred returned home, he joined the Oregon National Guard and, by his retirement in 1986, earned the rank of brigadier general.

At the same time, Fred built up a successful insurance business and employed his success for the public good. He chaired Portland's Housing Authority for 13 years, served as president of the Oregon Museum of Science and Industry, served on the board of trustees of Reed College, and became an associate national commissioner of the Anti-Defamation League. Service to others was an essential part of Fred's life, and we are all richer for it.

However, if the name ''Rosenbaum'' lives on in Oregon for one reason, it is his work improving the lives of children. Fred drew upon his experience both as an officer in the Oregon National Guard and as a chairman of the Housing Authority of Portland to create a summer camp for at-risk youth. He founded the camp 40 years ago, and the camp continues to operate to this day, buoyed by Fred's tireless dedication to its fundraising and survival.

The camp, located at the National Guard's Camp Rilea and now called ''Camp Rosenbaum'' in Fred's honor, provides pre-teens who live in public housing with an opportunity to fill their days with sports, the arts, and computer skills, while counselors and the Portland Police Bureau educate the children on the dangers of gangs and drugs. For many of the young and impoverished campers, it gives them their first chance to see the Pacific Ocean, and that moment always excites the kids. For the first time in their lives, they see a limitless horizon and Camp Rosenbaum helps them see that their potential is just as limitless.

Even though Fred has passed away, Camp Rosenbaum will continue to educate and engage at-risk youth. He would ask for nothing more.

Fred lived a life of service that immeasurably benefited both America and Oregon, and his legacy will live on for long after his passing. Not satisfied to just improve his own life, Fred dedicated himself to giving every child an opportunity to achieve their dreams.

His life is an inspiration to refugees everywhere, and a demonstration of the promise our country offers to those in even the direst of straits. Oregon and America have lost a humble hero who achieved greatness by helping others. Living up to his example of kindness and caring is a challenge he left to us all. Every American should rise to that challenge and give back to their communities and our country as much as Fred did. It would be a fitting tribute to an extraordinary man and a great American.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are pointed at the end of the Senate proceedings.)

REPORT ON THE CONTINUATION OF THE NATIONAL EMERGENCY THAT WAS ORIGINALLY DECLARED ON JANUARY 23, 1995, WITH RESPECT TO FOREIGN TERRORISTS WHO THREATEN TO DISRUPT THE MIDDLE EAST PEACE PROCESS—PM 40

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice stating that the emergency declared with respect to foreign terrorists who threaten to disrupt the Middle East peace process is to continue in effect beyond January 23, 2010.

The crisis with respect to the grave acts of violence committed by foreign terrorists who threaten to disrupt the Middle East peace process that led to the declaration of a national emergency on January 23, 1995, has not been resolved. Terrorist groups continue to engage in activities that have the purpose or effect of threatening the Middle East peace process and that are hostile to United States interests in the region. Such actions constitute an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency declared with respect to foreign terrorists who threaten to disrupt the Middle East peace process and to maintain in force the economic sanctions against them to respond to this threat.

BARACK OBAMA.

THE WHITE HOUSE, *January 20, 2010*.

MESSAGE FROM THE HOUSE DURING ADJOURNMENT

Under the authority of the order of January 6, 2009, the Secretary of the Senate, on January 19, 2010, during the adjournment of the Senate, received a message from the House of Representatives announcing that the House has passed the following bill, without amendment:

S. 692. An act to provide that claims of the United States to certain documents relating to Franklin Delano Roosevelt shall be treated as waived and relinquished in certain circumstances.

The message also announced that the House agreed to the following resolution:

H. Res. 999. Resolution that the Clerk of the House inform the Senate that a quorum of the House is present and that the House is ready to proceed with business.

ENROLLED BILLS SIGNED

The message further announced that the Speaker has signed the following enrolled bills:

H.R. 1377. An act to amend title 38, United States Code, to expand veteran eligibility for reimbursement by the Secretary of Veterans Affairs for emergency treatment furnished in a non-Department facility, and for other purposes.

H.R. 1817. An act to designate the facility of the United States Postal Service located at 116 North West Street in Somerville, Tennessee, as the ''John S. Wilder Post Office Building''.

H.R. 2877. An act to designate the facility of the United States Postal Service located at 76 Brookside Avenue in Chester, New York, as the ''1st Lieutenant Louis Allen Post Office''.

H.R. 3072. An act to designate the facility of the United States Postal Service located at 9810 Halls Ferry Road in St. Louis, Missouri, as the ''Coach Jodie Bailey Post Office Building''.

H.R. 3319. An act to designate the facility of the United States Postal Service located at 440 South Gulling Street in Portola, California, as the ''Army Specialist Jeremiah Paul McCleery Post Office Building''.

H.R. 3539. An act to designate the facility of the United States Postal Service located at 427 Harrison Avenue in Harrison, New Jersey, as the ''Patricia D. McGinty-Juhl Post Office Building''.

H.R. 3667. An act to designate the facility of the United States Postal Service located at 16555 Springs Street in White Springs, Florida, as the ''Clyde L. Hillhouse Post Office Building''.

H.R. 3767. An act to designate the facility of the United States Postal Service located at 170 North Main Street in Smithfield, Utah, as the ''W. Hazen Hillyard Post Office Building''.

H.R. 3788. An act to designate the facility of the United States Postal Service located at 3900 Darrow Road in Stow, Ohio, as the ''Corporal Joseph A. Tomci Post Office Building''.

MESSAGES FROM THE HOUSE

At 10:03 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2646. An act to amend title 31, United States Code, to enhance the oversight authorities of the Comptroller General, and for other purposes.

H.R. 3237. An act to enact certain laws relating to national and commercial space programs as title 51, United States Code, ''National and Commercial Space Programs''.

H.R. 3892. An act to designate the facility of the United States Postal Service located at 101 West Highway 64 Bypass in Roper, North Carolina, as the ''E.V. Wilkins Post Office''.

H.R. 4139. An act to designate the facility of the United States Postal Service located at 7464 Highway 503 in Hickory, Mississippi, as the ''Sergeant Matthew L. Ingram Post Office''.

H.R. 4173. An act to provide for financial regulatory reform, to protect consumers and investors, to enhance Federal understanding of insurance issues, to regulate the over-the-counter derivatives markets, and for other purposes.

ENROLLED BILLS SIGNED

The President pro tempore (Mr. BYRD) announced that he had signed the following enrolled bills, which had previously been signed by the Speaker of the House:

H.R. 1377. An act to amend title 38, United States Code, to expand veteran eligibility for reimbursement by the Secretary of Veterans Affairs for emergency treatment furnished in a non-Department facility, and for other purposes.

H.R. 1817. An act to designate the facility of the United States Postal Service located at 116 North West Street in Somerville, Tennessee, as the ''John S. Wilder Post Office Building''.

H.R. 2877. An act to designate the facility of the United States Postal Service located at 76 Brookside Avenue in Chester, New York, as the ''1st Lieutenant Louis Allen Post Office''.

H.R. 3072. An act to designate the facility of the United States Postal Service located at 9810 Halls Ferry Road in St. Louis, Missouri, as the ''Coach Jodie Bailey Post Office Building''.

H.R. 3319. An act to designate the facility of the United States Postal Service located at 440 South Gulling Street in Portola, California, as the ''Army Specialist Jeremiah Paul McCleery Post Office Building''.

H.R. 3539. An act to designate the facility of the United States Postal Service located at 427 Harrison Avenue in Harrison, New Jersey, as the ''Patricia D. McGinty-Juhl Post Office Building''.

H.R. 3667. An act to designate the facility of the United States Postal Service located at 16555 Springs Street in White Springs, Florida, as the ''Clyde L. Hillhouse Post Office Building''.

H.R. 3767. An act to designate the facility of the United States Postal Service located at 170 North Main Street in Smithfield, Utah, as the ''W. Hazen Hillyard Post Office Building''.

H.R. 3788. An act to designate the facility of the United States Postal Service located at 3900 Darrow Road in Stow, Ohio, as the ''Corporal Joseph A. Tomci Post Office Building''

At 12:08 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 725. An act to protect Indian arts and crafts through the improvement of applicable criminal proceedings, and for other purposes.

H.R. 3759. An act to authorize the Secretary of the Interior to grant market-related contract extensions of certain timber contracts between the Secretary of the Interior and timber purchasers, and for other purposes.

H. Con. Res. 228. An resolution providing for a joint session of Congress to receive a message from the President.

MEASURES REFERRED

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

H.R. 2646. An act to amend title 31, United States Code, to enhance the oversight authorities of the Comptroller General, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 3237. An act to enact certain laws relating to national and commercial space programs as title 51, United States Code, ''National and Commercial Space Programs''; to the Committee on the Judiciary.

H.R. 3759. An act to authorize the Secretary of the Interior to grant market-related contract extensions of certain timber contracts between the Secretary of the Interior and timber purchasers, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 3892. An act to designate the facility of the United States Postal Service located at 101 West Highway 64 Bypass in Roper, North Carolina, as the ''E.V. Wilkins Post Office''; to the Committee on Homeland Security and Governmental Affairs.

H.R. 4139. An act to designate the facility of the United States Postal Service located at 7464 Highway 503 in Hickory, Mississippi, as the ''Sergeant Matthew L. Ingram Post Office''; to the Committee on Homeland Security and Governmental Affairs.

H.R. 4173. An act to provide for financial regulatory reform, to protect consumers and investors, to enhance Federal understanding of insurance issues, to regulate the over-the-counter derivatives markets, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

MEASURES DISCHARGED

The following measure was discharged from the Committee on Energy and Natural Resources, and referred as indicated:

H.R. 1854. An act to amend the Water Resources Development Act of 1992 to modify an environmental infrastructure project for Big Bear Lake, California; to the Committee on Environment and Public Works.

