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## Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable MARK R. WARNER, a Senator from the Commonwealth of Virginia.

### PRAYER

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

Let us pray.

Eternal Spirit, the source of our peace, again at the beginning of another day's deliberations, we crave Your guidance and peace. Lead our lawmakers. Take away any blindness that would prompt them to travel down the wrong path. Lord, lift their hearts and minds into the light of Your presence, empowering them to fulfill Your purposes on Earth. Help them to hear Your voice above the hum of their daily labors and beyond the clamor of the noises that distract them from their ethical resolve. Give them special gifts of understanding, wisdom, patience, and strength.

We pray in Your merciful Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable MARK R. WARNER, 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 assistant legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, February 26, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby

appoint the Honorable MARK R. WARNER, a Senator from the Commonwealth of Virginia, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

Mr. WARNER 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, this morning the Senate will proceed to a period of morning business. Senators will be allowed to speak for up to 10 minutes each. There will be no rollcall votes during today's session.

However, there will be a vote Tuesday morning before the caucus, probably an hour after we come in, but we will make that decision a little later today. We will see if we can get agreement. If not, that is what we will try to do.

We will continue to try to reach an agreement to consider an act to extend for 30 days certain expiring provisions, including unemployment insurance, COBRA, flood insurance, highway funding, small business loans, and small business provisions of the American Recovery Act, the Satellite Home View Act, the SGR, and poverty provisions.

All these are extremely important, especially to those people who are unemployed, and those people who on midnight Sunday night will lose the ability—1.5 million people in rural America—to watch local television.

### RECOGNIZING THE CABBAGE PATCH SETTLEMENT HOUSE

Mr. McCONNELL. Mr. President, when the great-great granddaughter of U.S. Chief Justice John Marshall estab-

lished a safe place for Louisville's troubled and indigent children in 1910, few perhaps could have imagined the impact her actions would make a century later. Yet as The Cabbage Patch Settlement House celebrates its centennial year, the contributions of its alumni to our community and Nation will stand as Louise Marshall's legacy for another 100 years.

Named after the 1901 best-selling novel, "Mrs. Wiggs and the Cabbage Patch," which was written by fellow Louisvillian Alice Hegan Rice, The Patch now serves 1,100 children and their families through a variety of education and counseling programs. Included among its alumni are: an NFL Super Bowl coach, public officials and community leaders, military officers, teachers, coaches, firefighters, and police officers. Thousands of alumni credit their involvement with The Cabbage Patch as a critical factor in their development of strong values and strong faith.

The Louisville Courier-Journal recently recounted the impact this institution has had on my home city, and I ask unanimous consent that the full article be printed in the RECORD.

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

[From the Louisville Courier-Journal,  
Feb. 15, 2010]

THE CABBAGE PATCH: A BEACON FOR 100 YEARS

(By Larry Muhammad)

Sherman Lewis won Super Bowl rings coaching for the San Francisco 49ers and Green Bay Packers, was a college football All-American at Michigan State University and finished third in the balloting for the Heisman Trophy in 1963.

The duPont Manual High School graduate partly credits his career success to the character-building sportsmanship he learned as a teenager at Cabbage Patch Settlement House, which is celebrating its 100th anniversary.

"My first year there, in the ninth grade, I even won a turkey trot," said Lewis, most

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



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recently an offensive consultant for the Washington Redskins. "They had a big turkey in a crate, and you had to run to get it, but I won that race going away. I had never run that fast in my life, but we had a lot of mouths to feed in our family and nobody was going to catch me.

"And Cabbage Patch was the first time I ever played on an integrated team," he said. "They had great coaches there, great role models, and I think that's part of the reason I went into coaching. I owe that place a lot."

Founded in 1910 to help troubled and indigent children, the nonprofit Christian agency now serves 1,100 children and their families through recreation, education and counseling programs. It recently launched a year-long birthday observance that includes an alumni reunion (date and place yet to be announced).

"We are having a series of birthday parties with some of our partner churches this spring," said Cabbage Patch spokeswoman Angela Hagan. "We had one at Highland Presbyterian Jan. 10. We will be at Southeast Christian Feb. 21, and several others are scheduled. Our golf fundraiser at Valhalla (Golf Club) on July 12 will have a 1910 twist—think attire, for one example—and our auction event Sept. 23 at the Muhammad Ali Center will be a big birthday party. On Sept. 25 we celebrate in our own neighborhood (1413 S. Sixth St., Old Louisville) as a beneficiary of the St. James Art Show Gala."

A function of the art show's philanthropic arm, the St. James Court Charitable Foundation, the gala previously has benefited Kosair Charities and the Louisville Orchestra.

"This year, we decided to do the Cabbage Patch," said Don Keeling, the Louisville businessman and president of the St. James Court Association who, as a youth, played after-school sports there. "They raised a substantial amount of money for their renovation, but they still have more to go so we're going to help them retire some of that debt."

The centennial year of The Patch, as it has become known over the years, happily coincides with completion of the \$7.5-million structural upgrade to its Sixth Street facilities, including a renovated gymnasium, kitchen and classrooms, plus 19,000 square feet of new construction adding a glass breezeway between buildings and a two-story carriage house.

Also, starting Friday, Blue Sky Kentucky, the nonprofit group promoting appreciation of American roots music, is launching an education component that ties into ongoing music instruction at The Patch. "Our objective is to bring the art and business end of music directly to the kids," said Greg Handy, a Blue Sky Kentucky founder. "Once a month, artists will come give a brief performance, talk to the kids about what it means to be a professional, working musician, and how they got where they are now. We've developed a syllabus that covers the art of songwriting and also the business of music."

