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Senate

The Senate met at 2 p.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.

Gracious Lord, whose glory has been revealed through the generations, in this time of change renew within our Senators a true understanding of Your providential purposes. Create in them a fervent desire to do Your will and to trust You to produce the results so desperately needed to heal our Nation and world. Lord, guide them with the light of Your truth so they can see clearer the path You would have them follow. May their priorities reflect Your wisdom so that Your liberating love will be felt in all they say and do. Help them to emulate the depth of Your caring in their relationships and responsibilities. Lord, we ask you to bless our new Senators with Your wisdom and courage.

We pray in Your Holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MARK 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. INOUYE).

The bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, November 15, 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.

DANIEL K. INOUYE,
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, the Presiding Officer and I have had a number of occasions to speak in the recent weeks. Welcome to you and everyone else, the floor staff, who are so valuable, and our pages. We look forward to a busy next few weeks.

Following leader remarks, the Senate will turn to a period of morning business, with Senators permitted to speak for up to 10 minutes each. At 4 o'clock today, Vice President BIDEN will swear in Senators COONS of Delaware and MANCHIN of West Virginia.

There will be no rollcall votes during today's session of the Senate. As a reminder to my colleagues, before the recess I moved to proceed on a few bills. I filed cloture on the motions. As a result, we could have a series of up to three rollcall votes at a time to be determined on Wednesday. Those cloture votes will be on motions to proceed to the following bills: Promoting Natural Gas and Electric Vehicles, Paycheck Fairness Act, and the food safety legislation.

The Senate will not be in session tomorrow in order to allow for caucus meetings and leadership elections.

MEASURES PLACED ON THE CALENDAR—H.R. 4168, H.R. 4337, AND H.R. 847

Mr. REID. Mr. President, I am told there are three bills at the desk due for a second reading.

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

The bill clerk read as follows:

A bill (H.R. 4168) to amend the Internal Revenue Code of 1986 to expand the definition of cellulosic biofuel for purposes of the cellulosic biofuel producer credit and the special allowance for cellulosic biofuel plant property.

A bill (H.R. 4337) to amend the Internal Revenue Code of 1986 to modify certain rules applicable to regulated investment companies, and for other purposes.

A bill (H.R. 847) to amend the Public Health Service Act to extend and improve protections and services to individuals directly impacted by the terrorist attack in New York City on September 11, 2001, and for other purposes.

Mr. REID. Mr. President, I object to any further proceedings with respect to these proceedings en bloc.

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

LAMEDUCK SESSION

Mr. REID. I welcome back, as I have indicated, my friends and welcome our new colleagues who will be sworn in as Senators this afternoon. With Senators MANCHIN and COONS joining our family, the Senate will look a little different starting today. It will soon look much different with 16 new Senators taking office. Some desks will switch aisles but the majority has not changed.

On the other side of this building, the House of Representatives will look even more different with a new majority and new leaders. But before any of that happens, we need to use the next few weeks to finish some business. The 111th Congress is not over yet, and the lameduck session starts today.

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

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I will work with my caucus and with Senator MCCONNELL who will, of course, work with his caucus. We will see what we can get done before the start of the 112th Congress in January.

The American voters sent us a message two Tuesdays ago. That message is they want us to deliver. They want us to work together. Voters did not elect only Republicans; they did not elect only Democrats; and they did not want either party to govern, stubbornly demanding their way or the highway. When the heat of the campaign season cools, our constituents are more interested in us getting things done. They would rather we work with each other than talk past each other. Despite the changes, our charge remains the same. Our No. 1 priority is still getting people back to work, and the most important change we can make is in working more productively as a unified body to help our economy regain its strength.

I welcome back my counterpart, the esteemed Republican leader. We have had, of course, conversations since the elections. I look forward to our continued work together.

RECOGNITION OF THE MINORITY LEADER

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

Mr. MCCONNELL. Mr. President, I thank my friend, the majority leader, and congratulate him on his reelection and look forward to working together to wrap up the business of this current Congress and working with him again in the next Congress.

EARMARKS MORATORIUM

Mr. MCCONNELL. Mr. President, I have seen a lot of elections in my life, but I have never seen an election like the one we had earlier this month. The 2010 midterm election was a ''change'' election, the likes of which I have never seen, and the change that people want, above all, is right here in Washington.

Most Americans are deeply unhappy with their government, more so than at any other time in decades. And after the way lawmakers have done business up here over the last couple of years, it is easy to see why. But it is not enough to point out the faults of the party in power. Americans want change, not mere criticism. And that means that all of us in Washington need to get serious about changing the way we do business, even on things we have defended in the past, perhaps for good reason.

If the voters express themselves clearly and unequivocally on an issue, it is not enough to persist in doing the opposite on the grounds that ''that's the way we've always done it.'' That is what elections are all about, after all. And if this election has shown us anything, it is that Americans know the difference between talking about change, and actually delivering on it.

Bringing about real change is hard work. It requires elected officials, whether they are in their first week or their 50th year in office, to challenge others and, above all, to challenge themselves to do things differently from time to time, to question, and then to actually shake up the status quo in pursuit of a goal or a vision that the voters have set for the good of our country.

I have thought about these things long and hard over the past few weeks. I have talked with my Members. I have listened to them. Above all, I have listened to my constituents. And what I have concluded is that on the issue of congressional earmarks, as the leader of my party in the Senate, I have to lead first by example. Nearly every day that the Senate's been in session for the past 2 years, I have come down to this spot and said that Democrats are ignoring the wishes of the American people. When it comes to earmarks, I will not be guilty of the same thing.

Make no mistake. I know the good that has come from the projects I have helped support throughout my State. I don't apologize for them. But there is simply no doubt that the abuse of this practice has caused Americans to view it as a symbol of the waste and the out-of-control spending that every Republican in Washington is determined to fight. And unless people like me show the American people that we are willing to follow through on small or even symbolic things, we risk losing them on our broader efforts to cut spending and rein in government.

That is why today I am announcing that I will join the Republican leadership in the House in support of a moratorium on earmarks in the 112th Congress.

Over the years, I have seen Presidents of both parties seek to acquire total discretion over appropriations. And I have seen Presidents of both parties waste more taxpayer dollars on meritless projects, commissions, and programs than every congressional earmark put together. Look no further than the stimulus, which Congress passed without any earmarks, only to have the current administration load it up with earmarks for everything from turtle tunnels to tennis courts.

Contrast this with truly vital projects I have supported back home in Kentucky, such as the work we have done in relation to the Paducah Gaseous Diffusion Plant in western Kentucky.

Here was a facility at which workers, for years, were unaware of the dangers that the uranium at the plant posed to their health or how to safely dispose of the hazardous materials that were used there. Thanks to an expose about the plant in the nineties by the Washington Post, the danger was made known and I set about forcing the government to put a cleanup plan in place and to treat the people who had worked there. Through the earmark process, we were able to force reluctant administrations of both parties to do what was needed to clean up this site and to screen the people who had worked there for cancer. These screenings saved lives, and they would not have happened if Congress had not directed the funds to pay for them.

Another success story is the Bluegrass Army Depot, which houses some of the deadliest materials and chemical weapons on Earth. As a Nation we had decided that we would not use the kind of weapons that were stored at this site; and yet the Federal Government was slow to follow through on safely dismantling and removing them, even after we had signed an international treaty that required it. But thanks to congressional appropriations we are on the way to destroying the chemical weapons at this site safely and thus protect the community that surrounds it.

Administrations of both parties have failed to see the full merit in either of these projects, which is one of the reasons I have been reluctant to cede responsibility for continuing the good work that is being done on them and on others to the executive branch.

So I am not wild about turning over more spending authority to the executive branch, but I have come to share the view of most Americans that our Nation is at a crossroads; that we will not be able to secure the kind of future we want for our children and grandchildren unless we act, and act quickly; and that the only way we will be able to turn the corner and save our future is if elected leaders like me make the kinds of difficult decisions voters are clearly asking us to make.

Republicans in and out of Washington have argued strenuously for 2 years that spending and debt are at crisis levels. And we have demonstrated our seriousness about cutting spending and reining in government. Every Republican on the Senate Appropriations Committee, for instance, voted against every appropriations bill in committee this year because they simply cost too much. Most included funding for projects in our home States. We voted against them anyway.

Banning earmarks is another small but important symbolic step we can take to show that we are serious, another step on the way to serious and sustained cuts in spending and to the debt.

Earlier this month voters across the country said they are counting on Republicans to make tough decisions. They gave us a second chance. With this decision, I am telling them that they were right to put their trust in us. And it is my fervent hope that it will help demonstrate to the American people in some way just how serious Republicans are about not letting them down.

Republican leaders in the House and Senate are now united on this issue, united in hearing what the voters have

been telling us for 2 years, and acting on it.

This is no small thing. Old habits are not easy to break, but sometimes they must be. And now is such a time. With a $14 trillion debt and an administration that talks about cost-cutting but then sends over a budget that triples the national debt in 10 years and creates a massive new entitlement program, it is time for some of us in Washington to show in every way possible that we mean what we say about spending.

With Republican leaders in Congress united, the attention now turns to the President. We have said we are willing to give up discretion; now we will see how he handles spending decisions.

And if the President ends up with total discretion over spending, we will see even more clearly where his priorities lie. We already saw the administration's priorities in a stimulus bill that has become synonymous with wasteful spending, that borrowed nearly $1 trillion for administration earmarks like turtle tunnels, a sidewalk that lead to a ditch, and research on voter perceptions of the bill.

Congressional Republicans uncovered much of this waste. Through congressional oversight, we will continue to monitor how the money taxpayers send to the administration is actually spent. It is now up to the President and his party leaders in Congress to show their own seriousness on this issue, to say whether they will join Republican leaders in this effort and then, after that, in significantly reducing the size and cost and reach of government. The people have spoken. They have said as clearly as they can that this is what they want us to do.

They will be watching.

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

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

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

The bill clerk proceeded to call the roll.

Mr. SPECTER. 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. SPECTER. I ask unanimous consent to speak for up to 15 minutes.