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

H.R. 3961. An act to amend title XVIII of the Social Security Act to reform the Medicare SGR payment system for physicians and to reinstitute and update the Pay-As-You-Go requirement of budget neutrality on new tax and mandatory spending legislation, enforced by the threat of annual, automatic sequestration.

H.R. 4154. An act to amend the Internal Revenue Code of 1986 to repeal the new carryover basis rules in order to prevent tax increases and the imposition of compliance burdens on many more estates than would benefit from repeal, to retain the estate tax with a $3,500,000 exemption, to reinstitute and update the Pay-As-You-Go requirement of budget neutrality on new tax and mandatory spending legislation, enforced by the threat of annual, automatic sequestration, and for other purposes.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 2939. A bill to amend title 31, United States Code to require an audit of the Board of Governors of the Federal Reserve System and the Federal reserve banks, and for other purposes.

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–4168. A communication from the Director of Program Development and Regulatory Analysis, Rural Utilities Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Electric Program: Definition of Rural Area'' ((7 CFR Part 1710) (RIN0572–AC15)) received in the Office of the President of the Senate on December 21, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4169. A communication from the Secretary of the Navy, transmitting, pursuant to law, a report relative to the Average Procurement Unit Cost for the Remote Minehunting System (RMS) Program; to the Committee on Armed Services.

EC–4170. A communication from the General Counsel, Selective Service System, transmitting, pursuant to law, a report relative to the vacancy in the position of Director of the Selective Service System; to the Committee on Armed Services.

EC–4171. A communication from the Secretary of Defense, transmitting a report on the approved retirement of Lieutenant General Jack L. Rives, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–4172. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to the Mississippi Coastal Improvements Program (MsCIP), Hancock, Harrison and Jackson Counties, Mississippi; to the Committee on Armed Services.

EC–4173. A communication from the Deputy Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Updated Statements of Legal Authority to Reflect Continuation of the Emergency Declared in Executive Order 12938 and Changes to the United States Code'' (RIN0694–AE76) received in the Office of the President of the Senate on December 23, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC–4174. A communication from the Deputy Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Reporting of Offsets Agreements in Sales of Weapon Systems or Defense-Related Items to Foreign Countries of Foreign Firms'' (RIN0694–AE40) received in the Office of the President of the Senate on December 23, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC–4175. A communication from the Deputy Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Amendments to the Export Administration Regulations (EAR) Based upon the Accession of Albania and Croatia to Formal Membership in the North Atlantic Treaty Organization (NATO)'' (RIN0694–AE62) received in the Office of the President of the Senate on December 23, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC–4176. A communication from the Deputy Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Authorization Validated End-User: Amendment to Existing Validated End-User Authorizations in the People's Republic of China (PRC) and India'' (RIN0694–AE77) received in the Office of the President of the Senate on December 23, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC–4177. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to the Federative Republic of Brazil; to the Committee on Banking, Housing, and Urban Affairs.

EC–4178. A communication from the Secretary of Commerce, transmitting, pursuant to law, a six-month report on the national emergency that was originally declared in Executive Order 13159 relative to the risk of nuclear proliferation created by the accumulation of weapons-usable fissile material in the territory of the Russian Federation; to the Committee on Banking, Housing, and Urban Affairs.

EC–4179. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the six-month periodic report on the national emergency with respect to the Western Balkans that was declared in Executive Order 13219 of June 26, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–4180. A communication from the NRDAR Program Manager, Office of the Secretary, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Natural Resource Damages for Hazardous Substances'' (RIN1090–AA97) received in the Office of the President of the Senate on December 22, 2009; to the Committee on Energy and Natural Resources.

EC–4181. 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 ''National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Prepared Feeds Manufacturing'' (FRL No. 9095–2) received in the Office of the President of the Senate on December 22, 2009; to the Committee on Environment and Public Works.

EC–4182. 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 ''National Emission Standards for Hazardous Air Pollutants for Area Sources: Chemical Preparations Industry'' (FRL No. 9095–1) received in the Office of the President of the Senate on December 22, 2009; to the Committee on Environment and Public Works.

EC–4183. 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 Air Quality Implementation Plans; Indiana'' (FRL No. 8985–4) received in the Office of the President of the Senate on December 22, 2009; to the Committee on Environment and Public Works.

EC–4184. 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; State of Missouri'' (FRL No. 9096–4) received in the Office of the President of the Senate on December 23, 2009; to the Committee on Environment and Public Works.

EC–4185. 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 and Operating Permits Program; State of Iowa'' (FRL No. 9096–6) received in the Office of the President of the Senate on December 23, 2009; to the Committee on Environment and Public Works.

EC–4186. 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 ''Corporate Reorganizations; Distributions Under Sections 368(a)(1)(D) and 354(b)(1)(B)'' ((TD 9475) (RIN1545–BF83)) received in the Office of the President of the Senate on December 23, 2009; to the Committee on Finance.

EC–4187. 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 ''Tax-Exempt Bonds in Certain Disaster Areas'' (Notice 2010–10) received in the Office of the President of the Senate on December 23, 2009; to the Committee on Finance.

EC–4188. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement for the export of defense articles, including, technical data, and defense services to Kuwait in support of the Combat Support Services Contract for the U.S. Army Support Group in the amount of $50,000,000 or more; to the Committee on Foreign Relations.

EC–4189. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed amendment to a manufacturing license agreement for the export of defense articles, including, technical data, and defense services to Canada relative to the design, manufacture, and repair of the APS–508 Radar to support the Canadian CP–140 Maritime Patrol Aircraft; to the Committee on Foreign Relations.

EC–4190. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed amendment to a manufacturing license agreement for the export of defense articles, including, technical data, and defense services to Turkey relative to the design, manufacture, and repair of F–35 Center Fuselages and related Assemblies in the amount of $100,000,000 or more; to the Committee on Foreign Relations.

EC–4191. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement for the export of defense articles, including, technical data, and defense services relative to the development of the Medium Extended Air Defense System (MEADS) Program involving the United States, Austria, Italy, and Germany in the amount of $50,000,000 or more; to the Committee on Foreign Relations.

EC–4192. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the export of defense articles, including, technical data, and defense services to Germany relative to the design and manufacture of the H–726 Dynamic Reference Unit for Military Vehicles; to the Committee on Foreign Relations.

EC–4193. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the export of defense articles, including, technical data, and defense services to the United Kingdom relative to the manufacture and repair of aircraft vertical and azimuth rate gyros as well as attitude heading reference systems (AHRS) and attitude indicators; to the Committee on Foreign Relations.

EC–4194. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed amendment to a technical assistance agreement for the export of defense articles, including, technical data, and defense services to the United Arab Emirates relative to the design and development of the Vehicle Launched Scatterable

Anti–Tank System (VLSAS) in the amount of $50,000,000 or more; to the Committee on Foreign Relations.

EC–4195. A communication from the Deputy Assistant Administrator, Bureau for Legislative and Public Affairs, U.S. Agency for International Development, transmitting, pursuant to law, the Agency's Fiscal Year 2009 Agency Financial Report; to the Committee on Foreign Relations.

EC–4196. A communication from the Deputy Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Food Additives Permitted in Feed and Drinking Water of Animals; Methyl Esters of Conjugated Linoleic Acid (Cis-9), Trans-11 and Trans-10, Cis-12-Octadecadienoic Acids'' (Docket No. FDA-2003-F-0398) received in the Office of the President of the Senate on December 21, 2009; to the Committee on Health, Education, Labor, and Pensions.

EC–4197. A communication from the Deputy Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Current Good Manufacturing Practice for Positron Emission Tomography Drugs'' (Docket No. FDA–2004–N–0449) received in the Office of the President of the Senate on December 22, 2009; to the Committee on Health, Education, Labor, and Pensions.

EC–4198. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, a report relative to the use of the exemption from the antitrust laws provided by the Pandemic and All-Hazards Preparedness Act; to the Committee on Health, Education, Labor, and Pensions.

EC–4199. A communication from the Director, Center for Employee and Family Support Policy, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''Continuation of Eligibility for Certain Civil Service Benefits for Former Federal Employees of the Civilian Marksmanship Program'' (RIN3206–AJ55) received in the Office of the President of the Senate on December 22, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–4200. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–138, ''Initiative Measure No. 59, Legalization of Marijuana for Medical Treatment Initiative of 1999''; to the Committee on Homeland Security and Governmental Affairs.

EC–4201. A communication from the Inspector General, Department of Commerce, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from April 1 through September 30, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–4202. A communication from the Administrator, Environmental Protection Agency, transmitting, pursuant to law, the Agency's Performance and Accountability Report for fiscal year 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–4203. A communication from the Assistant Secretary for Congressional and Legislative Affairs, Department of Veterans Affairs, transmitting, pursuant to law, the Department's Performance and Accountability Report for fiscal year 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–4204. A communication from the Policy Editor, Bureau of Immigration and Customs Enforcement, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Extending Period of Optional Practical Training by 17 Months for F–1 Nonimmigrant Students with STEM Degrees and Expanding Cap-Gap Relief for All F–1 Students with Pending H–1B Petitions (RIN1653–AA56) received on December 22, 2009; to the Committee on the Judiciary.

EC–4205. A communication from the Deputy Assistant Administrator of Diversion Control, Drug Enforcement Administration, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Changes to Patient Limitation for Dispensing or Prescribing Approved Narcotic Controlled Substances for Maintenance or Detoxification Treatment by Qualified Individual Practitioners'' (Docket Number DEA–275F) received in the Office of the President of the Senate on December 23, 2009; to the Committee on the Judiciary.