Formerly an 8th Ward alderman who grew up in Old Louisville, Handy remembers hanging out at The Patch, he says, "probably starting at 8 or 9 years old until the time I got my driver's license. I would meet friends there after school, and actually played a little softball for them. Our family was a lot more fortunate than others in the neighborhood. And The Patch was a place where children could go, be safe and learn life's lessons—just a great place."

For as long as anyone can remember, Cabbage Patch Settlement House has been a beacon of hope to inner-city kids and their families.

During the 1937 flood, when the Ohio River submerged 70 percent of Louisville and

forced 175,000 people from their homes, The Patch, which was situated on the edge of an irregularly shaped dry area, became a refuge for dislocated residents and a clearinghouse for food, clothes and other necessities. It underwent a major program expansion after World War II, adding a game room, various athletic programs, adult activities, and dances. During the 1950s it began one of Louisville's first private desegregation initiatives that by 1963 encompassed the entire operation.

During its early years, founder Louise Marshall often scoured the surrounding neighborhood for troubled and less fortunate children, promoting the value of education and inviting them to the Patch. Although from a well-to-do family—her great-great grandfather was U.S. Chief Justice John Marshall—Marshall as a young woman taught a neighborhood Bible school class, felt compelled to help the poor and was influenced by the success of places like Chicago's Hull House to help the less fortunate. She based Cabbage Patch's founding principles on the biblical injunction for charity in the Book of Matthew: "For I was hungry and you gave me something to eat; I was thirsty and you gave me something to drink; I was a stranger and you invited me in; I was naked and you clothed me."

The agency was named for a neighborhood running along tracks of the Louisville and Nashville Railroad, inhabited by L&N workers and truck gardeners growing cabbages—thus the Cabbage Patch. The area was immortalized in a sentimental best-selling 1901 novel, "Mrs. Wiggs of the Cabbage Patch," by Louisville writer Alice Hegan Rice.

Today, it has the legacy of Marshall, who died in 1981, and the example of dedication set by the late Roosevelt Chin, longtime family services director, whose ashes are buried at center court in the renovated gym named in his honor.

It has programs like the vegetable-growing and cooking initiative From Seed to Table, begun by Kathy Cary, chef/owner of Lilly's Bistro. It consistently turns out winning produce at the Kentucky State Fair, taking second place last year for Roma tomatoes, cabbage and corn, and 10 first-place ribbons in 2000, including best hot pepper collection.

It has volunteers extraordinaire such as Lea Fischbach, who in 2007 received the President's Volunteer Service Award from President George W. Bush for her 11 years and more than 4,000 hours of charity work.

"Those who participated in our programs tell the story of our mission," the agency's executive director, the Rev. Tracy Holladay, said in a statement. "When we celebrate 100 years of service, we're celebrating the hope and potential of all those who have come through our doors, past and present, and those who will come in the next 100 years."

#### 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. There will now be a period of morning business, with Senators permitted to speak for up to 10 minutes each.

#### EXTENSION OF UNEMPLOYMENT BENEFITS

Mr. DURBIN. Mr. President, last night a number of Senators stayed on

the floor until almost midnight—I thank the staff and pages for their endurance and patience.

This was over an issue that was critically important to our Nation. It is an issue which relates to this recession we are in and the fact that literally millions of Americans in every State across America are out of work and doing their very best to find jobs. It is not easy. There are as many as four unemployed workers for every available job. People are taking jobs that pay substantially less than what they are used to earning in the hopes of keeping their family together and weathering this economic storm.

Some of the sacrifices that are being made will literally change lives and families forever. People are losing their homes because of the loss of jobs. Folks are finding their kids have to drop out of college and come home because the families can no longer help them afford to pay for tuition and the expense of higher education. So many families in desperate straits are turning to the food banks in cities across America. As I visit these food banks, they tell me there is a dramatic increase in the number of people who come in looking for the basic food they need to put on the table to keep their families together.

Some of these families have lost their health insurance. It is one of the first casualties of losing a job. Unless you have lived as a father of a sick child without health insurance, you cannot imagine what goes through his mind in that circumstance. It happened to me when I was first married and did not have health insurance. I had a sick baby. My wife and I just prayed we could find the care she needed when we did not have health insurance to cover it.

For millions of Americans, that is not only a threat, it is a reality. When you look at this hardship many Americans are facing, through no fault of their own and despite their heroic efforts to put their lives back on track, I believe it is unthinkable, unforgivable that we would cut off unemployment insurance payments to these people; that we would cut off COBRA payments which help them to pay for their health insurance while they are unemployed.

Yet that is what is going to happen Sunday night. It is because the Senator from Kentucky has objected to extending unemployment insurance payments and COBRA health insurance payments for 30 days. In my State, there are 15,000 people who do not realize this morning but will come to realize Monday morning that their lives have dramatically changed. They are not only out of work and they are struggling to survive, but that one lifeline, that unemployment check that keeps them together, that provides \$250 a week so they can get on with life and try to turn the corner, is going to disappear.

You say: Well, why? What is it that has brought us to the point where we

as a nation would cut off help for our own people? The Senator from Kentucky explained last night it is because he wants to balance the budget. He wants to cut the deficit. He is concerned about the debt.

Well, I share his concerns. What was said last night by so many Members on this side of the aisle, which is, for goodness' sake, find a way to express your political views that is not at the expense of helpless people.