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

LAMEDUCK SESSION

Mr. SPECTER. Mr. President, I have sought recognition to discuss the activities of the so-called lameduck session we are about to enter. I begin by suggesting that our session does not necessarily have to be a lameduck. We have the capacity to respond to the many pressing problems of the country as we choose. We can spread our wings and we can fly. One could say at many points during the course of the 111th Congress, the session could be called a turkey. It has not been very active in many respects. This body, not atypical, has been expert at avoiding tough votes. Well, if there is any time where it is easiest to avoid tough votes, it is a long distance from the next election, and we can't get any further from the next election than today, since the last election was only 13 days ago.

It is my suggestion that this would be a good time to undertake some significant action. The country is in a tremendous state of turmoil politically, I think more so than at any time in the country's history, certainly more than at any time during my tenure in the Senate; I think beyond that, at any time in the history of the country with the exception of the Civil War period. We have seen candidates run on a platform of ''I won't compromise.''

This is a political body. The art of politics is compromise and accommodation. I suggest there are some real lessons we all learned 13 days ago from the election which we ought to put into effect now and take some action and some decisive action. I suggest a good place to start would be the enactment of the so-called DISCLOSE Act. That is the legislation which would, at a minimum, require the identity of contributors be known to the public so their motivations can be evaluated.

Campaign finance reform followed the massive cash contributions going back to the 1972 elections, and the Congress passed reform legislation in 1974. Then, in a landmark decision, Buckley v. Valeo, in 1976, key parts of that legislation were declared unconstitutional. Freedom of speech under the first amendment was equated with money. I agree with Justice Stevens that that was a classic mistake; that the principle of one person one vote is vitiated by allowing the powerful, the rich to have such a large megaphone that it drowns out virtually everybody else.

There have been a series of legislative enactments to try to overcome the restrictions of Buckley v. Valeo and a corresponding series of Supreme Court decisions broadening the field of freedom of speech, until we got to the case of Citizens United. Then, upsetting 100 years of precedent, the Supreme Court decided corporations and unions could advertise in political campaigns and, in conjunction with other loopholes in the campaign law, it was possible those contributions could be made secretly. When the bill was called for a motion to proceed, as we all know, it fell short of the 60 votes necessary to cut off debate or to impose cloture. Fifty-nine Senators voted aye that we wanted to proceed, 57 Democrats and 2 Independents and all 41 Republicans voted no.

I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks an article by Richard Polman in the Philadelphia Enquirer and an editorial from the New York Times on the DISCLOSE Act.

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

(See exhibit 1.)

Mr. SPECTER. The Polman article recites a number of Senators who voted no against proceeding with the DISCLOSE Act, having made in the past very forceful affirmative statements in favor of disclosure. It may be that by reminding those 4 Senators, perhaps 1 of them or 2 of them—we only need 1, if the 59 votes hold—they could be persuaded to vote aye and proceed to consider the bill. Then we have the advocates of McCain-Feingold. If we compare the rollcall vote on McCain-Feingold, we find there are a number of Senators who voted no against taking up the DISCLOSE Act, Senators who previously had spoken out forcefully in favor of finance limitations and in favor of transparency. Perhaps at least one of those or perhaps even more could be persuaded to vote to proceed with the so-called DISCLOSE Act.

There has been a plethora of political commentary about the dangers to our political system by having anonymous campaign contributions. The last election was inundated with money, and the forecasts are that the next election will be even more decisively controlled by these large contributions and by these anonymous contributions. So to preserve our democracy and to preserve the power of the individual contrasted with the power of the wealthy, I believe that ought to be very high on our agenda.

There is a corollary to the need for some change, some reform as a result of what happened in Citizens United. In that case, we had two votes, and they were decisive. To make the five-person majority, two votes totally reversed the positions which those Justices had taken not too long ago during their confirmation proceedings. Chief Justice Roberts was emphatic in his confirmation proceeding that he was not going to jolt the system, that he would have respect for stare decisis, and that he would have respect for congressional findings. So was Justice Alito on both those accounts. In their confirmation hearings, the testimony of both was explicit in the statement that it was a legislative function to find the facts, and it was not a judicial function to find the facts. When Citizens United came down, as the dissenting opinion by Justice Stevens pointed out, a voluminous factual record showing the dangers and the potential dangers of excessive contributions was on the record.

All that was ignored in the decision in Citizens United and was ignored by

the commitment which those two Justices made in their confirmation hearings not too many years before.

The best approach in dealing with this issue is to have the public understand what is going on in the Court. It is my view and the view of many other Senators that we are long past the time when the Court ought to be televised so the public would understand what has been going on. On repeated occasions, the Judiciary Committee has voted out legislation requiring the Supreme Court to be televised. It is an appropriate legislative function to impose that requirement. It is up to the Congress to decide administrative matters. For example, the Congress decides when the Supreme Court will convene. It is on the first Monday of October in each year. The Congress decides how many Justices it takes to have a quorum—six—to transact the business of the Court. It is the Congress which decides how many Justices there will be on the Court, and the Congress has set the number at nine. It is recalled that an effort was made during the Roosevelt administration to so-called pack the Court by raising the number to 15. The Congress could have done that. It would have been unwise, but the Congress has the power. The Congress decides what cases the Court will hear. For example, mandating that McCain-Feingold be reviewed by the Supreme Court so the Court's customary discretionary decision on granting certiorari or not can be overcome by the Congress. I suggest it is time that transparency and understanding by the public should come into operation. Justice Brandeis was an eloquent spokesman for sunlight being the best disinfectant. It has been said repeatedly that the Supreme Court follows the election returns. The Supreme Court follows the values of our society in a changing country, which has eliminated segregation, changed the rules with respect to sexual preferences, changed the rules many times.

The best way to accomplish that would be to take up this issue, which we could take up in this session—this session before the end of the year—something I have discussed with the majority leader, something I have discussed with the leadership of the House, and we could handle this in relatively short order.

There is another matter which I suggest we ought to take up and conclude, and that is the issue of the START Treaty. President Reagan set the standard of ''trust but verify,'' but since the end of 2009, when the last treaty expired, we have been unable to verify what the Russians are doing.

The START Treaty also provides for beyond verification, provides for arms reduction, which is something which ought to be done. There is no reason to have these vast arsenals. They can be reduced and it would be much less expensive in an era when we are very much concerned about governmental costs.

The 1992 START Treaty, negotiated by President Reagan and by President George H. W. Bush, passed the Senate 93 to 6. The 2003 Moscow Treaty on arms control, negotiated by President George W. Bush, passed 95 to 0. So that is a subject which ought to be taken up and ought to be acted upon, notwithstanding the objection of a small number of individuals. We ought to take that up on the merits and vote it up or down. I am sure it would be ratified.

The issue of don't ask, don't tell is another matter which ought to be concluded before the end of the year. We know what has resulted from the study ordered by the Department of Defense. Some say we ought to know more than we know at the present time. Well, we have considered don't ask, don't tell for more than a decade, and I think it is palpably plain that the time for the current standards has long since run and it ought to come to a vote. To tie up the Department of Defense authorization bill on that subject—a bill which has been passed year after year after year, going back decades—it is something which ought to be enacted by this Congress.

I suggest further that we ought to take up unemployment compensation very promptly. We have millions who are unemployed and an unemployment rate of 9.5 percent nationally. There are people who are actively seeking jobs who cannot find them. That ought to be a priority item, certainly to be accomplished during this session.

There is one other item which I think we ought to act on; that is, to authorize Federal funding for research on embryonic stem cells. That legislation has twice been passed, first under the name Specter-Harkin and later, when the majority changed, to Harkin-Specter. We should have enacted it earlier. We have relied upon an Executive order promulgated by President Obama to authorize Federal funding, and then in a surprise decision the United States District Court for the District of Columbia ruled that the Executive order violated the existing statute.

Well, it is not a constitutional issue. The Congress can change that. The order has been appealed to the Court of Appeals for the District of Columbia Circuit, and the order has been stayed, which means at the present time research can proceed with Federal funding. But it is a very uncertain matter. As testified to by Dr. Collins, the Director of the National Institutes of Health, the scientists who are working under NIH grants are very much in doubt as to what is going to happen. There is some $200 million and more than 200 projects which hang in the balance. On embryonic stem cell research we are dealing with a life-and-death situation, and there ought not to be hesitancy or doubt in the minds of those scientists.

The objection has been raised that these embryos could produce life. Well, if there were any chance that would happen I think no one would be in favor of using them for scientific research. But the fact is, there are some 400,000 of these embryos frozen, and they are not being used to produce life.

Back in 2002, when I chaired the Appropriations Subcommittee on Health, I took the lead in Federal funding to assist individuals who wanted to adopt these embryos to have them produce life. Some $9 million has been appropriated in the intervening years, but only 242 of these embryos have been adopted to produce life. Meanwhile, in 2008, the most recent year for which statistics are available, more than a million people died from heart disease and cancer.

We have the capacity, the opportunity, through these embryos, which replace diseased cells, to deal with stroke, to deal with heart disease, perhaps to deal with cancer. We do not know. But there is much that can be done, and Congress has the authority to clarify the situation. It could take years pending in the Court of Appeals for the District of Columbia, with the time for briefing and argument and decision, and possible appeal to the Supreme Court of the United States. But it is a matter that Congress can act on, and twice we have already acted, and both times vetoes were successfully handed down by President George W. Bush.

So there is much we can do during this session of Congress if we make up our minds to do it.

One other lesson which we have seen from the current election is the tremendous power which has been exercised by the extremities of both political parties, and we have seen this in recent years. We have seen an excellent Senator such as Senator JOSEPH LIEBERMAN who cannot win a Democratic primary, and we have seen an excellent Senator such as BOB BENNETT, with a 93-percent conservative rating, who cannot survive the nomination process in Utah. Those are only a couple of cases. Many more could be cited.

But we have also seen that when the voters are informed and the voters are aroused that we are still a country which has a constituency which desires to be governed from the center, not on either extreme, and the primary elections bring out those on one side or the other.