EC–4206. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–248, ''Religious Freedom and Civil Marriage Equality Amendment Act of 2009''; to the Committee on Homeland Security and Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mrs. BOXER, from the Committee on Environment and Public Works, with amendments:

S. 2778. A bill to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes (Rept. No. 111–114).

By Mr. DORGAN, from the Committee on Indian Affairs, with amendments:

S. 1105. A bill to authorize the Secretary of the Interior, acting through the Commissioner of Reclamation, to develop water infrastructure in the Rio Grande Basin, and to approve the settlement of the water rights claims of the Pueblos of Nambe, Pojoaque, San Ildefonso, and Tesuque (Rept. No. 111–115).

By Mr. DORGAN, from the Committee on Indian Affairs, without amendment:

S. 1735. A bill to provide for the recognition of the Lumbee Tribe of North Carolina, and for other purposes (Rept. No. 111–116).

By Mr. DORGAN, from the Committee on Indian Affairs, with amendments:

S. 965. A bill to approve the Taos Pueblo Indian Water Rights Settlement Agreement, and for other purposes (Rept. No. 111–117).

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. NELSON of Florida (for himself, Mr. KERRY, Mr. LEAHY, Mr. HARKIN, Mr. DURBIN, Ms. LANDRIEU, Mr. BINGAMAN, Mr. LEMIEUX, Mr. LAUTENBERG, Mrs. FEINSTEIN, Mr. UDALL of New Mexico, and Mr. WHITEHOUSE):

S. 2931. A bill to accelerate the income tax benefits for charitable cash contributions for the relief of victims of the earthquake in Haiti; to the Committee on Finance.

By Mr. VITTER:

S. 2932. A bill to amend the public charter school provisions of the Elementary and Secondary Education Act of 1965, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. VOINOVICH (for himself and Mr. BROWN):

S. 2933. A bill to authorize the Secretary of the Interior to conduct a special resource study to determine the suitability and feasibility of designating the Colonel Charles Young Home in Xenia, Ohio, as a unit of the National Park System, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. VITTER:

S. 2934. A bill to amend the Federal Food, Drug, and Cosmetic Act to ensure the safety of imported seafood; to the Committee on Health, Education, Labor, and Pensions.

By Mr. GRASSLEY (for himself, Mr. CORNYN, and Mr. ROBERTS):

S. 2935. A bill to clarify that the revocation of an alien's visa or other documentation is not subject to judicial review; to the Committee on the Judiciary.

By Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. REID, Mr. NELSON of Florida, Mr. LEMIEUX, Mr. SCHUMER, Mrs. GILLIBRAND, Mr. ROCKEFELLER, Mr. HATCH, Mr. BINGAMAN, Mr. BUNNING, Mr. KERRY, Mr. ENZI, Mrs. LINCOLN, Mr. CORNYN, Mr. MENENDEZ, Mr. DODD, Mr. HARKIN, Ms. LANDRIEU, Mr. WHITEHOUSE, Mr. UDALL of Colorado, Mr. DORGAN, Mr. JOHNSON, Mrs. SHAHEEN, Mr. CONRAD, Mr. LUGAR, Mr. JOHANNS, Mr. LAUTENBERG, Mr. ENSIGN, Mr. BURRIS, and Mr. BROWNBACK):

S. 2936. A bill to accelerate the income tax benefits for charitable cash contributions for the relief of victims of the earthquake in Haiti; to the Committee on Finance.

By Mr. SCHUMER (for himself, Mrs. GILLIBRAND, Mr. NELSON of Florida, Mr. LEMIEUX, and Mr. KERRY):

S. 2937. A bill to provide a temporary suspension of limitation on charitable contributions and to amend the Internal Revenue Code of 1986 to extend the enhanced charitable deduction for contributions of food inventory; to the Committee on Finance.

By Mr. THUNE (for himself, Mr. VITTER, Mr. INHOFE, Mr. JOHANNS, Mrs. HUTCHISON, Mr. BROWNBACK, Mr. LEMIEUX, Mr. BURR, Mr. ENZI, Mr. COBURN, Mr. BARRASSO, Mr. BENNETT, Ms. SNOWE, Mr. GRASSLEY, Mr. ENSIGN, Mr. CRAPO, Mr. WICKER, Mr. BUNNING, Mr. GRAHAM, and Mr. CORNYN):

S. 2938. A bill to terminate authority under the Troubled Asset Relief Program, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. DEMINT:

S. 2939. A bill to amend title 31, United States Code to require an audit of the Board of Governors of the Federal Reserve System and the Federal reserve banks, and for other purposes; read the first time.

By Mr. LAUTENBERG:

S. 2940. A bill to increase the use of security cameras at airport security screening checkpoints and exits, to impose increased penalties on individuals who circumvent security screening at airports, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BINGAMAN (for himself and Ms. MURKOWSKI) (by request):

S. 2941. A bill to provide supplemental ex gratia compensation to the Republic of the Marshall Islands for impacts of the nuclear testing program of the United States, and for other purposes; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Ms. STABENOW:

S. Res. 388. A resolution expressing the sense of the Senate regarding unfair and discriminatory measures of the Government of Japan in failing to apply the Eco-Friendly Vehicle Purchase Program to vehicles made by United States automakers; to the Committee on Finance.

By Mr. SHELBY (for himself and Mr. SESSIONS):

S. Res. 389. A resolution commending The University of Alabama Crimson Tide for being unanimously declared the 2009 NCAA Football Bowl Subdivision National Champions; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 428

At the request of Mr. DORGAN, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 428, a bill to allow travel between the United States and Cuba.

S. 476

At the request of Mrs. BOXER, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 476, a bill to amend title 10, United States Code, to reduce the minimum distance of travel necessary for reimbursement of covered beneficiaries of the military health care system for travel for specialty health care.

S. 491

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

S. 624

At the request of Mr. DURBIN, the names of the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Pennsylvania (Mr. CASEY) were added as cosponsors of S. 624, a bill to provide 100,000,000 people with first-time access to safe drinking water and sanitation on a sustainable basis by 2015 by improving the capacity of the United States Government to fully implement the Senator Paul Simon Water for the Poor Act of 2005.

S. 663

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

S. 841

At the request of Mr. KERRY, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 841, a bill to direct the Secretary of Transportation to study and establish a motor vehicle safety standard that provides for a means of alerting blind and other pedestrians of motor vehicle operation.

S. 870

At the request of Mrs. LINCOLN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 870, a bill to amend the Internal Revenue Code of 1986 to expand the credit for renewable electricity production to include electricity produced from biomass for onsite use and to modify the credit period for certain facilities producing electricity from open-loop biomass.

S. 891

At the request of Mr. BROWNBACK, the names of the Senator from Indiana (Mr. BAYH) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 891, a bill to require annual disclosure to the Securities and Exchange Commission of activities involving columbite-tantalite, cassiterite, and wolframite from the Democratic Republic of Congo, and for other purposes.

S. 1005

At the request of Mr. CARDIN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1005, a bill to amend the Federal Water Pollution Control Act and the Safe Drinking Water Act to improve water and wastewater infrastructure in the United States.

S. 1067

At the request of Mr. FEINGOLD, the names of the Senator from New Mexico (Mr. UDALL), the Senator from Colorado (Mr. UDALL) and the Senator from Arizona (Mr. KYL) were added as cosponsors of S. 1067, a bill to support stabilization and lasting peace in northern Uganda and areas affected by the Lord's Resistance Army through development of a regional strategy to support multilateral efforts to successfully protect civilians and eliminate the threat posed by the Lord's Resistance Army and to authorize funds for humanitarian relief and reconstruction, reconciliation, and transitional justice, and for other purposes.

S. 1076

At the request of Mr. MENENDEZ, the names of the Senator from West Virginia (Mr. BYRD), the Senator from Vermont (Mr. LEAHY), the Senator from Rhode Island (Mr. REED), the Senator from Nevada (Mr. ENSIGN), the Senator from Colorado (Mr. UDALL), the Senator from Virginia (Mr. WARNER) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 1076, a bill to improve the accuracy of fur product labeling, and for other purposes.

S. 1111

At the request of Mr. ROCKEFELLER, the names of the Senator from California (Mrs. FEINSTEIN), the Senator from Oregon (Mr. WYDEN), the Senator from Connecticut (Mr. DODD) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 1111, a bill to require the Secretary of Health and Human Services to enter into agreements with States to resolve outstanding claims for reimbursement under the Medicare program relating to the Special Disability Workload project.

S. 1156

At the request of Mr. HARKIN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1156, a bill to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to reauthorize and improve the safe routes to school program.

S. 1183

At the request of Mr. DURBIN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1183, a bill to authorize the Secretary of Agriculture to provide assistance to the Government of Haiti to end within 5 years the deforestation in Haiti and restore within 30 years the extent of tropical forest cover in existence in Haiti in 1990, and for other purposes.

S. 1203

At the request of Mr. BAUCUS, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 1203, a bill to amend the Internal Revenue Code of 1986 to extend the research credit through 2010 and to increase and make permanent the alternative simplified research credit, and for other purposes.

S. 1313

At the request of Mr. LUGAR, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1313, a bill to amend the Internal Revenue Code of 1986 to permanently extend and expand the charitable deduction for contributions of food inventory.

S. 1317

At the request of Mr. LAUTENBERG, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1317, a bill to increase public safety by permitting the Attorney General to deny the transfer of firearms or the issuance of firearms and explosives licenses to known or suspected dangerous terrorists.

S. 1389

At the request of Mr. NELSON of Nebraska, the name of the Senator from Nebraska (Mr. JOHANNS) was added as a cosponsor of S. 1389, a bill to clarify the exemption for certain annuity contracts and insurance policies from Federal regulation under the Securities Act of 1933.

S. 1445

At the request of Mr. LAUTENBERG, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1445, a bill to amend the Public Health Service Act to improve the health of children and reduce the

occurrence of sudden unexpected infant death and to enhance public health activities related to stillbirth.