That is why so many Members stayed here until almost midnight talking about it. Senator STABENOW from Michigan, what a terrible economic situation in her State. One out of six people in her State is on food stamps. They have had high unemployment for the longest time because of the loss of manufacturing jobs and other employment opportunities.

It is an awful situation, repeated in Rhode Island, where they have one of the highest unemployment rates in the Nation. They were the first in the recession and are struggling to get through it. It is a small State in comparison to Illinois or Michigan. But when Senator JACK REED and Senator SHELDON WHITEHOUSE came to the floor, they talked about hundreds of people in their State who will be cut off from unemployment checks as of Sunday night because of the objection of one Senator who says we have to learn our lesson about deficits.

The simple fact is, this is an emergency situation and should be treated as such. If the floodwaters were rising in Kentucky or Illinois and people were displaced from their homes, desperate to survive, we would not sit down and do a calculation about whether to send them emergency aid, we would do it because we are a nation that cares and a nation that responds and we believe helpless victims deserve a helping hand. These are helpless victims of the recession, and their helping hand is an unemployment check that will be cut off Sunday night because of the objection of one Senator.

Some came to the floor last night—Senator CORKER of Tennessee, whom I respect—and said: I do not think you ought to be doing this. I do not think this is the way the Senate should work, that we should come and renew the unanimous consent request to extend unemployment for 30 days.

I would say to Senator CORKER, whom I respect, and Senator BUNNING, whom I respect very much: We were caught by surprise last night. We could not believe we would actually have the Senate go home to our home States, to the loving arms of our families, to a relaxing weekend, and know that, Sunday night, unemployment checks were going to be cut off across America for hundreds of thousands of people.

That came as a surprise to me last night. That is why we gathered on the floor and talked about the economy and this issue. We talked about the deficit, and we pointed out to the Senator from Kentucky that he has voted for

tax cuts that were not paid for, obviously that added to the Nation's deficit. He has voted for programs not paid for that added to the Nation's deficit.

Yet now he has decided to make his stand, not when it comes to tax cuts for the wealthy but unemployment benefits for the poorest struggling families in America. It is a stark contrast. Last night, we begged him to save this debt debate for a different day and a different issue and please do not victimize these helpless people who are struggling to get by. We were not successful in that effort.

I do not know if the Senator has had a change of heart today. I hope he has. I am going to renew my unanimous consent request that I made last night. I hope we can agree to go forward. I certainly would say to the Senator from Kentucky, we have ample opportunity in the days ahead to debate this deficit and debt, in the budget resolution, in our appropriations process, in virtually every bill that comes before us.

Why did he pick the unemployed families of America, falling behind, losing their homes, struggling to survive, to make his political point about debt and deficit?

One of the Senators said: Oh, in a week or so we will probably send those benefits along. I guess that is true. I hope it is true. We may eat up 3 or 4 days on the floor of the Senate to get it done, instead of instantly doing it this morning, as we can in the process.

In my State, the State of Virginia, the State of Kentucky, there will be unemployed people who will not receive their checks and will go through the anxiety of wondering what happened in Washington that caused them to lose that check they needed so desperately to keep their home, to care for their kids, and to try to turn their lives around and get another job.

That, to me, is an unacceptable approach to governing. It is one I hope we do not do in the future. It is the reason we stayed so late last night to speak to this issue.

Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of H.R. 4691, a 30-day extension of the provisions which expire on Sunday, February 28: unemployment insurance, COBRA, flood insurance, Satellite Home Viewer Act, highway funding, SBA business loans, and small business provisions of the American Recovery Act, SGR, and poverty guidelines, received from the House and at the desk; that the bill be read three times, passed and the motion to reconsider be made and laid upon the table.

The ACTING PRESIDENT pro tempore. Is there objection?

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

The ACTING PRESIDENT pro tempore. The Senator from Kentucky.

Mr. BUNNING. First of all, let me say this, that I believe the Senator

from Illinois is correct that everybody in this Chamber wants to extend unemployment benefits, COBRA health care benefits, flood insurance, the highway bill assistance, medical doc fix, small business loans, and rural satellite television for our viewers who cannot get cable.

I will not object if the Senator from Illinois amends his unanimous consent request to adopt my amendment or any amendment that pays for the bill—we had a pay-go vote last week, and the Senate voted to pay for all the bills that come through—or I will not continue my reservation, I will not object if the Senator from Illinois would spend the \$10 billion it costs to renew these extenders for 30 days.

For example, we could do an across-the-board rescission of the bloated Omnibus appropriations bill that was passed for this fiscal year, which increased appropriations by 10 percent. That is just one, besides my pay-for, which you have objected to. If we cannot find \$10 billion somewhere for a bill that everybody in this body supports, we will never pay for anything.

I continue my objection.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. DURBIN. Mr. President, earlier this week, the Senator from Kentucky made the same request. The Senate majority leader, HARRY REID, said to the Senator from Kentucky: I will give you a chance to come to the floor with your paid-for amendment, fully debate it, and put it up for a vote.

If you can convince a majority of the Senate to do that, you will prevail.

If you can't, then we will treat this as we have so often, as emergency spending, and proceed to help these unemployed people. The Senator from Kentucky rejected that and said he did not want to bring this matter to the floor for a vote because he might lose. I think it is possible he might lose.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. DURBIN. I ask unanimous consent for 2 additional minutes.