But we have the situation with Senator LISA MURKOWSKI which demonstrates the point that there is still a dominant voice in the center. Senator MURKOWSKI lost her primary election, illustrative of the principle I mentioned a few moments ago about the primaries being dominated by the extremes. But then, in a spectacular write-in campaign, it now appears Senator MURKOWSKI will be reelected—the first time that has happened since Senator Thurmond won on a write-in campaign in the 1950s, and that is a pretty tough proposition. You have to have the spelling right. ''Murkowski'' is not the easiest name in the world to spell, notwithstanding the fact that it has

been popularized not only in Alaska by her distinguished father—elected at the same time I and others were elected to this body—and it is not certain but it looks pretty likely that Senator MURKOWSKI will be remaining in the U.S. Senate.

So when the electorate understands what the issue is—and there was so much publicity that the electorate did—and when they are aroused and motivated to action, I think it is very strong evidence that America, illustrated by Alaska, wants to be governed from the center. So I think that is something that ought to be noted by this Congress in the last 45 days of this year as we look over a tremendous number of very important issues.

I have not covered the entire range of issues which we ought to consider, but I think I have covered some which ought to be handled by this session of the Congress and that the duck ought to spread its wings, show it is not lame, and get something done to operate in the interests of the American people.

I thank the Acting President pro tempore and yield the floor.

EXHIBIT 1

[From the Philadelphia Inquirer, Oct. 31, 2010]

THE AMERICAN DEBATE: SECRET DONORS VS. DEMOCRACY

(By Dick Polman)

Can we all agree that secret money in politics is a bad thing?

OK, you're with me. So far, so good.

And can we all agree that the Republicans have been hypocrites on this issue—having long declared that they were against secret money, only to flip-flop in 2010 and declare that they were for it?

OK, now I've probably lost half of you. But bear with me.

Thanks to a number of factors—a historic Supreme Court decision that has inspired wealthy donors to pony up, a tax code riddled with loopholes, and toothless federal watchdogs—a record amount of secret money, topping $250 million, is flooding the Senate and House races. We have no idea who these donors are, yet we've all seen their handiwork in TV ads. From the shadows, they create front groups with vacuously pleasing names—something like Concerned Citizens for the Betterment of Mankind, or Americans for Puppies, Apple Pie, and the Fourth of July.

By the way, even though it's true that the Republicans have trumped the Democrats in the secret-money race by more than 2–1, I don't mean to imply that the GOP is poised to win big Tuesday night simply because its anonymous donors wrote big checks. Nancy Pelosi may think so—the House speaker recently said, ''Everything was going great, and all of a sudden secret money from God knows where, because they won't disclose it, is pouring in''—but she is wrong. Long before the GOP's richest fans ever got involved, hardly anything was ''going great'' for the Democrats.

But the secrecy, in itself, is an affront to democracy and the principle of transparency. People give big money for a reason; we may never know what they got in return. We have essentially legalized the practice of backstage bribery, and 2010 is a mere tune-up for the presidential race in 2012.

Last winter, after the U.S. Supreme Court freed up corporations, unions, and other special interests to spend campaign money more easily, rich people felt more emboldened to finance the GOP's efforts. But they didn't want the public to know who they were. So, a few intrepid Republican strategists, including Karl Rove, came up with a clever fix. They created nonprofit groups under a section of the tax code reserved for ''social welfare organizations'' that allows donors to fork over unlimited money without being publicly named. And the secret money has flowed unabated ever since.

So you might be wondering, ''Doesn't the public have a right to know who these donors are? How come Congress hasn't done something about this?'' Well, guess what? Congress has tried. In the spring and summer, the ruling Democrats sought to pass the Democracy Is Strengthened by Casting Light on Spending in Elections Act (which proves that Democrats will never work on Madison Avenue). Known commonly by its acronym, the DISCLOSE Act, it would essentially force these donors into the open. It passed in the House—with virtually all Republicans voting no. It went to the Senate, where it lingers today because Republicans won't let it come up for a vote.

I warned you that I would bring up the Republicans' hypocrisy, defined here as the chasm between what they once professed to believe and what they now practice.

Back in the days when Republicans were strongly opposed to campaign-finance reform (this was a decade ago, when John McCain was mavericky in his efforts to curb big money in politics), they insisted that full disclosure was the best solution, that as long as the voters could see who's giving the big money, voting decisions could be made on that basis and democracy would be alive and well.

So said George W. Bush, for instance, when he first ran for president in 2000. But let's go down the list.

Here was Sen. Mitch McConnell, the chamber's current GOP leader, during a 2000 appearance on Meet the Press: ''Republicans are in favor of disclosure.'' That year, he also said that ''the major political players in America'' should be subject to disclosure; in his words, ''Why would a little disclosure be better than a lot of disclosure?'

Here was Lamar Alexander, now a Tennessee senator but speaking as a presidential candidate in 1999: ''I support . . . free speech and full disclosure. In other words, any individual can give whatever they want as long as it is disclosed every day on the Internet.''

Here was Texas Sen. John Cornyn's philosophical stance just six months ago: ''I think the system needs more transparency, so people can reach their own conclusions.''

Here was Alabama Sen. Jeff Sessions, just six months ago: ''I don't like it when a large source of money is out there funding ads and is unaccountable . . . I tend to favor disclosure.''

Al four have been blocking the DISCLOSE Act. Meanwhile, on the House side, GOP leader John Boehner said in 2007, ''We ought to have full disclosure, full disclosure of all of the money that we raise and how it is spent. And I think that sunlight is the best disinfectant.'' But when the DISCLOSE Act came up in the House this year, Boehner voted for darkness.

Actually, Rove's group, American Crossroads, has engineered the best flip-flop. It was launched this year as a full-disclosure enterprise; one of its board members, ex-GOP national chairman Mike Duncan, said in May, ''I'm a proponent of lots of money in politics and full disclosure in politics''—the traditional GOP position. He voiced his support for ''full accountability.'' But when the potential big donors voiced their distaste for sunlight, the Crossroads gang deep-sixed its disclosure talk and created an offshoot in the aforementioned secrecy section of the tax code. That got the bucks flowing.

And don't expect the feds to police this behavior. Under the tax code, these social-welfare organizations are supposedly barred from spending more than half their money on politics. But the Federal Elections Commission has a well-deserved reputation for allowing political operatives to play fast and loose with the rules. Indeed, the FEC is set up for stalemate; even if its three Democratic commissioners wanted to move against secret money, its three Republican counterparts would likely block the move.

All told, if sunlight is indeed the best disinfectant (as Boehner once believed, when he borrowed the phrase from Justice Louis Brandeis), then I suppose we must now gird ourselves indefinitely for the toxins that flourish in the dark.

[From the New York Times, Nov. 4, 2010]

CAMPAIGN MONEY TO BURN

After Tuesday's vote, there is no limit to the ambitions of stealth political groups bankrolled by anonymous check writers. Two of the flushest pro-Republican operations, American Crossroads and Crossroads GPS, plan to extend their campaigning into the lame-duck session of Congress with waves of misinformation about tax and immigration issues.

The moment could not be more pressing far lame-duck senators to revisit—and pass—the ''Disclose Act.'' It has been approved by the House and would mandate that the public at least be told which deep-pocketed corporate and union donors are politicking from the underbrush. The measure failed by one vote in a September filibuster by Republicans.

The Democratic majority needs just a few Republicans to break party lock step and stand up for politicking in the sunshine. Republicans who once made disclosure their mantra (as an alternative to robust limits on contributions) are predictably backing away.

One Republican newcomer, Senator-elect Mark Kirk of Illinois, did offer a ringing endorsement of disclosure in the campaign. Asked in a debate about the $1.1 million in advertising support that he received from Karl Rove's Crossroads GPS, Mr. Kirk firmly insisted special-interest groups writing campaign checks ''should reveal their donors and be fully transparent.''

And after winning a special election for President Obama's former Senate seat, he will be eligible in the lame-duck session. He can deliver for his voters, and make his mark early, by supporting the Disclose Act.

The so-called Republican moderates—Olympia Snowe and Susan Collins of Maine and Scott Brown of Massachusetts—have been critical of what seem to be peripheral details. If it takes a stripped-down version to win enactment of true disclosure, that is worth pursuing.

The Democratic majority leader, Harry Reid, back from the brink of defeat in an election rife with murky check writers, needs to push hard and be ready to deal. The lame-duck session offers the last realistic chance for a donor disclosure law before secretive organizations up the ante and mayhem for the 2012 presidential campaign.

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

START TREATY

Mr. DORGAN. Mr. President, as I walked in the door to the Chamber I heard the Senator from Pennsylvania talk about the START Treaty. Let me

say that it is such an important thing for this Congress to ratify. It is very important that be an urgent requirement for this Congress. The work that has been done on that I think is some excellent work. In the subcommittee which I chair dealing with energy and water and the funding of nuclear weapons and the Life Extension Programs for those weapons, we have added the funding that a number of people on the minority side felt was necessary to make certain we had confidence in the Life Extension Programs.

So I do hope and I will join my colleague in saying I believe it is critically important for this Congress in the lameduck session to move on the START Treaty and the work that has been done and negotiated with the Russians to begin reducing the number of nuclear weapons and delivery vehicles. So I wanted to start by saying I appreciate what the Senator from Pennsylvania has said.

TAX CUTS AND THE ECONOMY

Mr. DORGAN. Mr. President, this morning I read a little piece in the newspaper that a man named Jacob Carroll had died in Afghanistan, a U.S. soldier. He died in Afghanistan on the battlefield. I did not know Jacob Carroll, but he is one of 438 American soldiers who have died fighting in Afghanistan. He has not only joined in the 438 who have died in Afghanistan but also the over 4,400 who have died fighting in Iraq.

I think most Americans perhaps hear the news, see the news, and move on to what else is covered that day in the newspaper. I was thinking about that when I read something that Franklin Delano Roosevelt had said about the shared sacrifice and shared responsibilities of our country. We have been at war for 9 years in the Middle East, Iraq, and Afghanistan. If you look around our country, and especially look around this Chamber, and evaluate what we have done and what we are preoccupied with, it is very hard to see that our country is at war.

Oh, there are some young men and women who are sent halfway around the world to strap on ceramic body armor in the morning, get shot at in the afternoon, and perhaps get killed. They are at war. They understand sacrifice. But I wonder if it is not too much business as usual in our country and has not been for some long while. I ask that in the context of the discussion I heard this weekend on the interview shows. I was not in town here this weekend, but I heard some of the discussion, and it was about: Well, how about the tax cuts? Who can get additional tax cuts at this moment? And who supports maximum tax cuts versus other tax cuts?