S. 1582

At the request of Ms. STABENOW, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1582, a bill to amend the Internal Revenue Code of 1986 to provide a credit against income tax to facilitate the accelerated development and deployment of advanced safety systems for commercial motor vehicles.

S. 1744

At the request of Mr. SCHUMER, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1744, a bill to require the Administrator of the Federal Aviation Administration to prescribe regulations to ensure that all crewmembers on air carriers have proper qualifications and experience, and for other purposes.

S. 1771

At the request of Mr. CASEY, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1771, a bill to authorize the Secretary of Health and Human Services to establish a program of grants to newly accredited allopathic medical schools for the purpose of increasing the supply of physicians.

S. 1787

At the request of Mr. BINGAMAN, the name of the Senator from Colorado (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. 1859

At the request of Mr. ROCKEFELLER, the names of the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Illinois (Mr. BURRIS) were added as cosponsors of S. 1859, a bill to reinstate Federal matching of State spending of child support incentive payments.

S. 2128

At the request of Mr. LEMIEUX, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 2128, a bill to provide for the establishment of the Office of Deputy Secretary for Health Care Fraud Prevention.

S. 2743

At the request of Ms. SNOWE, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from Massachusetts (Mr. KIRK) were added as cosponsors of S. 2743, a bill to amend title 10, United States Code, to provide for the award of a military service medal to members of the Armed Forces who served honorably during the Cold War, and for other purposes.

S. 2747

At the request of Mr. BINGAMAN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 2747, a bill to amend the Land and Water Conservation Fund Act of 1965 to provide consistent and reliable authority for, and for the funding of, the land and water conservation fund to maximize the effectiveness of the fund for future generations, and for other purposes.

S. 2758

At the request of Ms. STABENOW, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 2758, a bill to amend the Agricultural Research, Extension, and Education Reform Act of 1998 to establish a national food safety training, education, extension, outreach, and technical assistance program for agricultural producers, and for other purposes.

S. 2760

At the request of Mr. UDALL of New Mexico, the names of the Senator from West Virginia (Mr. BYRD), the Senator from Oregon (Mr. WYDEN) and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of S. 2760, a bill to amend title 38, United States Code, to provide for an increase in the annual amount authorized to be appropriated to the Secretary of Veterans Affairs to carry out comprehensive service programs for homeless veterans.

S. 2781

At the request of Ms. MIKULSKI, the names of the Senator from California (Mrs. FEINSTEIN), the Senator from Texas (Mrs. HUTCHISON) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 2781, a bill to change references in Federal law to mental retardation to references to an intellectual disability, and to change references to a mentally retarded individual to references to an individual with an intellectual disability.

S. 2789

At the request of Mr. VOINOVICH, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 2789, a bill to establish a scholarship program to encourage outstanding undergraduate and graduate students in mission-critical fields to pursue a career in the Federal Government.

S. 2812

At the request of Mr. BINGAMAN, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 2812, a bill to amend the Energy Policy Act of 2005 to require the Secretary of Energy to carry out programs to develop and demonstrate two small modular nuclear reactor designs, and for other purposes.

S. 2853

At the request of Mr. GREGG, the name of the Senator from Arizona (Mr. MCCAIN) was withdrawn as a cosponsor of S. 2853, a bill to establish a Bipartisan Task Force for Responsible Fiscal Action, to assure the long-term fiscal stability and economic security of the Federal Government of the United States, and to expand future prosperity growth for all Americans.

At the request of Mr. INHOFE, his name was withdrawn as a cosponsor of S. 2853, supra.

S. 2858

At the request of Mrs. BOXER, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 2858, a bill to amend the Public Health Service Act to establish an Office of Mitochondrial Disease at the National Institutes of Health, and for other purposes.

S. 2868

At the request of Mr. LIEBERMAN, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 2868, a bill to provide increased access to the General Services Administration's Schedules Program by the American Red Cross and State and local governments.

S. 2869

At the request of Ms. LANDRIEU, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2869, a bill to increase loan limits for small business concerns, to provide for low interest refinancing for small business concerns, and for other purposes.

S. 2886

At the request of Ms. CANTWELL, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 2886, a bill to prohibit certain affiliations (between commercial banking and investment banking companies), and for other purposes.

S. 2908

At the request of Mr. KOHL, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 2908, a bill to amend the Energy Policy and Conservation Act to require the Secretary of Energy to publish a final rule that establishes a uniform efficiency descriptor and accompanying test methods for covered water heaters, and for other purposes.

S.J. RES. 22

At the request of Mr. LEMIEUX, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S.J. Res. 22, a joint resolution proposing an amendment to the Constitution of the United States relative to requiring a balanced budget and granting the President of the United States the power of line-item veto.

S.J. RES. 23

At the request of Mr. FEINGOLD, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S.J. Res. 23, a joint resolution disapproving the rule submitted by the Federal Election Commission with respect to travel on private aircraft by Federal candidates.

S. RES. 316

At the request of Mr. MENENDEZ, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. Res. 316, a resolution calling upon the President to ensure that the foreign policy of the United States reflects appropriate understanding and sensitivity concerning issues related to human rights, ethnic cleansing, and genocide documented in the United

States record relating to the Armenian Genocide, and for other purposes.

S. RES. 373

At the request of Mr. CRAPO, the names of the Senator from Wyoming (Mr. BARRASSO), the Senator from Louisiana (Mr. VITTER), the Senator from Oklahoma (Mr. INHOFE), the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of S. Res. 373, a resolution designating the month of February 2010 as ''National Teen Dating Violence Awareness and Prevention Month''.

S. RES. 381

At the request of Mr. SPECTER, his name was added as a cosponsor of S. Res. 381, a resolution designating the week of February 1 through February 5, 2010, as ''National School Counseling Week''.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GRASSLEY (for himself, Mr. CORNYN, and Mr. ROBERTS):

S. 2935. A bill to clarify that the revocation of an alien's visa or other documentation is not subject to judicial review; to the Committee on the Judiciary.

Mr. GRASSLEY. 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. 2935

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. JUDICIAL REVIEW OF VISA REVOCATION.

Section 221(i) of the Immigration and Nationality Act (8 U.S.C. 1201(i)) is amended by striking ''There shall be no means of judicial review'' and all that follows and inserting the following: ''Notwithstanding any other provision of law, including section 2241 of title 28, United States Code, any other habeas corpus provision, and sections 1361 and 1651 of such title, a revocation under this subsection may not be reviewed by any court, and no court shall have jurisdiction to hear any claim arising from, or any challenge to, such a revocation.''.

SEC. 2. EFFECTIVE DATE.

The amendment made by section 1 shall—

(1) take effect on the date of the enactment of this Act; and

(2) apply to all visas issued before, on, or after such date.

By Mr. BINGAMAN (for himself and Ms. MURKOWSKI) (by request):

S. 2941. A bill to provide supplemental ex gratia compensation to the Republic of the Marshall Islands for impacts of the nuclear testing program of the United States, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President. Today, I join the Ranking Member of the Committee on Energy and Natural Resources, Senator MURKOWSKI, in reintroducing, the Republic of the Marshall Islands Supplemental Nuclear Compensation Act at the request of the President of the Marshall Islands, the Honorable Jurelang Zedkaia.

This legislation is identical to legislation introduced by myself and Senators Domenici, AKAKA and MURKOWSKI in 2007 at the request of then-President Kessai Note. The Committee held a hearing on the bill, S. 1756, on September 25, 2007, S. Hrg 110–243, and staff had follow-up discussions with the administration and with other committees which have interests in matters addressed by the bill. However, before the Committee could formally consider an amendment in the nature of a substitute that was developed during these discussions, the government in the Republic of the Marshall Islands, RMP, was replaced and the position of the new government on the substitute amendment was not obtained until it was too late for further action.

The process for reconsideration of this legislation in the 111th Congress will need to be pushed back because there is a new Administration with new officials who will need to be educated on the issues. There are also new members and staff on many of the Committees who will need to be educated on the history and need for this legislation before they can provide their input. Finally, the fiscal position of the U.S. government has weakened since 2007 and funding this legislation will be more challenging today than it would have been when the legislation was last considered.

To begin this process of education on this issue, I offer the following background.

For over 50 years, the Committee on Energy and Natural Resources has worked with the government of the RMI to respond to the tragic consequences of the U.S. nuclear weapons tests that were conducted in the islands from 1946 to 1958 when the islands were a district of the U.S.-administered, U.N. Trust Territory of the Pacific Islands. In 1986, this Trusteeship ended when the RMI entered into free association with the U.S. pursuant to the Compact of Free Association Act of 1985, (P.L. 99–239). Under Section 177 of the Compact, the U.S. accepted responsibility for damage and injuries resulting from the testing program and the law authorized two basic sources of compensation: 1) a legal settlement of $150 million under Section 177, and 2) additional ex gratia assistance under sections 103, 105, and 224.

The $150 million legal settlement and its Subsidiary Agreement funded a Claims Tribunal to adjudicate and pay awards arising from the test program, regular distribution payments to the affected communities, a supplemental health care program, a radiological and health monitoring program, and it allowed the RMI to request additional compensation if there were ''changed circumstances''—that is, if information and injuries came to light after the settlement was reached which rendered the settlement ''manifestly inadequate.''

The RMI submitted such a ''changed circumstances petition'', CCP, in 2000 in which it sought over $3 billion in addition compensation from Congress. At the Committee's 2005 hearing on the CCP, S. Hrg 109–178, the administration testified in opposition to further financial compensation because the 1985 settlement was ''full and final'' and the CCP was not based on new information or injuries arising after the original settlement date. The Administration and other witnesses also questioned the RMI' s contention that radiation from the tests caused health injuries well beyond the four northern atolls of the Marshall Islands, and questioned the policies and methodologies used by the Tribunal in determining eligibility for compensation and the amount of awards. The Committee took no further action on the CCP. In 2006, facing the statute of limitations, the atolls of Bikini and Enewetak filed suit in the U.S. Court of Claims, but the Court upheld the U.S. motion to dismiss.