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

Mr. DURBIN. If he has a way to pay for this and wants to offer it as an amendment on the floor, we have given him the opportunity to do that. But for him to say he wants to dictate how this is going to be paid for from sources that, frankly, many of us believe are not realistic in any way whatsoever—he wanted to take the money from the Recovery and Reinvestment Act that has already been committed to construction projects and to tax cuts across America; he wants to take that money and reduce tax cuts for working families—I would vote against that. I think that is very shortsighted and would hurt the economy rather than help it. If he wants to make across-the-board cuts in appropriations bills, he ought to have an opportunity to offer

that amendment, and he has had that opportunity. But he doesn't choose to do that. He wants to be guaranteed he will win. There are no guarantees you can win.

There is a guarantee, because of his objection, that hundreds of thousands of unemployed Americans will lose. Come Sunday night, they will have their checks cut off. To be told people have a beating heart and care about unemployed people and to cut off their unemployment checks just doesn't track. I don't think it is any comfort to these families to believe you care, but you are going to cut off their checks anyway. What point are we making—how hard we can be, how tough we can be? At what expense? The most vulnerable families in America are going to suffer because of this political decision by one Senator. I think that is unfortunate. I am sorry he has objected.

I promised I would not renew the request this morning, but we will be back. We will try to get this done. I say those families, hang in there. After the politicians are finished with speeches and debates, America will not give up on you. It is going to be tough for a while, while we work out this political difference, but, unfortunately, that reflects the Senate and where it is today.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Kentucky.

Mr. BUNNING. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 4691; that the amendment at the desk, which offers a full offset, be agreed to, the bill, as amended, be read a third time and passed, and the motion to reconsider be laid on the table.

Mr. DURBIN. I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. BUNNING. We have tried to work this out with the majority, particularly after the pay-go vote last week. When 100 Senators are for a bill and we can't find \$10 billion to pay for it, there is something the matter, seriously the matter with this body. I said that last night. I don't wish to repeat myself. I have offered several ways to pay for it. If everybody in this Chamber—and there are no Senators except me here right now, but there are 100 Members of this body—believes, as the Senator from Illinois does, that this is essential and we should pass it, then we should pay for it. There are going to be other bills brought to the floor that are not going to be paid for, and I am going to object every time they do it. I don't much agree with the Chairman of the Federal Reserve, but it was striking yesterday when he said if the present level of debt and the present administration's budget is passed, the debt of the United States will be unsustainable. "Unsustainable" to me means there is a chance of one of the rating agencies downgrading the rating on our debt. We cannot allow that to

happen. I have too many young grandchildren who want America to be the same America I grew up in. I am worried to death that will not be the case.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

#### EXECUTIVE SESSION

#### NOMINATION OF BARBARA MILANO KEENAN TO BE UNITED STATES CIRCUIT JUDGE FOR THE FOURTH CIRCUIT

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar No. 527, the nomination of Barbara Milano Keenan, of Virginia, to be U.S. circuit judge for the Fourth Circuit.

The assistant legislative clerk read the nomination of Barbara Milano Keenan, of Virginia, to be United States Circuit Judge for the Fourth Circuit.

#### CLOTURE MOTION

Mr. REID. I have a cloture motion at the desk.

The ACTING PRESIDENT pro tempore. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Barbara Milano Keenan, of Virginia, to be a United States Circuit Judge for the Fourth Circuit.

Harry Reid, Herb Kohl, Sheldon Whitehouse, Richard J. Durbin, Benjamin L. Cardin, Patty Murray, Mark Begich, Kirsten E. Gillibrand, Mark R. Warner, Russell D. Feingold, Al Franken, Roland W. Burris, Dianne Feinstein, Patrick J. Leahy, Barbara Boxer, Charles E. Schumer, Edward E. Kaufman.

Mr. REID. Mr. President, I ask unanimous consent that on Tuesday, March 2, after a period of morning business, the Senate proceed to executive session to resume consideration of the Keenan nomination; that the time until 12:15 p.m. be for debate only on a vote on the motion to invoke cloture on the nomination, with the time equally divided and controlled between Senators Leahy and Sessions or their designees; that at 12:15 p.m., the Senate proceed to vote on the motion to invoke cloture with the mandatory quorum waived.

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

#### LEGISLATIVE SESSION

Mr. REID. I now ask unanimous consent that the Senate resume legislative session.

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

#### UNEMPLOYMENT COMPENSATION

Mr. REID. Mr. President, we talk a lot in the Senate about procedure. Our debates sometimes relate only to procedure, and often that is appropriate. As we know, sometimes these procedural rules we have in the Senate are complex. But the issue before us today is not something that is arcane, very ritualistic, or very complex. It is very simple. It is clear that it is going to be a lot more noticeable by people Monday morning because it is going to affect the lives of thousands of Americans and their livelihoods.

The issue before us is this: Our country is in a state of economic turmoil. Lots of people are out of work. Lots of people have been out of work for a long time. They are trying to make ends meet drawing unemployment compensation, which is something we have had in effect in this country for a long time. By Monday morning, tens of thousands of Nevadans and more than a million Americans who rely on unemployment insurance and health benefits will simply lose them.

We have traditionally, during times of stress, automatically given unemployment benefits, and we should do that. These people are getting poorer every day. They are out of work for long periods of time. Unemployment is rampant in every single State in the country, some worse than others. So many of those unemployed have lost their jobs through no fault of their own.

Those opposed to helping people who are down and out, at a time of their greatest need, should not have to talk about process. If you can't afford to feed your kids, process doesn't mean a thing. If you can't make your car payment, it doesn't mean one thing to talk about process. If you can't make your house payment, if you can't go to the drugstore and buy a prescription that needs to be filled, process doesn't matter.