Well, we are at war. We have people dying who serve this country on the battlefield. We have a $13.6 trillion Federal debt. We have a $1.3 trillion budget deficit this year. And the issue is, who should get more tax cuts? That is almost unbelievable to me.

Let me read what Franklin Delano Roosevelt said so many decades ago.

He said:

> Not all of us have the privilege of fighting our enemies in distant parts of the world. Not all of us can have the privilege of working in a munitions factory or a ship yard, or on the farms or in the oil fields or mines, producing the weapons or raw materials that are needed by our armed forces. But there is one front and one battle where everyone in the United States—every man, woman and child—is in action . . . That front is right here at home, in our daily lives, and in our daily tasks. Here at home everyone will have the privilege of making whatever self-denial is necessary, not only to supply our fighting men, but to keep the economic structure of our country fortified and secure . . .

I find it a little disheartening that we have so many people now who have decided that the biggest issue is additional tax cuts.

I travel a lot through Minneapolis to get to North Dakota on weekends, and occasionally at the Minneapolis Airport it will be cold. Yes, it will be 40 below, and the wind will be howling at 35, 40 miles an hour, and you will see a group of people huddled outside the door at the Minneapolis Airport smoking cigarettes because there is no smoking inside the terminal. I figure somebody who goes out to smoke when it is 40 below zero and the wind is blowing 45 miles per hour has pretty much given up their claim forever that they can quit anytime they want to quit. They have pretty much given up that claim.

I would say similarly that those of us in this Chamber who have talked to us about the danger of Federal debt and Federal budget deficits have pretty much given up their claim forever to say that they care about the economic policy and deficits and debt that overhang this country if they bring a satchel to the floor with them that says: My priority is to give tax cuts to the wealthiest Americans when we are at war and have a $13 trillion in debt. Don't tell me you have a claim about caring about Federal budget deficits if that is the agenda you are pushing.

Let me give just a little bit of history on this question of tax cuts. The first time in 30 years that this country had a Federal budget surplus was in the last year of President Clinton's 8 years. At that point, we had a Federal budget surplus. All of the economists and others estimated that we would have budget surpluses from that point throughout the following 10 years.

So the new President, President George W. Bush, said: If we are going to have surpluses, an estimated $5.6 trillion of Federal budget surpluses over the next 10 years, let's take aggressive and quick steps to give back the surpluses in the form of tax cuts.

I stood here on the floor of the Senate and said: Wait a second. Don't be quite so hasty. We don't have those surpluses yet. We have just had 1 year of surpluses, and the rest of them are just projections. Why don't we wait and be a little conservative.

The answer was: You know what, you don't understand economics. We are going to do this because we are going to have all of these surpluses.

So very large tax cuts were put in place—the largest for the wealthiest Americans—and at that point, we stopped seeing any surpluses at all. The tax cuts were for the purpose of giving back surpluses that were to exist when, in fact, none existed. Almost immediately, in 2001, we found out that we were in a recession. Very quickly, we found that there was an attack against our country on 9/11. Then we were at war in Afghanistan, then at war in Iraq, then a 9-year war against terrorists and all the security costs that attend to that. So there haven't been any budget surpluses.

The most unbelievable thing to me is that this country has asked men and women to go off to war and risk their lives, and some have given their lives, and this government has not paid for the cost of that war. We have paid for that war in blood and death—blood and death—no, not the blood of those who serve in this Chamber but blood and death for sure.

Now the question is, with a $13 trillion debt and a deep recession, the deepest since the Great Depression—having gone through and now starting to come out of that recession, the question is the extension of the tax cuts that were provided in 2001. In 2001, those tax cuts had a termination date, and that termination date was this December 31st. So the question, then, is, If tax cuts are to be extended, for whom shall they be extended? It will cost about $3 trillion to extend them for middle-income taxpayers and another $1 trillion in 10 years to extend them for upper income Americans. Let me tell my colleagues what I mean by that. The Center for Budget and Policy Priorities has said that if you extend them for those over $250,000 a year, it costs about nearly $1 trillion with interest over the 10 years, and in addition, those who make $1 million a year will get a tax cut of $104,000 a year—$104,000 a year.

So here is the question: A country that is deep, deep, deep in debt and projected to go deeper into debt, should this country borrow $1 trillion in order to give a tax cut of $104,000 a year to someone who makes $1 million a year or should we perhaps mind the words of Franklin Delano Roosevelt, who says that perhaps that front in which every man, woman, and child can contribute at a time when a country is at war, that front is here at home in our daily lives. Here at home, everyone will have the privilege of making whatever self-denial is necessary, not only to supply our fighting men but to keep the economic structure of our country fortified and secure.

So a young man named Jacob Carroll dies today. He is from Clemmons, NC. I didn't know him, nor do I suspect anyone in this Chamber knows him, but he

died fighting for his country. Are we to do less when we see people making the ultimate sacrifice? Are we to do less than at least ask for sacrifice by all Americans or are we going to continue to say: We will borrow money to continue to prosecute a war. We will send young men and women to risk their lives, but we will not pay for it. We will just add it to the debt. And when it comes time to answer the question—perhaps in a lameduck session at the end of this year—of who shall get the benefit of the extended tax cuts, we will also say—some would insist—that those who are fortunate enough to make $1 million a year in net income in this country—quite a blessing, I would say—those who are fortunate enough to make $1 million a year, we will say to them: You are fortunate enough to get another $104,000 tax reduction, another tax cut. Why? Because a lot of people here believe that is the way you promote economic progress. Not to me. You promote economic progress by demonstrating to the American people that you understand the kind of choking nature this debt and deficit have on future opportunities and future economic growth in this country.

We all grew up at a time when we almost always understood just viscerally—we didn't have to be told—that our children would have it better than we have it. We grew up in a time when it was almost inevitable and we didn't need to be told that we were the biggest, the strongest, the best; we could beat anybody in the world at almost anything with one hand tied behind our back. But it has changed. It has changed. Now this country needs some good decisions, some tough decisions, some decisions to do the right thing.

The question on these talk shows this weekend was, Will you compromise? The better question is, Will you do the right thing for a change? We all know—this country knows—you can't fight a war for 9 years and not pay for any of the costs of it and add it to the Federal debt, and deficit every single year. We know better than that. That is not the way you run a country, it is not the way you share sacrifice, and it is not the way you honor soldiers. You go to war, and we will charge the cost for blood and death. That is not the way to honor those who fight for our country.

Let me mention one final point. It is interesting to me that unless you believe all tax cuts that were enacted in 2001 and 2003 should now be extended in this circumstance, you are a ''liberal.'' So apparently the conservative approach is to borrow money and extend the tax cuts, add $1 trillion to the Federal debt in order to extend tax cuts for those earning over $250,000 a year or more. It doesn't seem to me as though that is a conservative approach; it seems to me that is a liberal approach if you want to add $1 trillion to the Federal debt in order to accomplish that.

I wish no one had to pay any taxes. Wouldn't that be wonderful? Sign me up to say that I wish no one had to pay taxes. But the cost of this country's governance, the building of roads, the schools, yes, the Defense Department, the payment for soldiers and weapons and so on to protect this country—all of that needs to be paid for.

I hope those who decide to affix labels to various positions might well understand that to borrow a substantial portion of money to provide tax cuts when the country is up to its neck in debt is not a conservative position. It just is not. And to suggest we have fewer extensions of tax cuts for the upper income people so that we don't borrow money to add to the Federal debt, that is not a liberal position. It just is not.

FAIR TRADE

Let me also mention one final point. It is the case this weekend, again, with the chattering class, that they describe President Obama's trip to South Korea as something less than a success because there was not a trade agreement negotiated and completed with South Korea. Well, that wasn't the President's fault. The fact is, the South Koreans were not willing to budge on the significant issue that divides our country and South Korea on international trade, and that is the bilateral trade on automobiles. I won't give a lot of statistics except to say this: 99 percent of the cars driven on the streets of South Korea are made in that country. Is that an accident? It is not an accident. That is exactly what they want in South Korea. Ninety-nine percent of the cars they drive on their roads are made there because they want South Korean jobs to make cars driving on their highways. South Korea ships us, depending on the year, anywhere between 600,000 and 800,000 cars a year that they make in their country to sell in our country. We are only allowed to sell about 6,000 cars a year in South Korea. Let me say that again: 600,000 to 800,000 cars being shipped this way and 6,000 cars from the United States being shipped to South Korea. That is exactly what the South Korean Government wants—jobs there, not here.

Well, you know what, the President should not have—and I applaud him for being unwilling to negotiate a trade agreement that is so fundamentally at odds with the issue of having jobs in this country. This country needs jobs. We are terribly short of jobs. We shouldn't be negotiating trade agreements that would fritter away those jobs. We at least ought to require fair trade agreements with countries such as South Korea—at least fair trade—and that has not been the case. So the President ought not be criticized for not bringing home a bad trade agreement. He was not willing to negotiate a bad trade agreement. Good for him. Everyone in this country who needs a job ought to stand up and say: Good for him. Good for standing up for this country's interests. No, it is not being protectionist to insist that if your products are open to our market, then you open your market to our products. That is called fair and reciprocal trade. If other countries don't want to do that, then they have to understand that there are consequences to that.

The President has not failed at all on this issue. When and if the South Korean Government decides it wants fair trade and reciprocal trade opportunities on bilateral automobile trade, I expect we will have a trade agreement. Until that time, I applaud the President for deciding not to sign a bad trade agreement. I want the President to negotiate trade agreements that lift this country up and say to people who are now jobless—and there are millions of them—that, I am fighting for your jobs. It is not protectionist to fight for and demand fair trade and reciprocal trading procedures with our trading partners.

Mr. President, I yield the floor and make a point of order that a quorum is not present.

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

The bill clerk proceeded to call the roll.

Mr. HARKIN. 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.