In addition to the $150 million legal settlement, several sections of the Compact authorized ex gratia compensation, primarily through the capitalization of trust funds for the rehabilitation and resettlement of contaminated lands in three of the affected atolls (Enewetak, Bikini, and Rongelap), and by providing program assistance through existing Federal programs such as USDA Agricultural and Food programs, the DOE Marshall Islands program, and extension of the Section 177 Health Care Program, also known as the ''4-Atoll Health Care program''. The rough estimate of this additional ex gratia compensation to date totals at least $220 million.

It is important to note that while the administration opposed additional financial compensation based on the CCP, the administration's report noted that some of the RMI's requests for additional program assistance, while not qualifying as changed circumstances, ''might be desirable''.

The legislation being re-introduced today includes four of the RMI's requests for additional program assistance. I agree with President Zedkaia that these requests should be given consideration by the Congress. Briefly, these requests are:

Runit Island monitoring: Between 1977 and 1980, the U.S. conducted a cleanup of some of the contaminated areas of Enewetak Atoll where 43 tests were conducted. Some of the contaminated soil and debris was removed to Runit Island, mixed with concrete, and placed in Cactus crater that had been formed by one of the tests. Under the Compact settlement, the RMI accepted responsibility for, and control over the utilization of lands in the Marshall Islands affected by the testing. The Compact Act (P.L. 99–239) also reaffirmed a 1980 authorization, under P.L. 96–205, for the Marshall Islands Program of the U.S. Department of Energy (DOE)

which provides medical care and environmental monitoring relating to the testing program. Since then, the people of Enewetak Atoll have from time to time asked DOE to include monitoring of conditions at Runit within their environmental monitoring program in order to assure the people living on other islands in Enewetak Atoll that there is no health risk from the cleanup spoils stored at Runit.

Section 2 of this Act would direct the Secretary of Energy, as a part of the existing program, to periodically survey radiological conditions on Runit and report their findings to the Congress.

Energy Employees Occupational Illness Compensation Program, EEOICPA, eligibility: This program was enacted in 2001 to provide compensation for DOE and contractor employees associated with the nation's nuclear weapons program. During Senate debate, I submitted a list of facilities intended to be covered which included ''Marshall Islands Test Sites, but only for the period after December 31, 1958.'' However, the RMI citizens who applied to the program were denied eligibility on the basis that Congress did not intend the law to cover non-U.S. citizens. I believe that this was an incorrect reading of Congressional intent. It is important to recognize that during the testing and cleanup period the Marshall Islands were a District of the U.S.-administered U.N. Trust Territory of the Pacific Islands and that the U.S. and its contractors employed workers from the Marshall Islands and from other districts in the Trust Territory.

Section 3 of this act would clarify that former Trust Territory citizens are eligible for the program, and it would coordinate benefits with the Compact of Free Association so that if a person received compensation under the Compact, then that amount would be deducted from any award received under EEOICPA.

4-Atoll Health Care Program funding: Section 177 of the Compact approved the $150 million legal settlement, established the Settlement Trust Fund, and allocated $2 million annually for 15 years to provide supplemental health care to the affected communities: Enewetak, Bikini, Rongelap and Utrik. The 15-year period ended in 2001, and with depletion of the Fund, the $2 million annual payment was terminated in 2003. To continue some level of service under the program, the RMI and the U.S. Congress continued to contribute funds on a discretionary basis until a longer-term solution could be enacted.

Section 4 of the bill would authorize $2 million annually through 2023 for the continuation of this program. I believe that this proposal offers an opportunity to discuss with the RMI and U.S. officials how supplemental healthcare assistance to the RMI can most effectively be used.

National Academy of Sciences Assessment: Underlying the debate between the U.S. and the RMI regarding compensation for injuries resulting from the testing program is a dispute over the extent of the area affected by the testing program. The U.S. believes that the health affects were limited to the four northern atolls of Rongelap, Utrik, Bikini, and Enewetak. However, the RMI and the Claims Tribunal took the position that all of the 1958 residents of the RMI should be eligible for compensation.

Section 5 of the bill is intended to help resolve this dispute by having the National Academy of Sciences conduct an assessment of the health impacts of the testing program.

I look forward to continuing to work with President Zedkaia, my colleagues, and the Administration on these proposals and to continue to respond to the tragic legacy of our nation's nuclear testing program in the Pacific.

Mr. President, I ask unanimous consent that the text of the bill and a letter of support be printed in the RECORD.

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

S. 2941

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 ''Republic of the Marshall Islands Supplemental Nuclear Compensation Act of 2010''.

SEC. 2. CONTINUED MONITORING ON RUNIT ISLAND.

Section 103(f)(1) of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921b(f)(1)) is amended—

(1) by striking ''Notwithstanding'' and inserting the following:

''(A) IN GENERAL.—Notwithstanding''; and

(2) by adding at the end the following:

''(B) CONTINUED MONITORING ON RUNIT ISLAND.—

''(i) IN GENERAL.—Effective beginning January 1, 2010, the Secretary of Energy shall, as a part of the Marshall Islands program conducted under subparagraph (A), periodically (but not less frequently than every 4 years) survey radiological conditions on Runit Island.

''(ii) REPORT.—The Secretary shall submit to the Committee on Energy and Natural Resources of the Senate, and the Committee on Natural Resources of the House of Representatives, a report that describes the results of each survey conducted under clause (i), including any significant changes in conditions on Runit Island.''.

SEC. 3. CLARIFICATION OF ELIGIBILITY UNDER ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM ACT OF 2000.

(a) DEFINITIONS FOR PROGRAM ADMINISTRATION.—Section 3621 of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7384*l*) is amended by adding at the end the following:

''(18) The terms 'covered employee', 'atomic weapons employee', and 'Department of Energy contractor employee' (as defined in paragraphs (1), (3), and (11), respectively) include a citizen of the Trust Territory of the Pacific Islands who is otherwise covered by that paragraph.''.

(b) DEFINITION OF COVERED DOE CONTRACTOR EMPLOYEE.—Section 3671(1) of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7385s(1)) is amended by inserting before the period at the end the following: '', including a citizen of the Trust Territory of the Pacific Islands who is otherwise covered by this paragraph''.

(c) COORDINATION OF BENEFITS WITH RESPECT TO THE COMPACT OF FREE ASSOCIATION.—Subtitle E of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7385s et seq.) is amended by inserting after section 3682 (42 U.S.C. 7385s–11) the following:

''SEC. 3682a. COORDINATION OF BENEFITS WITH RESPECT TO THE COMPACT OF FREE ASSOCIATION.

''(a) DEFINITION OF COMPACT OF FREE ASSOCIATION.—In this section, the term 'Compact of Free Association' means—

''(1) the Compact of Free Association between the Government of the United States of America and the Governments of the Marshall Islands and the Federated States of Micronesia (48 U.S.C. 1901 note); and

''(2) the Compact of Free Association between the Government of the United States of America and the Government of Palau (48 U.S.C. 1931 note).

''(b) COORDINATION.—Subject to subsection (c), an individual who has been awarded compensation under this subtitle, and who has also received compensation benefits under the Compact of Free Association by reason of the same covered illness, shall receive the compensation awarded under this subtitle reduced by the amount of any compensation benefits received under the Compact of Free Association, other than medical benefits and benefits for vocational rehabilitation that the individual received by reason of the covered illness, after deducting the reasonable costs (as determined by the Secretary) of obtaining those benefits under the Compact of Free Association.

''(c) WAIVER.—The Secretary may waive the application of subsection (b) if the Secretary determines that the administrative costs and burdens of applying subsection (b) to a particular case or class of cases justifies the waiver.''.

SEC. 4. FOUR ATOLL HEALTH CARE PROGRAM.

Section 103(h) of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921b(h)) is amended by adding at the end the following:

''(4) SUPPLEMENTAL HEALTH CARE FUNDING.—

''(A) IN GENERAL.—In addition to amounts provided under section 211 of the U.S.–RMI Compact (48 U.S.C. 1921 note), the Secretary of the Interior shall annually use the amounts made available under subparagraph (B) to supplement health care in the communities affected by the nuclear testing program of the United States, including capital and operational support of outer island primary healthcare facilities of the Ministry of Health of the Republic of the Marshall Islands in the communities of—

''(i) Enewetak Atoll,

''(ii) Kili (until the resettlement of Bikini);

''(iii) Majetto Island in Kwajalein Atoll (until the resettlement of Rongelap Atoll); and

''(iv) Utrik Atoll.

''(B) FUNDING.—As authorized by section 105(c), there is appropriated to the Secretary of the Interior, out of funds in the Treasury not otherwise appropriated, to carry out this paragraph $2,000,000 for each of fiscal years 2012 through 2028, as adjusted for inflation in accordance with section 218 of the U.S.–FSM Compact and the U.S.–RMI Compact, to remain available until expended.''.

SEC. 5. ASSESSMENT OF HEALTH CARE NEEDS OF THE MARSHALL ISLANDS.

(a) IN GENERAL.—The Secretary of the Interior shall enter into an agreement with the

National Academy of Sciences under which the National Academy of Sciences shall conduct an assessment of the health impacts of the United States nuclear testing program conducted in the Republic of the Marshall Islands on the residents of the Republic of the Marshall Islands.

(b) REPORT.—On completion of the assessment under subsection (a), the National Academy of Sciences shall submit to Congress, the Secretary, the Committee on Energy and Natural Resources of the Senate, and the Committee on Natural Resources of the House of Representatives, a report on the results of the assessment.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

REPUBLIC OF THE MARSHALL ISLANDS,
November 13, 2009.