If we do not act, these benefits will expire, but the need to buy groceries, medicine, make a car payment or house payment does not expire. Those benefits will expire but the need to heat their homes—it is wintertime—or put gas in their cars doesn't expire. They do not care about the procedure or process. Those benefits will expire. I repeat, the need to take their medicine does not or the need to take care of an aging parent or to take care of their children does not expire. They don't care a thing about process.

The catch here is that these benefits do not need to expire. We have the ability right now to extend them for just a

short time until we work out a longer term solution. We are going to start working on that on Monday. It is irresponsible and basically it is immoral.

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

Mr. CORNYN. Mr. President, I was not on the floor after the vote last night, but I did get a chance to read some of the transcript of the back-and-forth between Senator BUNNING and Senator DURBIN and others. I understand that Senator DURBIN retained the floor for the most part and yielded for questions, but basically the procedure denied Senator BUNNING and Senator CORKER, who I know also weighed in, an opportunity to explain precisely what was going on.

I have seen some news reports this morning that have suggested that because of the objection to more deficit spending in order to pay for this temporary extension of benefits—that this was an unreasonable thing to do, to actually insist that Congress pay for benefits it is providing.

I would like to put it in a little bit of context. I think if there are two things that are causing the lack of approval of the American people of Congress these days it boils down to two things. One is a lack of fiscal discipline, and the second is a complete lack of credibility whatsoever when it comes to fiscal matters.

Let me give one example. Pay-go, the so-called pay-as-you-go requirement that was passed about 2 weeks ago, in the jobs bill that was passed earlier this week, \$15 billion, the Senate voted to waive those pay-as-you-go rules that it passed 2 weeks ago and the President signed into law with great fanfare.

But the problem goes further than that. It is not just the Senate being unwilling to live by the very law that it passed 2 weeks earlier and was signed by the President. It is the illusion of fiscal responsibility.

Let me tell you what I mean by that. For example, within the pay-go requirement itself, I think most Americans would be surprised to learn that discretionary spending, which is about a third of the Federal budget, is exempted completely. In other words, the senior Senator from New Hampshire frequently calls this the Swiss cheese pay-go because it is so full of holes, it is not what it would otherwise appear to be, and you can see why, if it exempts discretionary spending. Nor does pay-go apply to current entitlement spending—baseline. For example, many of us talked about the \$38 trillion in unfunded liabilities for Medicare itself which is not fixed, which was actually made worse by the health care proposals which have been made by the President most recently and which passed the Senate on Christmas Eve. The pay-go rules don't even apply to current entitlement spending. So under the rules that give the illusion of fiscal responsibility but not the reality, entitlement spending can continue to grow 6 percent annually.

Suffice it to say as well that the problem the majority leader just got through talking about, which is the inability to pass these benefits because they are not paid for, is really a product of his own creation. You recall a couple of weeks ago Senator BAUCUS and Senator GRASSLEY were working on a large jobs bill, which was a bipartisan bill, which was rejected in its entirety by the majority leader in favor of a partisan bill. He did not allow any amendments, did not allow any other suggestions. That was the very jobs bill that was passed by waiving the pay-go requirement.

All the Senator from Kentucky has asked for is that we do what every American family has to do and what every small business has to do; that is, be honest in our accounting of the public's money and to not continue a sham, which is to pretend as if we are being fiscally responsible when, in fact, we are not—by waiving the requirements, by creating the perception or patina of fiscal responsibility with these pay-go rules but which are so fraught with exceptions that they really do not mean what they are sometimes represented to be.

We know there is broad bipartisan support for the legislation that is pending before this body. All the Senator from Kentucky has asked for is that it be paid for, that we not add \$10 billion more to the Federal deficit. That is on top of the roughly \$1.6 trillion that already exists. That is just the deficit. That is not dealing with the unfunded liabilities of the Federal Government.

I am advised that there is about \$100 billion left in discretionary spending from the stimulus bill that was passed the first part of last year—\$100 billion. Using those funds, using \$10 billion of that to pay for this extension of jobless and other benefits does not seem like an unreasonable request at all. It does raise the question, again, of whether Congress is continuing to say one thing and do another.

I remember when we talked about the stimulus funds that it was advertised as being targeted, timely, and temporary. We know it was none of those things because now there is still \$100 billion left in discretionary spending here a year later, along with the TARP which is used as sort of a revolving charge account by Congress—again, more deficit spending. This has been anything but fiscal responsibility when it comes to doing the people's business here in the Congress.

If there is one message I hear from my constituents in Texas and other people around the country it is this: Stop the spending and be responsible when it comes to these unmet liabilities, whether they be annual deficits or when it comes to unfunded Federal liabilities.

But while Congress purports to be fiscally responsible on a number of fronts, you see small bills such as this benefits extension, not paid for, \$10 billion a clip, which continue to add up, and

pass the burden of paying for that on to our children and grandchildren, because that is what they are going to inherit, huge deficits, huge unfunded Federal liabilities, that they are going to pay for, not the present generation. That is not right.

I want to say I admire the courage of the junior Senator from Kentucky, Mr. BUNNING. It is not fun to be accused of having no compassion for the people who are out of work, the people for whom these benefits should be forthcoming, and I believe will be forthcoming.

But somebody has to stand up finally and say enough is enough: No more intergenerational theft from our children and grandchildren by not meeting our responsibilities today. That is what I interpret him to have done. If the majority leader and the majority wanted to have this taken care of, they could have had it done in the Baucus-Grassley bipartisan bill that the majority leader shelved in favor of his partisan jobs bill.