UPCOMING CLOTURE VOTES

Mr. HARKIN. Mr. President, the day after tomorrow, on Wednesday, we are going to have three cloture votes. These cloture motions were filed before we broke in October. Those will be the first three votes of our returning this fall. Those three cloture votes are, of course, motions to proceed—a motion to proceed on an energy bill, a motion to proceed on the paycheck fairness bill, and a motion to proceed on the food safety bill.

Mr. President, the food safety bill came out of my committee, the HELP Committee, on November 18 of last year. We have been working for a year to get this up. It has strong bipartisan support. We tried to get it up before we broke in October, but there were objections on the Republican side, and we were not able to move forward even though we had been working—Senator ENZI and I—on this along with Senators GREGG and BURR on the Republican side, and Senator DURBIN, I, and others on the Democratic side to work it out. I believe we are there.

This bill has strong support from the consumer groups, from the business and industry groups, and it has strong bipartisan support. I hope we will be able to get a successful vote on the motion to proceed to that bill. I will have more to say about that later in the week, on Wednesday specifically.

Today I wish to confine my remarks to the other two cloture votes, the Energy bill and the one on the Paycheck

Fairness Act. On November 9, a bipartisan group of us from the Senate—four of us—sent a letter to the majority leader, Senator REID, about this bill, the Energy bill. We are going to be voting on the motion to proceed to this bill on Wednesday.

Basically, what this letter—which is bipartisan—said to Leader REID was that we need to move forward on energy legislation. We all recognize that. But there is a major omission in this bill. What is missing from the bill is any mention of biofuels and what biofuels can contribute to our energy independence in this country.

At the outset, first of all, I ask unanimous consent that this letter be printed at this point in the RECORD.

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

U.S. SENATE,
Washington, DC, November 9, 2010.

HARRY REID,
Senate Majority Leader,
U.S. Senate.

DEAR MAJORITY LEADER REID: Achieving a transition to cleaner, more secure, and more sustainable energy systems is one of the public policy imperatives of our generation. We cannot afford to continue to send billions of dollars every year to unstable oil producing countries, nor to spend additional billions protecting those investments. We also cannot continue to ignore the rising global temperatures, changing climates, and health effects that are direct results of the annual emissions of billions of tons of greenhouse gases and air pollutants from fossil fuel combustion.

There is also broad recognition that promotion of energy efficiency and alternative fuels and energy systems offer one of our clearest and most promising avenues for significant job creation and economic development. Indeed, we arc seeing increasing calls for domestic development of renewable fuels and technologies, both for their export potential and to avoid our eventual import of those same technologies if we fall behind in their development.

We are heartened that you have filed cloture on energy legislation because it provides an opportunity for a full debate about our nation's energy future, and we would like to work with you to craft legislation that can obtain broad bipartisan support. To that end, we urge you to include in that legislation a number of broadly supported programs and policies addressing some of our most immediate and obvious energy challenges.

One of our most pressing energy issues is our continued dependence on imported petroleum for fueling our transportation systems. On this issue, we are encouraged by the progress that is being made by vehicle efficiency gains and by the increasing contributions from domestic biofuels. However, we are also deeply concerned that continued expansion of biofuels is being constrained by marketplace limitations. Quite simply, we need more vehicles that can utilize high percentages of ethanol and other biofuels, we need to develop pipelines to transport these fuels from their production sites to the largest markets, and we need to ensure that these high renewable content fuels are available at filling stations across the country. We therefore urge you to include biofuels market expansion provisions addressing these barriers in energy legislation considered by the Senate.

We also urge consideration of legislation to extend the Volumetric Ethanol Excise Tax Credit (VEETC) beyond its current expiration date of December 31, 2010. Letting this key support policy lapse in the coming year could cause a precipitous drop in biofuels production, threatening thousands of good-paying green jobs as well as putting pressure on gasoline prices and supplies. While we believe that the VEETC program deserves review in the context of broader discussions about how best to address the most important limitations facing biofuels, it is very important to not let this support program lapse while those discussions take place.

The enactment of these policies will enable as much as a 5-fold increase in biofuels' displacement of oil-based fuel use in transportation within the next 2 decades—generating energy resource production and refining jobs all across America, improving our international balance of payments, and lessening our dependence on imports from unstable regions of the World.

TOM HARKIN.
CHRISTOPHER BOND.
TIM JOHNSON.
AMY KLOBUCHAR.

Mr. HARKIN. Again, what is missing is biofuels. While I will certainly vote for the motion to proceed because I think we should proceed to it, major changes need to be made in this bill before it can earn my support on final passage. Let me talk about what those changes are.

First of all, I think it is very clear that we have to wean ourselves off of spending more and more of our taxpayers' dollars, consumer dollars, on imported oil. I think President Bush said that, and President Obama has said that, and it is not a partisan issue. It is a national security issue dealing very much with our economic security in this country. What is missing from the bill is a focus—any focus at all—on the one thing that over the last, say, 20 years has decreased our dependence on foreign oil; that is, the use of biofuels for transportation.

Again, there have been a lot of alternatives proposed: natural gas, hydrogen, electric vehicles—all of which will be pursued in the future. But, quite frankly, the only thing right now and in the foreseeable future, the next 10, 15 years that will do anything to decrease our dependence on foreign oil is biofuels.

There has been a remarkable success story with biofuels in this country. This chart shows what we have done—it shows production increasing from 1998 up until about 2010. We had a huge increase in the use of biofuels, so we are up to about 11 billion or 12 billion gallons a year. Under the renewable fuels standard 2—the mandate we passed in 2007—that is projected to go up to 36 billion gallons of biofuels by 2022. That is in the law—36 billion gallons by 2022. So, again, this is what is going to replace imported oil. We are well on our way to doing that. However, right now biofuels are facing significant market limitations. Well, first of all, about the only thing that can be used is 10 percent ethanol blends with gasoline—E10—although the EPA just recently came out with a new standard where we will be able to use E15—or 15 percent ethanol—in model cars 2007 and higher. It is thought that maybe sometime next year EPA will come out with another standard that will allow as much as 20 percent ethanol.

These are all well and good, but, again, there are a couple of things that need to be done. First of all, let's keep in mind that converting to use of biofuels is much quicker and much easier, much more cost effective than using natural gas. For example, to use E85 or any other blend of biofuels at a pump just takes a different kind of pump. But you, as the driver of the car, would simply drive up, pick up the handle, put the fuel in your gas tank, just as you put in gasoline today. But for natural gas, there would have to be a big pressurized storage tank. That natural gas would have to then be transferred to your vehicle tank, a very strong tank in your car, and there would have to be some kind of nozzle to transfer that pressurized fuel. It wouldn't just be putting gasoline in a vehicle. So a whole new infrastructure would have to be built to accomplish this. But no new infrastructure needs to be built to put biofuels in your car. So it is much easier and much more rapid.

Now, a couple of things I have already said about the infrastructure, but let me talk a little about two things. The first is the ethanol tax credit. Right now it is at 45 cents a gallon. There is a lot of talk that when it expires this year it shouldn't be renewed because it costs $5.9 billion a year for this tax credit for ethanol. You might say: Maybe we shouldn't be spending that. Well, studies by McKinsey and others show that ethanol reduces gasoline prices—estimates vary, but conservative estimate is 17 cents a gallon. So that savings of 17 cents a gallon saves consumers in America $24 billion a year—$24 billion a year. So it is not a net cost to taxpayers but a real savings of four to five times as much as the cost in the tax credit.

Secondly, on jobs. Everyone is talking about jobs. We have to have more jobs in this country. Well, each 1 billion gallons of biofuels generates anywhere from 10,000 to 20,000 jobs—a broad range. So if we go from 13 billion gallons today to 36 billion gallons in 2022, that would generate over 400,000 permanent jobs—400,000 permanent jobs. That is not to mention the number of construction jobs that would be needed during the building of the facilities.

Now, two other things about market problems. Right now, we have a problem in terms of the number of cars that can be flex-fuel. Every car that General Motors makes in Brazil is flexible fuel. Every car Ford makes in Brazil is flexible fuel. Every car Honda makes in Brazil is flexible fuel. They can burn anything from gasoline to 85 percent ethanol—E85. So why aren't they doing it here? The cost is minimal.

The second thing is to get blender pumps—pumps at gas stations—that

can take ethanol and blend with gasoline at any mixture you want and then can be put in that flex-fuel car. So we need two things: We need more flex-fuel cars, and we need more blender pumps. Very low cost, very easy to install.

Senator LUGAR and I have repeatedly introduced legislation to accomplish this, and that ought to be a real part of this Energy bill we are bringing up a motion to proceed to on Wednesday.

Lastly, let me get to the issue of net energy. This is a red herring that comes up all the time. People say it takes more energy to produce ethanol than we get out of it. We have been hearing this for about 30 years, and it is simply not true. It is like the old Will Rogers saying: It is not what we don't know that hurts us, it is what we know that ain't so. And what we seem to know that isn't so is that it takes more energy to produce ethanol than we get out of it. That is factually incorrect.

Take gasoline for example. Think about gasoline in terms of net energy payback. For every unit of energy going in, how much do we get out? For gasoline, it is .813. In other words, we get less energy out of the gasoline than we have used to drill for the oil, pump the oil, transport the oil, refine the oil, get the gasoline, and pipe the gasoline. All that takes energy. That plus the energy in the resource means the net energy payback for gasoline is at about .813. For ethanol it is 1.42.

Now why is that? Why would we get almost half, again, as much as energy from a unit of ethanol than we put into it? Very simple. The energy that is in the biofuels comes from the Sun when it is growing, and that is free. That doesn't cost anything.

This figure also takes into account the energy used to make the fertilizer, the energy in the diesel fuel for the equipment, the energy used in harvesting, and the energy in conversion and transportation. That is all figured into this, and we still get 1.42 units of energy for every unit of energy going into ethanol.

Now, that is just the ethanol. We know when we take the ethanol out of certain biofuels—say corn—there is something called distillers dried grain left over which we can feed to the livestock. If we take that into account, and allocate some of the input energy to those byproducts, then we get over two times the energy output for every unit of energy we put into ethanol. But I will not go there. I am just talking about using the ethanol that we would put into a car where we would get a net payback. So, again, we have heard for the last 30 years about how ethanol takes more energy than we get out of it, and that just isn't so.