Hon. JEFF BINGAMAN,
Chairman, Senate Committee on Energy and Natural Resources, Dirksen Senate Building, Washington, DC.

DEAR CHAIRMAN BINGAMAN: I am writing you on behalf of the Marshallese people to renew our mutual efforts to address the continuing consequences of the U.S. Nuclear Testing Program in the Marshall Islands.

I would also like to take this opportunity to thank you for your efforts in introducing the ''Republic of the Marshall Islands Supplemental Nuclear Compensation Act of 2007'' formerly known as Senate Bill No. 1756. Your understanding and efforts over the past several years to move these difficult issues forward and address them in a substantive and meaningful manner is most appreciated by my Government and the Marshallese people. In this respect, I strongly believe that the substituted version of S. 1756 constituted real and substantive progress in addressing outstanding nuclear related issues.

Understanding that S. 1756 expired without action at the close of 2008, I would respectfully request that legislation again be introduced in the United States Senate to deal with the enduring consequences of the nuclear testing program in the Marshall Islands.

My Government submitted a Petition to the United States Congress in respect to Article IX of the Section 177 Agreement concerning ''Changed Circumstances'' in September, 2000. While my Government believes that we have firmly established that ''changed circumstances'' exist within the meaning of Article IX, we wish to focus our efforts on coming to a resolution and implementing measures that produce results in addressing the health, safety and damages caused by the nuclear testing program.

Senate Bill No. 1756, in its substituted version, represented the first serious and substantive attempt to deal with the consequences of the nuclear testing program since the Section 177 Agreement went into effect 23 years ago. Therefore, I would like to now discuss some specific measures for inclusion in legislation, which I believe will address outstanding concerns and issues.

1. The provisions contained in Section 4 of the substituted version of S. 1756 that provided the sum of $4.5 million annually plus adjustment for inflation as a continuing appropriation through FY 2023 to address radiogenic illnesses and the nuclear related health care needs of Bikini, Enewetak, Rongelap, Utrik, Ailuk, Mejit, Likiep, Wotho, and Wotje, is acceptable to my Government. We would, however, request that the legislation include provision for the National Academy of Sciences to conduct an assessment of the health impacts of the nuclear testing program on the residents of the RMI. Inclusion of such an assessment, as contained in the original S. 1756 will provide important information on these issues to both governments.

2. We support the addition of persons who were citizens of the Trust Territory of the Pacific Islands for inclusion for eligibility in the Energy Employees Occupational Illness Compensation Program Act of 2000. There are many Marshallese who worked at Department of Energy sites in the RMI in the same manner as their U.S. citizen co-workers, yet have never received the health care and other benefits of this program.

3. We also support provision in the legislation for the proactive and ongoing monitoring of the integrity of the Runit Dome at Enewetak Atoll. This is an issue that has long been of concern to the people of Enewetak who live, fish and harvest food in the immediate area.

4. Any legislation addressing the consequences of the nuclear testing program would not be complete without consideration of the awards made by the Marshall Islands Nuclear Claims Tribunal. Absent from S. 1756 was any reference to the decisions and awards made by the Tribunal. The administrative and adjudicative processes of the Tribunal over the past 20 years are an important mutually agreed to component of the Section 177 Agreement and its implementation to resolve claims for damage to person and property arising as a result of the nuclear testing program. We cannot simply ignore the Tribunal's work and awards that it has made. The RMI has presented a report on this subject prepared by former United States Attorney General Richard Thornburgh in January, 2003, however, issues and concerns apparently continue. We should move forward and resolve any remaining issues and concerns regarding the Tribunal and its work.

We look forward to working with you and your staff to address the issues I have raised in this letter and to move forward on finally addressing the consequences of the nuclear testing program.

Thank you very much for all of your help.

Sincerely,

JURELANG ZEDKAIA,
President.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 388—EXPRESSING THE SENSE OF THE SENATE REGARDING UNFAIR AND DISCRIMINATORY MEASURES OF THE GOVERNMENT OF JAPAN IN FAILING TO APPLY THE ECO-FRIENDLY VEHICLE PURCHASE PROGRAM TO VEHICLES MADE BY UNITED STATES AUTOMAKERS

Ms. STABENOW submitted the following resolution; which was referred to the Committee on Finance:

S. RES. 388

Whereas the Consumer Assistance to Recycle and Save Act of 2009 (49 U.S.C. 32901 note) established the CARS Program to jumpstart automobile sales and increase fuel efficiency nationwide by providing incentives to purchase new fuel efficient automobiles;

Whereas on August 25, 2009, a total of 677,842 new vehicles had been purchased through the CARS Program;

Whereas according to the United States Department of Transportation, over 319,000 Japanese made automobiles were purchased through the CARS Program;

Whereas the CARS Program was open to automobiles manufactured in countries other than the United States, the rebate associated with the current and planned extension of the Eco-Friendly Vehicle Purchase Program in Japan does not apply to automobiles made by United States automobile manufacturers; and

Whereas the Senate finds that by maintaining and extending the Eco-Friendly Vehicle Purchase Program, the Government of Japan is engaging in unfair and discriminatory measures contrary to Japan's obligations under the agreements of the World Trade Organization Agreement: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the President should direct the United States Trade Representative to continue to negotiate with the Government of Japan to eliminate the unfair and discriminatory measures relating to Japan's Eco-Friendly Vehicle Purchase Program; and

(2) if the United States Trade Representative is not able to obtain a satisfactory agreement with the Government of Japan, the United States Trade Representative shall initiate consultations under the framework of the World Trade Organization.

SENATE RESOLUTION 389—COMMENDING THE UNIVERSITY OF ALABAMA CRIMSON TIDE FOR BEING UNANIMOUSLY DECLARED THE 2009 NCAA FOOTBALL BOWL SUBDIVISION NATIONAL CHAMPIONS

Mr. SHELBY (for himself and Mr. SESSIONS) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 389

Whereas on January 7, 2010, The University of Alabama Crimson Tide marched into the historic Rose Bowl and defeated the University of Texas Longhorns 37–21, to win The 2010 Bowl Championship Series (referred to in this preamble as the ''BCS'') National Championship Game;

Whereas the Crimson Tide earned a berth in the 2010 BCS National Championship Game by defeating the then-unbeaten Florida Gators 32-13 in the 2009 Southeastern Conference Championship Game;

Whereas the Crimson Tide finished the 2009 season with a perfect record of 14 victories and 0 losses;

Whereas the Crimson Tide defeated 3 teams ranked in the Associated Press (referred to in this preamble as the ''AP'') Postseason Top 10 Poll and 5 teams ranked in the AP Postseason Top 25 poll;

Whereas the Crimson Tide finished the 2009 season ranked first by all 60 AP voters and all 58 USA Today Coaches' Poll voters;

Whereas the first of 5 victories for the Crimson Tide in the Rose Bowl on January 1, 1926, earned the first football national championship for The University of Alabama and served as one of the first great achievements in the storied winning tradition of the Crimson Tide;

Whereas the 2010 BCS National Championship Game victory was the 32nd bowl victory and, a NCAA record, 57th bowl appearance for the Crimson Tide;

Whereas the Crimson Tide previously won a total of 12 National Championships, winning in 1925, 1926, 1930, 1934, 1941, 1961, 1964, 1965, 1973, 1978, 1979, and 1992;

Whereas Head Coach Nick Saban has led the Crimson Tide back atop the elite of College Football while instilling discipline, character, and integrity in the young men he coaches;

Whereas the leadership and devotion of Crimson Tide Athletics Director Mal Moore to The University of Alabama have been crucial for the National Championship teams for which he has played, coached, and served as Athletic Director;

Whereas Javier Arenas, Terrence Cody, Michael Johnson, Mark Ingram, Rolando McClain, Leigh Tiffin, and Mark Barron earned AP All-America honors for their accomplishments during the 2009 season;

Whereas the 2009 Crimson Tide had a record number of 6 AP First Team All-Americans;

Whereas in 2009, running back Mark Ingram, Jr. won the first Heisman Trophy in the long and accomplished history of the Crimson Tide football program;

Whereas in 2009, Rolando McClain was recognized as the top collegiate linebacker in the Nation with the Butkus Award and the Jack Lambert Award, the first to be awarded to a Crimson Tide player;

Whereas Crimson Tide Defensive Coordinator Kirby Smart was honored as the best Assistant Coach in the Nation in 2009, with the prestigious Broyles Award;

Whereas 13 players on the 2009 Crimson Tide roster had earned their degrees from The University of Alabama before the season began;

Whereas President Robert Witt has been instrumental to the remarkable academic and athletic success that The University of Alabama has experienced since his arrival at the Capstone;

Whereas The University of Alabama is devoted to educating young persons and providing them with the tools to excel throughout their lives;

Whereas the excellence on the field of the Crimson Tide brought pride to The University of Alabama, the Crimson Tide faithful, and the whole of the great State of Alabama: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates The University of Alabama Crimson Tide for being unanimously declared the 2009 NCAA Football Bowl Subdivision National Champions;

(2) recognizes the achievements of the players, coaches, students, and staff whose hard work and dedication helped the Crimson Tide win the National Championship; and

(3) respectfully requests the Secretary of the Senate to transmit an enrolled copy of this resolution to—

(A) President of The University of Alabama, Dr. Robert Witt;

(B) Athletic Director of The University of Alabama, Mal Moore; and

(C) Head Coach of The University of Alabama Crimson Tide, Nick Saban.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3299. Mr. BAUCUS (for Mr. REID) proposed an amendment to the joint resolution H.J. Res. 45, increasing the statutory limit on the public debt.

SA 3300. Mr. BAUCUS proposed an amendment to amendment SA 3299 proposed by Mr. BAUCUS (for Mr. REID) to the joint resolution H.J. Res. 45, supra.