I anticipate that next week when we do take up further legislation, we will take care of these requirements that are now being objected to because of deficit spending. That is appropriate. But I hope, unlike this current proposal, we will do the right thing by the American people and by our children and grandchildren and not borrow or, probably more correctly stated, steal from future generations. We will meet our responsibilities by making sure that any legislation we pass is paid for by an offset, unlike the current bill that has been objected to.

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

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

The assistant legislative clerk proceeded to call the roll.

Mr. UDALL of Colorado. I ask unanimous consent that the order for the quorum call be rescinded.

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

#### TRIBUTE TO PETER H. FONTAINE AND THERESA A. GULLO

Mr. CONRAD. Mr. President, I rise to congratulate Peter H. Fontaine and Theresa A. Gullo for 25 years of outstanding service to the Congress as staff at the Congressional Budget Office. My colleagues understand the important work done by CBO, providing Congress with high-quality, objective, nonpartisan, and timely analyses. The success of CBO and the respect it has built up over the years is the result of the hard work and dedication of employees such as Mr. Fontaine and Ms. Gullo.

Mr. Fontaine started at CBO in February 1985 as an analyst for energy issues in the Natural and Physical Resources Cost Estimates Unit in the Budget Analysis Division. He was promoted to unit chief of the Natural and

Physical Resources Cost Estimates Unit in 1995, to deputy assistant director for budget analysis in September 1999, and to assistant director for budget analysis in August 2007, where he oversees the staff who prepare the cost estimates for legislation and baseline budget projections that are so instrumental to the work of Congress.

Ms. Gullo gained her first experience working at CBO as a summer intern in 1982, before returning in February 1985 as an analyst for natural resources programs in the Natural and Physical Resources Cost Estimates Unit in the Budget Analysis Division. In 1995, she became the first unit chief of the newly established State and Local Government Cost Estimates Unit, and in September 2007, she was promoted to the position of deputy assistant director for budget analysis.

As chairman of the Budget Committee, I greatly appreciate the sacrifices that Mr. Fontaine and Ms. Gullo—as well as their families—make in assisting the Budget Committees and Congress. This sacrifice has never been truer than over the past year, where CBO has faced an unprecedented work load, with the staff working endless nights and weekends under extraordinary time pressures on an array of complex issues. As assistant director and deputy assistant director for budget analysis, Mr. Fontaine and Ms. Gullo oversee much of that work. I thank them for their dedication and professionalism.

The outstanding work being done behind the scenes by public servants like Mr. Fontaine and Ms. Gullo rarely gets the recognition it deserves. But their efforts are critical to the functioning of our government. They are providing a tremendous service to Congress and the American people.

I hope my colleagues will join me in congratulating Mr. Fontaine and Ms. Gullo on their 25 years of outstanding service to Congress.

#### INTENTION TO OBJECT

Mr. WYDEN. Mr. President, consistent with Senate standing orders and my policy of publishing in the CONGRESSIONAL RECORD a statement whenever I place a hold on legislation, I am announcing my intention to object to any unanimous consent request to proceed to legislation extending any expiring laws that does not include extension of unemployment benefits and COBRA health insurance benefits.

Last night, there was an attempt to extend some laws that expire at the end of the month without extending the enhanced unemployment insurance and COBRA health insurance benefits that were enacted as part of the American Recovery and Reinvestment Act. I objected to that attempt.

I did so because Oregon currently has one of the highest unemployment rates in the Nation with an unemployment rate of 11 percent. Extension of unemployment benefits is critical for many

unemployed Oregonians who are in jeopardy of running out of benefits if they are not extended before the end of this month. What's worse, many jobless Oregonians and unemployed workers in other States lose their health benefits when they lose their jobs, leaving them without either income or health care. In order to ensure unemployed workers in Oregon and other States will not be left without these critical, lifeline benefits, I am announcing my objection to any unanimous consent to extend other expiring laws, unless extension of unemployment benefits and COBRA benefits are included as part of the legislation.

I have no objection to the Senate proceeding to H.R. 4213 to provide for certain extenders because extension of unemployment and COBRA benefits are included as part of that legislation.

#### ADDITIONAL STATEMENTS

##### CONFRONTING THE LORD'S RESISTANCE ARMY

• Mr. FEINGOLD. Mr. President, today I wish to speak about a bill that I introduced a year ago with Senator SAM BROWNBACK to confront Africa's longest running rebel group, the Lord's Resistance Army. This bill was passed unanimously by the Foreign Relations Committee in November and it is now cosponsored by 63 members of this Chamber, a supermajority. According to the Congressional Research Service, no bill specifically on sub-Saharan Africa has had this many cosponsors since at least 1973, which is as far back as our online records go. This demonstrates an unprecedented bipartisan consensus to address an issue that was called "the world's worst neglected crisis" just a few years ago.

This historic consensus should not go unnoticed and it must ultimately translate into action.

For two decades, the LRA and its brutal leader Joseph Kony terrorized the people of northern Uganda. They filled their ranks by abducting children—some estimates suggest over 66,000 of them—and forced them to fight as child soldiers. Meanwhile, the people of northern Uganda were forced into displacement camps with little protection from their own government, where they were vulnerable to attacks, disease and starvation. In 2007, I visited those camps and saw first hand the terrible conditions people were forced to endure.

In recent years, the LRA have been pushed out of northern Uganda and fortunately many people have been able to leave those camps. But that has not meant an end to the LRA's terror; it has just shifted to a new theater. Under pressure in 2005 and 2006, the rebels moved into the porous border region of northeastern Congo, southern Sudan and the Central African Republic, where they have recently resumed their attacks and abductions. Accord-

ing to the United Nations, between September 2008 and June 2009, the LRA killed some 1300 civilians, abducted 1400 more, and displaced 300,000 others. That level of violence persists today. The stories are jarring: families locked inside huts and burned alive; people having their lips and ears cut off; people hacked to death with machetes; villages massacred as they gathered for church on Christmas Day.