So, as I say, Mr. President, on Wednesday, the motion to proceed to the Energy bill, that is fine. I am going to support that. But I want to make it clear there have to be major changes in the bill before I can support it, and one of the major changes is that we need to make sure we have a strong biofuels section in that bill.

The second issue that is coming up on Wednesday that I want to discuss is the Paycheck Fairness Act. Again, this is something I and a lot of others have been working on for a long time. I say the real leaders on this have been Senator MIKULSKI and Senator DODD. They have led the charge on this for a long time.

In 1963 we passed the Equal Pay Act, which said a woman had to be paid the same as a man for the same job. In other words, if you had the same job, same job description, you couldn't have any pay differential. That went into effect in 1963. However, all of these years later, right now, a woman earns 77 cents on the dollar compared to what the man makes. There is a differential even if we talk about different jobs. And why is that? Well, it is because, quite frankly, this wage gap between men and women basically has been ignored lately, and we have built in a kind of infrastructure that lends itself to women being sort of shortchanged. Studies done by the Academy of Management Perspectives in 2007 tried to explain the difference as to why women are making only 77 cents on the dollar compared to what a man makes.

Race accounts for 2.4 percent—that is interesting—whether they were a member of a union—organized labor—experience, and then the industry category or what industry you were in might explain the difference. For example, the construction industry would be more heavily dominated by men than women. Then the occupational category—the occupational category itself. I have always said truckdrivers tend to be men not women. So the occupational category, that explains a lot of the differential.

The point is that 41.1 percent was unexplained. It could not explain why there was a difference between what a woman makes and what a man makes. What is the difference? Well, quite frankly, the difference is the gender. The gender gap is what it is. No other thing, nothing else explains it other than that.

The other thing we have to understand is that today two-thirds of mothers are major contributors to the family income. Almost 40 percent are the primary breadwinners. Think about that: 4 out of 10 mothers are the primary breadwinners for their families, and 24 percent are cobreadwinners. In other words, the husband and wife are both working together. About 36 or 37 percent are other factors. In other words, they may be a third or something like that because of maybe part-time work or other things.

The fact is, that is not what Congress intended when we passed the Fair Pay Act back in 1963. We wanted to close that gap. Yet 47 years later we still have this gap. So the Paycheck Fairness Act would strengthen the penalties for discrimination. It would give women the tools they need to identify and confront unfair treatment. It would fund education programs designed for women and girls to support and empower them. It would increase training, research, and education to help the Equal Employment Opportunity Commission respond to wage discrimination claims more effectively.

Again, these are steps that are meant to make the Equal Pay Act of 1963 more meaningful. We had a lot of bills in the past on civil rights, but it wasn't until the Civil Rights Act of 1964 that we actually put teeth in it and made those previous laws something that meant something. So, Mr. President, we can't afford to kick the can down the road any longer on the Paycheck Fairness Act.

On the heels of the Paycheck Fairness Act is what I call the Fair Pay Act. I have been introducing this bill every year since 1996. In every session of Congress since 1996 I have introduced the bill. It is basically to understand the gap that occurs—this gap here—in this occupational category. You see, there are a lot of women who work at jobs that require as much education and training as a man's job, but it is in a different category.

For example, millions of female-dominated jobs—such as social workers, Head Start teachers, childcare workers, nurses, nurse assistants, long-term care assistants in our long-term care facilities—are equivalent in skills, effort, responsibility, and working conditions to similar jobs dominated by men, but they pay a lot less. Again, this is inexcusable, and that is why I have introduced this Fair Pay Act in every session of Congress since 1996.

The Fair Pay Act would require companies to publish their job categories and their pay scales. It wouldn't require a company to say what each person is getting paid, it would just say they have to publish their pay scales and their job categories. That way people would know what their contemporaries are making, or at least a range of what they are making.

I asked Lilly Ledbetter when she appeared before our committee a couple of years ago if the Fair Pay Act had been in existence when she was discriminated against would she have been in a better position. She said yes; she would have known then that she was being unfairly paid less than what her contemporaries were. So, again, that is why we have to move ahead on the Fair Pay Act. We can't forget that there are millions of women who work very hard—they care for our elderly, they care for our kids, they teach our kids, in many cases they are daycare workers, nurse assistants, and they do extremely important work. What would we do without them? But because they are categorized as women's jobs, they are paid a lot less. For example, take the difference between a truckdriver and a nurse. They both require about the same amount of skills, education and training and physical

ability—about the same amount. Yet a truck driver is making much more than a nurse makes. Why is that?

We tend to think of truckdrivers as big burly men but, you know, with power steering and power brakes and some other machinery, it does not require a lot of muscular effort anymore. But a nurse, who has to turn patients over—that requires physical effort also. That is one example of the disparity we have in our society.

We have to end this categorization that certain jobs are women's jobs and therefore we can pay them less. I daresay a truckdriver is an important part of our society. You make no bones about it. But so is a long-term care assistant taking care of our grandparents, or someone on an Alzheimer's unit, or a person who is taking care of our kids in the dawn of their life when they are in daycare centers. They do important work, vitally important work. They should not be discriminated against any longer.

I hope we will move forward on these two bills. As I said, the third bill is the food safety bill. I am hoping we will move forward on that also and that we can finish that bill by the end of the week. We reported this bill unanimously out of our HELP Committee November 18 of last year. There was not one ''no'' vote against it. Frankly, I daresay if we can bring the bill out on the floor—I am just wagering—I bet we get 90 votes. But there is a small group on the Republican side that is basically filibustering the bill. I am hopeful in good faith, working with Senator ENZI, Senator BURR, Senator GREGG, and others on our side, we can break this logjam and we can get the food safety bill through this week. It is so vitally important. As I said, it has broad bipartisan support. We worked hard to keep it that way. We have industry support and consumer groups support. Certainly it is vitally important to the health and safety of our country.

Our food safety laws have not been upgraded in 30 years. Think about the changes that have taken place in the way we grow food and ship food and prepare it compared to what it was 30 years ago.

Again, I am hopeful we will be able to bring that up and pass it, not only the motion to proceed but the bill itself, sometime this week. I will have more to say about that.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

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

The ACTING PRESIDENT pro tempore. We are in morning business. The Senator is authorized to speak for up to 10 minutes.

TRIBUTE TO DR. MARGARET BURROUGHS AND BISHOP ARTHUR BRAZIER

Mr. BURRIS. Mr. President, every day we walk the hallowed Halls of the U.S. Capitol, a building filled with statues, busts, and paintings honoring great Americans—Lincoln, Washington, Dr. Martin Luther King Jr., names we will never forget because they are the individuals who built and altered the foundation of this country.

But we must also never forget to recognize those Americans who may not appear in our history books but whose contributions have helped write our American story, great Americans like Dr. Margaret Burroughs who became a legend in her own time.

Dr. Margaret Burroughs is a true American treasure—an artist, advocate, poet, and progressive. She celebrated her 93rd birthday this month and today, I ask my colleagues to join me in honoring her.

Born in Louisiana before women could vote, Dr. Burroughs moved to the south side of Chicago when she was five, eventually studying at both Englewood High School and Chicago State University.

Politically active from an early age, Dr. Burroughs and classmate Gwendolyn Brooks joined the NAACP Youth Council, and her ambitions only grew from there.

She taught art at DuSable High School for 23 years, and taught humanities at Kennedy King College for over a decade.

For most, a 30-year career teaching thousands of students would be enough. But for Dr. Burroughs, her life in education was just one part of her story. This extraordinary woman always opened her doors to friends and colleagues. Her coach-house flat became a social center, which many called ''little Bohemia.''

She worked tirelessly to establish the South Side Community Art Center, opening in 1940. And she nursed her growing interest in the arts by studying at the Art Institute of Chicago where she earned her master's of fine arts in 1948.

An established painter and printmaker in her own right, Dr. Burroughs began exhibitions in 1949, showing her work all over the United States and abroad.

She was generous enough to gift several of her works to my daughter, and several more adorn the walls of my Home and Senate offices in Chicago.

When she founded the DuSable Museum of African-American History in 1961, Dr. Burroughs established herself as one of the outstanding institution builders of her generation.

Once again, Dr. Burroughs created a place for people to come together. The museum that began on the ground floor of her Chicago home is now located in Washington Park and has become an internationally recognized resource for African-American art.

Dr. Burroughs served as a director of the museum she founded until her appointment as a commissioner of the Chicago Park District in 1985.

She has always been committed to the progressive cause, and she has been a prolific writer over the long course of her rich lifetime.

Dr. Burroughs contributed to ''Freedomways,'' a publication founded by W.E.B. Du Bois and Paul Robeson, both heroes of hers. She served as art director for the Negro Hall of Fame. She has illustrated a number of children's books. She is an accomplished poet, with poems that triumph African and African-American culture. And she served as an early and often lonely pioneer of black awareness, her writings provided a beacon of hope for a younger generation.

Her paintings, poems and prints alone make Dr. Margaret Burroughs an important part of American history.

But her desire to pass knowledge, hope, and inspiration to future generations means Dr. Burroughs will also be a significant part of the fabric of our nation.

Tens of thousands of African Americans have been touched by her art, taught in her classrooms, motivated by her words, and inspired by the institutions she helped create.

In her 1968 poem, ''What Shall I Tell My Children Who Are Black?,'' she writes about how we can encourage future generations of African Americans.

And as she celebrates 93 years on this Earth, I ask my colleagues to join me in thanking her for her service. We know that her life's work will long be remembered by future generations: an extraordinary life of an educator, an artist, a poet, and an inspiration.

Likewise, I would like to present a eulogy for a second great American.

Many towering figures of American history have walked these halls, leaving their legacy written across our shared history. And one American whose life and work have made a deep and indelible mark on this Nation is Bishop Arthur Brazier, who passed just last month after a lifetime of leadership.

Those who knew the Bishop personally called him ''one of our nations great moral lights,'' ''a stalwart of the city of Chicago,'' ''father, leader, and friend.''

Bishop Brazier was born and raised on the South Side. After just 1 year at Phillips High School, he dropped out to find work and was promptly drafted into the army where he served as a staff sergeant in India and Myanmar, then known as Burma. Discharged in 1945, he returned to Chicago where he met his future wife.