SA 3301. Mr. THUNE (for himself, Mr. VITTER, Mr. INHOFE, Mr. JOHANNS, Mrs. HUTCHISON, Mr. BROWNBACK, Mr. LEMIEUX, Mr. BURR, Mr. ENZI, Mr. COBURN, Mr. BARRASSO, Mr. BENNETT, Ms. SNOWE, Mr. GRASSLEY, Mr. ENSIGN, Mr. CRAPO, Mr. WICKER, Mr. BUNNING, Mr. GRAHAM, and Mr. CORNYN) proposed an amendment to amendment SA 3299 proposed by Mr. BAUCUS (for Mr. REID) to the joint resolution H.J. Res. 45, supra.

TEXT OF AMENDMENTS

SA 3299. Mr. BAUCUS (for Mr. REID) proposed an amendment to the joint resolution H.J. Res. 45, increasing the statutory limit on the public debt; as follows:

Strike all after the resolving clause and insert the following: ''That subsection (b) of section 3101 of title 31, United States Code, is amended by striking out the dollar limitation contained in such subsection and inserting in lieu thereof $14,294,000,000,000.''.

SA 3300. Mr. BAUCUS proposed an amendment to amendment SA 3299 proposed by Mr. BAUCUS (for Mr. REID) to the joint resolution H.J. Res. 45, increasing the statutory limit on the public debt; as follows:

At the appropriate place, insert the following:

(____) (a) LIMITATION ON CHANGES TO THE SOCIAL SECURITY ACT.—Notwithstanding any other provision of law, it shall not be in order in the Senate or the House of Representatives to consider any bill or resolution pursuant to any expedited procedure to consider the recommendations of a Task Force for Responsible Fiscal Action or other commission that contains recommendations with respect to the old-age, survivors, and disability insurance program established under title II of the Social Security Act.

(b) WAIVER.—This section may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(c) APPEALS.—An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

SA 3301. Mr. THUNE (for himself, Mr. VITTER, Mr. INHOFE, Mr. JOHANNS, Mrs. HUTCHISON, Mr. BROWNBACK, Mr. LEMIEUX, Mr. BURR, Mr. ENZI, Mr. COBURN, Mr. BARRASSO, Mr. BENNETT, Ms. SNOWE, Mr. GRASSLEY, Mr. ENSIGN, Mr. CRAPO, Mr. WICKER, Mr. BUNNING, Mr. GRAHAM, and Mr. CORNYN) proposed an amendment to amendment SA 3299 proposed by Mr. BAUCUS (for Mr. REID) to the joint resolution H.J. Res. 45, increasing the statutory limit on the public debt; as follows:

At the appropriate place, insert the following:

SEC. ___. REPEAL OF THE TROUBLED ASSET RELIEF PROGRAM.

(a) IN GENERAL.—Notwithstanding any other provision of law, the authorities provided under section 101(a) of the Emergency Economic Stabilization Act of 2008 (excluding section 101(a)(3)) and under section 102 of such Act shall terminate on the date of enactment of this resolution.

(b) LOWERING OF NATIONAL DEBT LIMIT TO CORRESPOND TO TARP REPAYMENTS.—Section 3101 of title 31, United States Code, is amended—

(1) in subsection (b), by inserting after the dollar limitation contained in such subsection the following: '', as such amount is reduced by the amount described under subsection (d)''; and

(2) by adding at the end the following new subsection:

''(d) The amount described under this subsection is the amount that equals the amount of all assistance received under title I of the Emergency Economic Stabilization Act of 2008 that is repaid on or after the date of enactment of this subsection, along with any dividends, profits, or other funds paid to the Government based on such assistance on or after the date of enactment of this subsection.''.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Thursday, January 21, 2010, at 10 a.m., in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the research, development, priorities and imperatives needed to meet the medium and long term challenges associated with climate change.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510–6150, or by e-mail to rosemarie_calabro@energy.senate.gov

For further information, please contact Jonathan Epstein at (202) 224–3357 or Rosemarie Calabro at (202) 224–5039.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Tuesday, February 2, 2010 at 10 a.m. in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to consider the nominations of Larry Persily, to be Federal Coordinator for Alaska Natural Gas Transportation Projects, and Patricia A. Hoffman, to be an Assistant Secretary of Energy (Electricity Delivery and Energy Reliability).

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510–6150, or by e-mail to amanda_kelly@energv.senate.gov.

For further information, please contact Sam Fowler at (202) 224–7571 or Amanda Kelly at (202) 224–6836.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources.

The hearing will be held on Wednesday, February 10, 2010, at 9:30 a.m. in room SD–366 of the Dirksen Senate Office Building.

The purpose of this hearing is to consider the President's Proposed Budget for fiscal year 2011 for the Department of the Interior.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, 304 Dirksen Senate Office Building, Washington, DC 20510–6150, or by email to allison_seyferth@energy.senate.gov.

For further information, please contact David Brooks at (202) 224–9863 or Allison Seyferth at (202) 224–4905.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a business meeting has been scheduled before Committee on Energy and Natural Resources. The business meeting will be held on Thursday, February 11, 2010, at 11:30 a.m., in room SD–366 of the Dirksen Senate Office.

The purpose of the business meeting is to consider pending nominations.

For further information, please contact Sam Fowler at (202) 224–7571 or Amanda Kelly at (202) 224–6836.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Thursday, February 4, 2010, at 10 a.m., in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the U.S. Department of Energy's budget for fiscal year 2011.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510–6150, or by e-mail to rosemarie_calabro@energy.senate.gov

For further information, please contact Jonathan Epstein at (202) 224–3357 or Rosemarie Calabro at (202) 224–5039.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on January 20, 2010, at 10 a.m., to hold a hearing entitled ''Yemen: Confronting Al-Qaeda, Preventing State Failure.''

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate, to conduct a hearing entitled ''Hearing on the Nomination of Joshua Gotbaum for Director of the Pension Benefit Guaranty Corporation'' on January 20, 2010. The hearing will commence at 10 a.m. in room 430 of the Dirksen Senate Office Building.

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on January 20, 2010, at 9:30 a.m. to conduct a hearing entitled ''Intelligence Reform: The Lessons and Implications of the Christmas Day Attack.''

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

COMMITTEE ON THE JUDICIARY

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on January 20, 2010, at 10 a.m., in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Securing America's Safety: Improving the Effectiveness of Anti-Terrorism Tools and Inter-Agency Communication.''

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

COMMITTEE ON THE JUDICIARY

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on January 20, 2010, at 2:30 p.m., in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Nominations.''

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

SUBCOMMITTEE ON AVIATION OPERATIONS, SAFETY, AND SECURITY

Mr. LEAHY. Mr. President, I ask unanimous consent that the Subcommittee on Aviation Operations, Safety, and Security of the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on January 20, 2010, at 2:30 p.m. in room 253 of the Russell Senate Office Building.

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

PRIVILEGES OF THE FLOOR

Mr. BAUCUS. Mr. President, I ask unanimous consent that the following staff of mine be granted the privilege of the floor during consideration of the debt limit legislation: Aislinn Baker, Ian Clements, Brittany Durell, Ivie English, Zach Person, Greg Sullivan, and Ashley Zuelke.

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

NOTICE: REGISTRATION OF MASS MAILINGS

The filing date for 2010 fourth quarter Mass Mailings is Monday, January 25, 2010. If your office did no mass mailings during this period, please submit a form that states ''none.''

Mass mailing registrations, or negative reports, should be submitted to the Senate Office of Public Records, 232 Hart Building, Washington, DC 20510–7116.

The Public Records office will be open from 9 a.m. to 6 p.m. on the filing date to accept these filings. For further information, please contact the Public Records office at (202) 224–0322.

PROVIDING FOR A JOINT SESSION OF CONGRESS

Mr. BAUCUS. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of H. Con. Res. 228 at the desk and just received from the House.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The bill clerk read as follows:

A concurrent resolution (H. Con. Res. 228) providing for a joint session of Congress to receive a message from the President of the United States.

There being no objection, the Senate proceeded to consideration of the concurrent resolution.

Mr. BAUCUS. I ask unanimous consent the concurrent resolution be agreed to and the motion to reconsider be laid upon the table.

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

The concurrent resolution (H. Con. Res. 228) was agreed to.

DISCHARGE AND REFERRAL—H.R. 1854

Mr. BAUCUS. Mr. President, I ask unanimous consent that H.R. 1854 be discharged from the Senate Committee on Energy and Natural Resources and then be referred to the Committee on Environment and Public Works.

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

MEASURE READ THE FIRST TIME—S. 2939

Mr. BAUCUS. Mr. President, I understand there is a bill at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the title of the bill for the first time.

The assistant legislative clerk read as follows:

A bill (S. 2939) to amend title 31, United States Code to require an audit of the Board of Governors of the Federal Reserve System and the Federal Reserve banks, and for other purposes.

Mr. BAUCUS. I now ask for a second reading and, in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will be read for the second time on the next legislative day.

AUTHORIZATION TO APPOINT ESCORT COMMITTEE

Mr. BAUCUS. Mr. President, I ask unanimous consent the Presiding Officer of the Senate be authorized to appoint a committee on the part of the Senate to join with a like committee on the part of the House of Representatives to escort the President of the United States to the House Chamber for the joint session to be held at 9 p.m. on Wednesday, January 27, 2010.

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

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

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

ORDERS FOR THURSDAY, JANUARY 21, 2010

Mr. BAUCUS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. Thursday, January 21; 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, and the Senate proceed to a period of morning business for 1 hour equally divided and controlled between the two leaders or their designees with Senators permitted to speak therein for up to 10 minutes each, with the Republicans controlling the first half and the majority controlling the final half; that following morning business the Senate resume consideration of H.J. Res. 45, the debt limit bill.