This continuing violence is senseless and it is horrific. It shocks our collective conscience. That is why Senator BROWNBACK, Senator INHOFE, and I, along with 60 of our colleagues, leading human rights groups, and thousands of young idealistic Americans have come together around this bill. We may not agree on all the specifics of how the United States should go about addressing this issue and what role our government should play, but we all agree the ongoing atrocities committed by the LRA demand more attention, more resources and a more proactive strategy.

Our bill would require the Obama administration to develop such a strategy for how the United States will work more actively with regional governments, the U.N. and others to bring a lasting end to this war. That strategy would need to integrate all elements of U.S. policy—economic, political, intelligence and military—and coordinate our efforts regarding the LRA across the four affected countries. Our bill also authorizes a modest amount of additional funding, \$40 million over 3 years, so we can better support peace and reconciliation in northern Uganda and help meet the humanitarian needs of communities outside Uganda that are currently affected by the LRA's violence.

Unfortunately, one Senator has objected to passage of this bill because of the authorization of funds. Now let me be clear: I share concerns about our record deficits and believe we have a responsibility to our children and our grandchildren to control reckless spending. That is why I make a point to include an offset whenever I introduce a bill that authorizes funds. This bill was no different. When it was introduced, it included an offset to reduce excess secondary inventory for the Air Force; inventory that the GAO found wasteful and the Air Force acknowledged it didn't need. Unfortunately though, some objected to this offset and it was removed in committee.

Now, I have offered to stipulate that the bill should use already authorized funds, rather than authorizing new funds. Apparently that's not sufficient. While I am disappointed that the offset was removed from this bill, I do not believe it is sufficient cause to stop this bill from moving forward. We should keep in mind that passing this legislation would not automatically trigger increased spending. This bill authorizes funds, but appropriating them is a different matter. I am more than willing

to work with lead cosponsors of this bill and others, during the appropriations process, to ensure this bill does not increase our overall budget. In fact, I'd like to work with all of my colleagues in general to eliminate wasteful spending.

We need to pass this bill. We have a unique opportunity right now as members of Congress to make a statement that the mass killing of innocent life by the LRA is unacceptable, and that we as a country will not stand by as it continues to happen. By passing this bill, we can charge our government with looking seriously at how we can do more to help bring these atrocities to an end. When we look back at Rwanda in April of 1994, I think each and every one of us wishes we had done more to save lives. The same can be said about the brutal massacres by the RUF in Sierra Leone or by Charles Taylor's army in Liberia. But we need to not only acknowledge those regrets; we need to learn from them.

Mr. President, the LRA's massacres are taking place now. They are on our watch. This time, let us not look back and wish we had done more. I urge all my colleagues to come together to pass this bill.●

#### MESSAGE FROM THE HOUSE RECEIVED DURING ADJOURNMENT

##### ENROLLED BILL SIGNED

Under the order of the Senate of January 6, 2009, the Secretary of the Senate, on today, February 26, 2010, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bill:

H.R. 3961. An act to extend expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and Intelligence Reform and Terrorism Prevention Act of 2004 until February 28, 2011.

#### MEASURES READ THE FIRST TIME

The following bills were read the first time:

H.R. 4626. An act to restore the application of the Federal antitrust laws to the business of health insurance to protect competition and consumers.

H.R. 4691. An act to provide a temporary extension of certain programs, and for other purposes.

#### 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. DEMINT:

S. 3048. A bill to improve air safety by authorizing the limited use by air carriers of information collected through cockpit voice recorders and flight data recorders, to prohibit tampering with such devices, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. MENENDEZ:

S. 3049. A bill to give shareholders a vote on executive pay, to hold executives ac-

countable for failure or fraud, to structure executive pay to encourage the long-term viability of companies, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. WHITEHOUSE (for himself, Mr. COCHRAN, Mr. LAUTENBERG, Mrs. LINCOLN, Mr. BEGICH, Mr. MENENDEZ, and Mr. FEINGOLD):

S. Res. 426. A resolution designating the week of February 28 through March 7, 2010, as "School Social Work Week"; to the Committee on the Judiciary.

#### ADDITIONAL COSPONSORS

S. 243

At the request of Mr. CARDIN, the name of the Senator from Nebraska (Mr. JOHANNIS) was added as a cosponsor of S. 243, a bill to amend the Internal Revenue Code of 1986 to allow the Secretary of the Treasury to establish the standard mileage rate for use of a passenger automobile for purposes of the charitable contributions deduction and to exclude charitable mileage reimbursements for gross income.

S. 493

At the request of Mr. CASEY, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 493, a bill to amend the Internal Revenue Code of 1986 to provide for the establishment of ABLE accounts for the care of family members with disabilities, and for other purposes.

S. 694

At the request of Mr. DODD, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 694, a bill to provide assistance to Best Buddies to support the expansion and development of mentoring programs, and for other purposes.

S. 1450

At the request of Mr. ENSIGN, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 1450, a bill to enable State homes to furnish nursing home care to parents any of whose children died while serving in the Armed Forces.

S. 1611

At the request of Mr. GREGG, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 1611, a bill to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

S. 1674

At the request of Mr. WYDEN, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 1674, a bill to provide for an exclusion under the Supplemental Security Income program and the Medicaid program for compensation provided to individuals who participate in clinical trials for rare diseases or conditions.