At the age of 26, Brazier was baptized. He took a job as a mail carrier but felt a deep urge to preach. So he began studying at night at the Moody Bible Institute, a place at which my wife served as a professor, and in 1952 became pastor of the Universal Church of Christ.

Eight years later, he merged his congregation with that of the Apostolic Church of God in Woodlawn where he was the pastor for more than 48 years—building a congregation of over 20,000 members.

For decades, Bishop Brazier fought gangs and crime and pushed for more affordable homes and better schools.

As founding president of The Woodlawn Organization—a group aimed at shepherding his South Side community through racial unrest and neighborhood upheaval—he opposed plans by the nearby University of Chicago to expand, which would have displaced residents and use land he anticipated developing into low-income housing.

Bishop Brazier taught the people of Chicago and perhaps the people of the United States to always look forward instead of looking back, saying: ''I do not think it behooves us well to keep talking about the past. The American theme is not the America of history.''

All Americans can benefit from such a profound legacy. The life of Bishop Brazier is a story of expanding equality and opportunity, of people and institutions grappling with social change and striving to live up to the promises of equality they innately know belong to them.

Because of Bishop Brazier we are reminded to care for the poor, to focus on spiritual strength rather than material wealth, and that we too can make a difference in our communities.

Bishop Brazier's passing has no doubt left a void in the American landscape. But because of his life, his sacrifice, and his great service, we have the foundations for a better tomorrow.

My prayers are with his wife Isabelle Brazier; his son Bryon Brazier; his three daughters, Lola Hillman, Janice Dortch and Rosalyn Shepherd; and the countless family members and friends who loved and followed this great man.

Mr. President, it is a great honor and privilege that I stand on the floor of the Senate and speak on behalf of these two great Americans, these great Chicagoans and Illinoisans who have done so much for our city, our State, and our Nation. It is my hope and prayer, as my parting words to this U.S. Senate, that these individuals will be memorialized in the archives of this great body.

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

The VICE PRESIDENT. Without objection, it is so ordered.

CERTIFICATES OF ELECTION AND CREDENTIALS

The VICE PRESIDENT. The Chair lays before the Senate the certificates of election to fill the unexpired terms for the States of Delaware and West Virginia. The certificates, the Chair is advised, are in the form suggested by the Senate.

If there is no objection, the reading of the certificates will be waived and they will be printed in full in the RECORD.

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

STATE OF DELAWARE

Executive Department

Dover

CERTIFICATE

To All Persons To Whom These Presents Shall Come, Greetings:

Whereas, an election was held in the State of Delaware, on Tuesday, the second day of November. in the year of our Lord two thousand ten, that being the Tuesday next after the first Monday in said month, in accordance with the provisions of the Constitution and Laws of the State of Delaware, in that behalf, for the purpose of choosing by ballot a Senator for the people of said State in the United States Senate for the unexpired term caused by the resignation of Joseph R. Biden, Jr., said term ending at noon on the 3d day of January, 2015.

And Whereas, the official certificates or returns of said election, held in the several counties of the said State. in due manner made out, signed and executed, have been delivered to me according to the laws of the said State, by the Superior Court of said counties; and having examined said returns, and enumerated and ascertained the number of votes for each and every candidate or person voted for, for United States Senate, I have found Christopher A. Coons to be the person highest in vote, and therefore duly elected and chosen United States Senator of this State.

I, the said Jack A. Markell, Governor aforesaid, in accordance with the provisions of the Act of the General Assembly of this State in that behalf, do hereby, therefore, declare, make known and certify that the said Christopher A. Coons has received the highest vote at the election aforesaid and therefore is the legally elected United States Senator for the State of Delaware.

Given under my hand and the Great Seal of the said State, the 10th day of November in the year of our Lord two thousand ten and in the year of the Independence of the United States of America two hundred thirty-five.

By the Governor:

JACK A. MARKELL,
Governor.
JEFFREY W. BULLOCK,
Secretary of State.

[State Seal Affixed]

STATE OF WEST VIRGINIA

Office of the Executive

CERTIFICATE

To the President of the Senate of the United States:

This is to certify that on the Second day of November, 2010, Joe Manchin III was duly chosen by the qualified electors of the State of West Virginia a Senator for the unexpired term ending at noon on the 3rd day of January 2013, to fill the vacancy in the representation from said State in the Senate of the United States caused by the death of Robert C. Byrd.

Witness: His excellency our Governor Joe Manchin III, and our seal hereto affixed at Charleston, West Virginia this the Twelfth day of November in the year or our Lord 2010.

By the Governor:

JOE MANCHIN III,
Governor.
NATALIE E. TENNANT,
Secretary of State.

[State Seal Affixed]

ADMINISTRATION OF OATH OF OFFICE

The VICE PRESIDENT. If the Senators-elect will present themselves at the desk, the Chair will administer the oath of office as required by the Constitution and prescribed by law.

The Senator-elect, escorted by Mr. CARPER and Mr. KAUFMAN, advanced to the desk of the Vice President; the oath prescribed by law was administered to him by the Vice President; and he subscribed to the oath in the Official Oath Book.

The Senator-elect, escorted by Mr. GOODWIN and Mr. ROCKEFELLER, advanced to the desk of the Vice President; the oath prescribed by law was administered to him by the Vice President; and he subscribed to the oath in the Official Oath Book.

The VICE PRESIDENT. Congratulations, Senators.

(Applause, Senators rising.)

Mr. NELSON of Florida. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. INHOFE. Mr. President, I ask unanimous consent that I be recognized in morning business for such time as I shall consume.

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

Mr. INHOFE. Thank you, Mr. President.

(The remarks of Mr. INHOFE pertaining to the introduction of S. 3939 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER (Mr. BURRIS). The Senator from Oregon is recognized.

TAX REFORM

Mr. WYDEN. Mr. President, The Senate has come back to a full-throated debate about the comparative benefits of the tax policies of George W. Bush and Barack Obama. We turn on our cable TV these days and hour after hour there is a great deal of analysis of which approach is better on one factor or another. I want to take a few minutes today to point out that I think that debate misses the point because either of those tax approaches—of George W. Bush or President Obama—in my view would anchor our country to an insanely complicated, job-killing, thoroughly discredited tax system. I think what is important is that the Senate begin work moving toward a tax system that can create, as I put up here and will walk the Senate through, at least 2 million new jobs per year.

The fact is, in this discussion comparing the George W. Bush policies and

the policies of President Obama, one side may end up winning, the other side goes away unhappy, but under either approach the taxpayers of this country will lose, will continue to lose as a consequence of this flawed and discredited tax system. For example, under either approach—under policy advanced by President Obama or the ideas George W. Bush saw enacted into law—we would still have 3.8 million people working the equivalent of full time, trying to comply with our tax law. Under either of those approaches, that of President Bush or President Obama, we would still have Americans spending 7.6 billion hours complying with tax law at the cost of $200 billion a year. That is why I say the taxpayer loses under either of those approaches.

How can you make the case to the American people, whether they are in Illinois or Oregon or anywhere else, that you want to anchor them to a system that is not doing enough to create jobs, certainly will not give us the opportunity to create 2 million new jobs, and on top of it will force 3.8 million people to work the equivalent of full time to comply, racking up 7.6 billion hours and the expense of $200 billion annually, simply to comply?

The question is, is there a better choice? I submit this afternoon that there is a far better choice and it has bipartisan roots. The better choice is to pick up on the work that Democrats and the late President Reagan did in the 1980s when they came together. A Chicagoan, you will recall, was very involved, the late Dan Rostenkowski, and he said the enemy is not the other party. The challenge is to go after the scores and scores of special interest tax breaks that are tax expenditures, really tax earmarks as I would call them, that consume hundreds of billions of dollars and keep us lowering the rates for the middle class and small businesses and those who manufacture in the United States.

I think the relevant comparison is not George W. Bush against Barack Obama. The more relevant measure is what happened when Democrats and Ronald Reagan worked together in the 1980s, as opposed to what happened between 2001 and 2008 when tax policy was partisan. Let me lay out for the Senate those specific numbers.

When Democrats and Ronald Reagan worked together to reform the Tax Code in the 1980s, payrolls expanded by 17.6 percent and the economy grew by 16 million jobs. By contrast, when tax policy was partisan, between 2001 and 2008, there was 2.3 percent payroll expansion, 3 million new jobs, and real median income fell by 5 percent. So why in the world would it make sense to go back to the tax policies where, when you look at the numbers in terms of payroll expansion, new jobs and real median income, growth was not what the people of Illinois and the people of Oregon and the people across our land ought to expect.

I am of the view, now that the people of this country have spoken that they want to see this Senate create more real good-paying jobs and fix problems, the first thing we ought to do is look at what worked. We especially ought to look at it when it has bipartisan roots, as we saw in the 1980s with Democrats and Ronald Reagan. I believe that Congress can now, picking up on what they did during that time—clean the clutter from the Code, broaden the tax base and lower tax rates to give the people of this country a simpler and fairer tax.

Also, in the 1980s, by cutting marginal income tax rates—and again this was Democrats, some of the most stalwart Democrats in the history of our party: Dan Rostenkowski, Dick Gephardt—stalwarts of the Democratic Party worked with Ronald Reagan to cut marginal income tax rates to create more jobs and more investment, rather than handing out tax preferences to special interest groups. A quarter century later we find ourselves, today, with a tax system that you can only describe as a mess, a dysfunctional mess where even specialists in business in and IRS regional offices have trouble sorting out the implications of what one provision or another would mean.

Given the fact that since the last time Congress moved in to drain the tax swamp—given the fact it has been a quarter century, Senator GREGG and I—he, of course, is the ranking Republican on the Budget Committee—spent more than 2 years, and our staffs week after week, seeing if we could come together and put forth a bipartisan tax reform bill. We have done that. I am very pleased to be able to report this afternoon that the two chairs of the Deficit Reduction Commission, Erskine Bowles and Alan Simpson, said that a version of what we proposed—certainly not all the things we would agree with but a version of our proposal—should be one of the options considered by the commission and considered for the country to debate.