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

PROGRAM

Mr. BAUCUS. Mr. President, there are three amendments pending to the joint resolution. We hope to reach time agreements on those amendments and, therefore, votes are expected tomorrow. Senators will be notified when these votes are scheduled.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. BAUCUS. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 5:50 p.m., adjourned until Thursday, January 21, 2010, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

MARINE MAMMAL COMMISSION

MICHAEL F. TILLMAN, OF CALIFORNIA, TO BE A MEMBER OF THE MARINE MAMMAL COMMISSION FOR A TERM EXPIRING MAY 13, 2011, VICE JOHN ELLIOTT REYNOLDS, III, TERM EXPIRED.

DARYL J. BONESS, OF MAINE, TO BE A MEMBER OF THE MARINE MAMMAL COMMISSION FOR A TERM EXPIRING MAY 13, 2010, VICE PAUL K. DAYTON, TERM EXPIRED.

NATIONAL TRANSPORTATION SAFETY BOARD

EARL F. WEENER, OF OREGON, TO BE A MEMBER OF THE NATIONAL TRANSPORTATION SAFETY BOARD FOR THE REMAINDER OF THE TERM EXPIRING DECEMBER 31, 2010, VICE MARK V. ROSENKER, RESIGNED.

AMTRAK BOARD OF DIRECTORS

JEFFREY R. MORELAND, OF TEXAS, TO BE A DIRECTOR OF THE AMTRAK BOARD OF DIRECTORS FOR A TERM OF FIVE YEARS, VICE DAVID MCQUEEN LANEY, TERM EXPIRED.

DEPARTMENT OF STATE

THEODORE SEDGWICK, OF VIRGINIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE SLOVAK REPUBLIC.

NATIONAL MUSEUM AND LIBRARY SERVICES BOARD

ROBERT WEDGEWORTH, OF ILLINOIS, TO BE A MEMBER OF THE NATIONAL MUSEUM AND LIBRARY SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2013, VICE AMY OWEN, TERM EXPIRED.

NATIONAL MUSEUM AND LIBRARY SERVICE BOARD

CARLA D. HAYDEN, OF ILLINOIS, TO BE A MEMBER OF THE NATIONAL MUSEUM AND LIBRARY SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2014, VICE KEVIN OWEN STARR, TERM EXPIRED.

NATIONAL MUSEUM AND LIBRARY SERVICES BOARD

JOHN COPPOLA, OF FLORIDA, TO BE A MEMBER OF THE NATIONAL MUSEUM AND LIBRARY SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2013, VICE GAIL DALY, RESIGNED.

WINSTON TABB, OF MARYLAND, TO BE A MEMBER OF THE NATIONAL MUSEUM AND LIBRARY SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2013, VICE BEVERLY ALLEN, TERM EXPIRED.

NATIONAL LABOR RELATIONS BOARD

CRAIG BECKER, OF ILLINOIS, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE TERM OF FIVE YEARS EXPIRING DECEMBER 16, 2014, VICE DENNIS P. WALSH.

THE JUDICIARY

MILTON C. LEE, JR., OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS, VICE JERRY STEWART BYRD, RETIRED.

FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

DANA KATHERINE BILYEU, OF NEVADA, TO BE A MEMBER OF THE FEDERAL RETIREMENT THRIFT INVESTMENT BOARD FOR A TERM EXPIRING OCTOBER 11, 2011, VICE THOMAS A. FINK, TERM EXPIRED.

MICHAEL D. KENNEDY, OF GEORGIA, TO BE A MEMBER OF FEDERAL RETIREMENT THRIFT INVESTMENT BOARD FOR A TERM EXPIRING SEPTEMBER 25, 2010, VICE GORDON WHITING, TERM EXPIRED.

MICHAEL D. KENNEDY, OF GEORGIA, TO BE A MEMBER OF FEDERAL RETIREMENT THRIFT INVESTMENT BOARD FOR A TERM EXPIRING SEPTEMBER 25, 2014. (REAPPOINTMENT)

SPECIAL PANEL ON APPEALS

DENNIS P. WALSH, OF MARYLAND, TO BE CHAIRMAN OF THE SPECIAL PANEL ON APPEALS FOR A TERM OF SIX YEARS, VICE JOHN L. HOWARD, TERM EXPIRED.

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

CYNTHIA CHAVEZ LAMAR, OF NEW MEXICO, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT FOR A TERM EXPIRING MAY 19, 2010, VICE ALLEN E. CARRIER.

JOANN LYNN BALZER, OF NEW MEXICO, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT FOR A TERM EXPIRING MAY 19, 2012, VICE LETITIA CHAMBERS, TERM EXPIRED.

THE JUDICIARY

LOUIS B. BUTLER, JR., OF WISCONSIN, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF WISCONSIN, VICE JOHN C. SHABAZ, RETIRED.

EDWARD MILTON CHEN, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF CALIFORNIA, VICE MARTIN J. JENKINS, RESIGNED.

JON E. DEGUILIO, OF INDIANA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF INDIANA, VICE ALLEN SHARP, RETIRED.

AUDREY GOLDSTEIN FLEISSIG, OF MISSOURI, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF MISSOURI, VICE E. RICHARD WEBBER, RETIRED.

LUCY HAERAN KOH, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF CALIFORNIA, VICE RONALD M. WHYTE, RETIRED.

TANYA WALTON PRATT, OF INDIANA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF INDIANA, VICE DAVID F. HAMILTON, ELEVATED.

JANE E. MAGNUS-STINSON, OF INDIANA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF INDIANA, VICE LARRY J. MCKINNEY, RETIRED.

DEPARTMENT OF JUSTICE

LORETTA E. LYNCH, OF NEW YORK, TO BE UNITED STATES ATTORNEY FOR THE EASTERN DISTRICT OF NEW YORK FOR THE TERM OF FOUR YEARS, VICE ROSLYNN R. MAUSKOPF, RESIGNED.

DAVID J. HALE, OF KENTUCKY, TO BE UNITED STATES ATTORNEY FOR THE WESTERN DISTRICT OF KENTUCKY FOR THE TERM OF FOUR YEARS, VICE DAVID L. HUBER, RESIGNED.

KERRY B. HARVEY, OF KENTUCKY, TO BE UNITED STATES ATTORNEY FOR THE EASTERN DISTRICT OF KENTUCKY FOR THE TERM OF FOUR YEARS, VICE AMUL R. THAPAR, RESIGNED.

R. BOOTH GOODWIN II, OF WEST VIRGINIA, TO BE UNITED STATES ATTORNEY FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA FOR THE TERM OF FOUR YEARS, VICE KARL K. WARNER II.

STEPHANIE A. FINLEY, OF LOUISIANA, TO BE UNITED STATES ATTORNEY FOR THE WESTERN DISTRICT OF LOUISIANA FOR THE TERM OF FOUR YEARS, VICE DONALD W. WASHINGTON.

GERVIN KAZUMI MIYAMOTO, OF HAWAII, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF HAWAII FOR THE TERM OF FOUR YEARS, VICE MARK MOKI HANOHANO.

BRIAN TODD UNDERWOOD, OF IDAHO, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF IDAHO FOR THE TERM OF FOUR YEARS, VICE PATRICK E. MCDONALD.

KELLY MCDADE NESBIT, OF NORTH CAROLINA, TO BE UNITED STATES MARSHAL FOR THE WESTERN DISTRICT OF NORTH CAROLINA FOR THE TERM OF FOUR YEARS, VICE PATRICK CARROLL SMITH, SR.

PETER CHRISTOPHER MUNOZ, OF MICHIGAN, TO BE UNITED STATES MARSHAL FOR THE WESTERN DISTRICT OF MICHIGAN FOR THE TERM OF FOUR YEARS, VICE JAMES ROBERT DOUGAN.

CHRISTOPHER TOBIAS HOYE, OF NEVADA, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF NEVADA FOR THE TERM OF FOUR YEARS, VICE GARY D. ORTON.

STATE JUSTICE INSTITUTE

MARSHA J. RABITEAU, OF CONNECTICUT, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE STATE JUSTICE INSTITUTE FOR A TERM EXPIRING SEPTEMBER 17, 2010, VICE SANDRA A. O'CONNOR, TERM EXPIRED.

HERNÁN D. VERA, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE STATE JUSTICE INSTITUTE FOR A TERM EXPIRING SEPTEMBER 17, 2012, VICE TERRENCE B. ADAMSON, TERM EXPIRED.

DEPARTMENT OF JUSTICE

MARY L. SMITH, OF ILLINOIS, TO BE AN ASSISTANT ATTORNEY GENERAL, VICE NATHAN J. HOCHMAN, RESIGNED.

CHRISTOPHER H. SCHROEDER, OF NORTH CAROLINA, TO BE AN ASSISTANT ATTORNEY GENERAL, VICE ELISEBETH C. COOK, RESIGNED.

DAWN ELIZABETH JOHNSEN, OF INDIANA, TO BE AN ASSISTANT ATTORNEY GENERAL, VICE JACK LANDMAN GOLDSMITH III, RESIGNED.

DEPARTMENT OF DEFENSE

KATHERINE HAMMACK, OF ARIZONA, TO BE AN ASSISTANT SECRETARY OF THE ARMY, VICE KEITH E. EASTIN.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS DEPUTY JUDGE ADVOCATE GENERAL OF THE AIR FORCE AND APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 8037:

To be major general

BRIG. GEN. STEVEN J. LEPPER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 8081:

To be major general

COL. GERARD A. CARON

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be admiral

VICE ADM. JAMES A. WINNEFELD, JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

RICHARD K. DOUGHERTY

CONFIRMATION

Executive nomination confirmed by the Senate, Wednesday, January 20, 2010:

THE JUDICIARY

BEVERLY BALDWIN MARTIN, OF GEORGIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE ELEVENTH CIRCUIT.