S. 2607

At the request of Mr. REID, the names of the Senator from California (Mrs. BOXER) and the Senator from Utah (Mr. HATCH) were added as cosponsors of S. 2607, a bill to amend the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2010 to repeal a provision of that Act relating to geothermal energy receipts.

S. 2869

At the request of Ms. LANDRIEU, the name of the Senator from Colorado (Mr. BENNET) 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. 2962

At the request of Mr. DODD, the names of the Senator from Illinois (Mr. BURRIS) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 2962, a bill to amend title II of the Social Security Act to apply an earnings test in determining the amount of monthly insurance benefits for individuals entitled to disability insurance benefits based on blindness.

S. RES. 409

At the request of Mr. FEINGOLD, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. Res. 409, a resolution calling on members of the Parliament in Uganda to reject the proposed "Anti-Homosexuality Bill", and for other purposes.

#### SUBMITTED RESOLUTIONS

SENATE RESOLUTION 426—DESIGNATING THE WEEK OF FEBRUARY 28 THROUGH MARCH 7, 2010, AS "SCHOOL SOCIAL WORK WEEK"

Mr. WHITEHOUSE (for himself, Mr. COCHRAN, Mr. LAUTENBERG, Mrs. LINCOLN, Mr. BEGICH, Mr. MENENDEZ, and Mr. FEINGOLD) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 426

Whereas the importance of school social work through the inclusion of school social work programs has been recognized in the current authorizations of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) and the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.);

Whereas school social workers serve as vital members of a school educational team, playing a central role in creating a positive school climate and vital partnerships between the home, school, and community to ensure student academic success;

Whereas school social workers are especially skilled in providing services to students who face serious challenges to school success, including poverty, disability, discrimination, abuse, addiction, bullying, divorce of parents, loss of a loved one, and other barriers to learning;

Whereas there is a growing need for local educational agencies to offer the mental health services that school social workers provide when working with families, teachers, principals, community agencies, and other entities to address emotional, physical, and environmental needs of students so that students may achieve behavioral and academic success;

Whereas, to achieve the goal of the No Child Left Behind Act of 2001 (Public Law 107-110) of helping all children reach their optimal levels of potential and achievement, including children with serious emotional disturbances, schools must work to remove the emotional, behavioral, and academic barriers that interfere with student success in school;

Whereas fewer than 1 in 5 of the 17,500,000 children in need of mental health services actually receive these services, and research indicates that school mental health programs improve educational outcomes by decreasing absences, decreasing discipline referrals, and improving academic achievement;

Whereas school mental health programs are critical to early identification of mental health problems and in the provision of appropriate services when needed;

Whereas the national average ratio of students to school social workers recommended by the School Social Work Association of America is 400 to 1; and

Whereas the celebration of "School Social Work Week" highlights the vital role school social workers play in the lives of students in the United States: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates the week of February 28 through March 1, 2010, as "School Social Work Week";

(2) honors and recognizes the contributions of school social workers to the success of students in schools across the Nation; and

(3) encourages the people of the United States to observe "School Social Work Week" with the appropriate ceremonies and activities that promote awareness of the vital role of school social workers, in schools and in the community as a whole, in helping students prepare for their futures as productive citizens.

#### ORDER FOR THE RECORD TO REMAIN OPEN

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent that the RECORD remain open today until 12:30 p.m. for the submission of statements, adding cosponsors, bill introductions, and the submission of resolutions.

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

#### MEASURES READ THE FIRST TIME—H.R. 4626 AND H.R. 4691

Mr. UDALL of Colorado. Mr. President, I understand there are two bills at the desk, and I ask for their first reading en bloc.

The ACTING PRESIDENT pro tempore. The clerk will report the bills by title.

The assistant legislative clerk read as follows:

A bill (H.R. 4626) to restore the application of the Federal antitrust laws to the business of health insurance to protect competition and consumers.

A bill (H.R. 4691) to provide a temporary extension of certain programs, and for other purposes.

Mr. UDALL of Colorado. Mr. President, I now ask for a second reading en bloc, and I object to my own request en bloc.

The ACTING PRESIDENT pro tempore. Objection having been heard, the bills will receive their second reading on the next legislative day.

#### ORDERS FOR MONDAY, MARCH 1, 2010

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 2 p.m., Monday, March 1; 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 until 3 p.m., with Senators permitted to speak therein for up to 10 minutes each; that following morning business, the Senate proceed to the consideration of H.R. 4213, as provided for under the previous order.

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

#### PROGRAM

Mr. UDALL of Colorado. Mr. President, there will be no rollcall votes on Monday. The next rollcall vote will be at 12:15 p.m. Tuesday, March 2, on the motion to invoke cloture on the nomination of Barbara Keenan to be U.S. circuit judge for the Fourth Circuit.

#### ADJOURNMENT UNTIL MONDAY, MARCH 1, 2010, at 2 P.M.

Mr. UDALL of Colorado. 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 11:40 a.m., adjourned until Monday, March 1, 2010, at 2 p.m.

#### DISCHARGED NOMINATION

The Senate Committee on Homeland Security and Governmental Affairs was discharged from further consideration of the following nomination under authority of the order of the Senate of 01/07/2009 and the nomination was placed on the Executive Calendar:

\*KATHLEEN S. TIGHE, OF VIRGINIA, TO BE INSPECTOR GENERAL, DEPARTMENT OF EDUCATION.

\*Nominee has committed to respond to requests to appear and testify before any duly constituted committee of the Senate.