Given that, I want to take a few minutes and outline some of the key provisions we pursued in our bill. It is S. 3018. We all know that anybody having any trouble sleeping at night can wade into a tax bill and you can conk pretty quickly, but S. 3018 is an attempt to pick up on some of the most important policy work done, in my view, by the Senate led by Democrats and Ronald Reagan in the 1980s. What Senator GREGG and I do is end scores of preferences so as to be able to give tax breaks to the vast majority of working families instead of handing them out to a small number of narrow special interests who have incredibly talented lobbyists who can spend their day outside the Senate Finance Committee room. We take away those breaks and use that money to give real tax relief to millions of working class families.

We take a special initiative to focus on job creation that will make us more competitive in tough global markets. I want to take a minute to describe exactly how this works. I am sure that when the Presiding Officer of the Senate goes to a supermarket in Illinois, as I have in Oregon, one of the first things somebody will say, when you start visiting about the work of Congress, is take away those tax breaks for the businesses that are going offshore. Go get rid of those. They will say that to the distinguished Senator from Illinois and myself and everybody else. You hear it every single day in any coffee shop, any grocery store, where people are talking about government and politics.

Then of course we go out and visit with our companies and the companies say: We have to have those tax breaks because America has the second highest rate in the world. If we do not have those tax breaks for doing business overseas, we are going to lose out on jobs here in the United States because some of that work our firm does overseas helps create jobs here in America.

We know from those conversations we have had in Illinois and Oregon that our blue collar people don't buy that; they don't buy that for a second. They want to have the tax breaks for shipping jobs overseas wiped out. What Senator GREGG and I did—and this lasted many months—is we said to the companies: How can we work with you to take away the tax breaks for doing business overseas so you can use those very same dollars to lower the tax rates for small businesses and manufacturers that operate in the United States and have dollars for tax relief for the middle class.

As a result of that, we arrived at a policy that takes away the tax breaks for doing business overseas but we lower the tax rate dramatically for manufacturers and small businesses that operate in the United States.

Our big businesses are called C corporations. Most businesses of course pay taxes as individuals or partnerships or limited liability firms, but for our biggest companies when they manufacture in Illinois or Oregon or anywhere else in the country, in the United States, we lower their taxes from 35 percent to 24 percent, creating a dramatic new incentive for manufacturing and business in the United States that can let our companies be more competitive in these tough global markets.

We all understand that a firm in Illinois or Oregon is not just competing against another State a few hundred miles away, we are competing against China and India. I think this provision that Senator GREGG and I have laid out in our proposal—a modified version of that has been recommended by Mr. Bowles and Mr. Simpson—is one that can bring our country together, bring our parties together. Senator GREGG, a Republican; myself, a Democrat, worked for several years on this with business folks, with labor folks.

When I talk to labor folks—and I have at length—about taking away the tax breaks for doing business overseas

and using that so we can have a rebirth of American manufacturing, they say that is the kind of tax cut for business I can be for. We have to bring back manufacturing. Manufacturing is not just a basic industry, it is a national security priority. I think the approach Senator GREGG and I have proposed, a version of which the deficit commission has picked up on, is the path to use.

The Heritage Foundation—and I will confess that I do not quote the Heritage Foundation every single day here on the floor of the Senate, although I have a great deal of respect for their professionalism—said the approach that Senator GREGG and I have produced will create 2 million new jobs per year. In fact, they said it would create 2.3 million new jobs per year, increase disposable income for a family of four by $4,000 per year, and boost the real gross domestic product by an average of $298 billion per year.

So the point is, at a time when we have been through a heated and certainly contentious election, I think there is an opportunity to move forward, and particularly on what has been a central concern of the American people, which is creating more jobs, having an economic system that lets us compete in these tough global markets, and helping our people to get ahead, helping all of our people to get ahead.

If there is one theme in what Democrats and Ronald Reagan did in the 1980s and what Senator GREGG and I seek to do now, it is let us have a tax policy that gives everybody a chance to get ahead. If you are somebody in Illinois and Oregon, and you did not have much in the beginning of your life, we want policies that will give you a chance to get ahead. If you have been fortunate enough through your hard work to be successful, we want policies that will make that possible as well.

That was done when Democrats and Ronald Reagan cooperated in the 1980s. And, boy, what an unlikely group of people, President Reagan, a rancher, a star in the movies, working with Senator Bill Bradley of New Jersey. He has a lot better jump shot than me, but I also know the value of teamwork. So there is another tall Democrat on the Senate Finance Committee who would like to work on bipartisan tax reform.

We have an excellent chairman, Chairman BAUCUS, and Senator GRASSLEY. They have already had one hearing on this issue. There is a lot to work with on this tax reform issue. By the way, there is another group in addition to Erskine Bowles and Alan Simpson who have weighed in essentially behind the ideas Senator GREGG and I are talking about.

President Obama had a tax reform commission that recently came in—it was chaired by the distinguished Paul Volcker—that made a very substantial case for simplifying the Tax Code to ease the burden on workers and families and businesses.

Senator GREGG and I looked at the Volcker Commission proposals, ending the alternative minimum tax, increasing the standard deduction, consolidating incentives for savings and retirement, allowing taxpayers to ask the IRS to fill out their tax forms for them. Those were all recommendations by President Obama's commission, the Volcker Commission, that are part of the proposal that Senator GREGG and I have put together, now 318: get rid of loopholes, get rid of the giveaways to special interests, and you can keep down rates and provide tax relief to the vast majority of workers and families and businesses.

In closing, there is a recipe for economic growth that is available to the Senate, a recipe for economic growth that has already been shown to work. What Democrats and Ronald Reagan did in the eighties proved that bipartisanship can create economic growth, help stimulate the creation of badly needed jobs, and rein in the deficit.

So why in the world would we want to pass up the opportunity on a bipartisan basis to drain the tax swamp? Why would we pass up the opportunity to clean the tax house? Do we want to say this—and this is true. This is key to the discussion we are going to have all through this session if we go with either the approach of George W. Bush or Barack Obama. We will continue to see the full-time work of 3.8 million people doing 7.6 billion hours to comply with the tax law at a cost of $200 billion a year.

Would not the people of Illinois—I know they certainly feel this way in Oregon—rather see $200 billion devoted to real progress in this country, improving our roads and bridges and our transportation system, and creating a public education system that is going to let us get those high-value, high-wage jobs and compete in these tough global markets? And you will have money left over to reduce the deficit which, of course, is why all of this was attractive to Erskine Bowles and Alan Simpson because they head up something called the Deficit Commission. Obviously, there is another big cost to all of this, this tax mess; that is, to the morale of our citizens and their sense of fairness.

Because this tax system is so insanely complicated, ordinary taxpayers make mistakes, they overpay their taxes, they underpay their taxes, they get audited. But they are very much aware that the sophisticated taxpayer can go out and employ a legion of lawyers and accountants, and if that does not work, they will get lobbyists to kind of play around with their loophole and avoid taxes. That is not fair, and the ordinary taxpayer knows it.

Even with their savings and home equity tapped out, we know hard-working middle-income folks will pay their fair share. But they sure resent the tax system that rewards elaborate tricks. I am of the view the message from this election is for Democrats and Republicans to get down to work, and the Tax Code is a good place to start.

I said to folks in Oregon during the campaign, I do not believe either party has a monopoly on good ideas. I am prepared to work with anybody in the Senate with a good idea for moving us forward, especially when we can create 2 million new jobs per year.

One of the reasons I wanted to begin this special postelection session this way is that I think on this tax issue, what is especially striking when we are having this intensely partisan debate about how to go about keeping a discredited tax system, there is something out there that will produce more good-paying jobs and could be bipartisan. So the real work on taxes for this special session seems to me to create a bridge to real tax reform, a bridge to tax reform that works. The Tax Code is so complicated today that the typical person cannot even use the relief that is given to them.

Each Spring the Internal Revenue Service publishes something called the annual ''oops list.'' This is the list of the 10 most common mistakes that taxpayers make when they are filing. That ''oops list'' released in March included President Obama's Making Work Pay tax credit which was created to boost the economy and give working Americans a credit worth up to $400 for individuals and $800 for couples. Yet this year's ''oops list'' reported that many of the people who worked in 2009 could not figure out how to claim the Making Work Pay credit on their 1040 EZ form. That is not easy enough. In fact, if you and I walked the streets of Illinois and Oregon and asked anybody about the stimulus legislation, virtually no one would think that there were hundreds of billions of dollars' worth of tax relief in that bill.

They would say to the distinguished President of the Senate, as they have said to me, that was a spending deal. It is called the stimulus. There was not any tax relief in it. The system was so complicated that even with hundreds of billions of dollars' worth of tax relief in it, people could not sign up for it, people could not figure it out, and it makes the ''oops list'' for the Internal Revenue Service.

The Chair has been patient, this afternoon. I close simply by saying, I believe it is time to clean house as the Congress did in the 1980s working with President Reagan, purge this spider's web of tax breaks, kill the special interest goodies, and hold down the rates so that everybody can get ahead.

Let the small businesses, as Senator GREGG and I advocated, expense all of their equipment and inventory costs in a single year, freeing up capital so they can expand and create jobs. Let's limit the dead weight cost of taxes as the Heritage Foundation said in their report, indicating our bill would create 2 million new jobs.

Our 1040 form is 27 lines long—27 lines long. Back when we started this push, one of the financial magazines, one of the best known magazines, had some of their people, for a typical taxpayer, fill out their taxes with a form

that was like ours. It took them 40 minutes.

Think what that is going to do to change Americans' springtime when everybody is filing their returns in April. Talk about family values. We could actually get people a little more time with their families rather than filling out all of these forms and Turbo Tax and everything else.

This is going to be an important session that begins today, and nobody is sure exactly how long it is going to last. But what we know is that there is going to be an extensive discussion about taxes, and I just hope our colleagues will zero in on the fact that under either of these approaches that are being discussed, that of George W. Bush or that of Barack Obama, either of them will anchor this country to a grotesquely complicated, job-killing, discredited tax system.

We can do better. We know we can do better because in the 1980s, with leadership from a Republican President and Democrats in Congress, we did better. It created millions of new jobs. We can do it again.

I yield the floor.

REMEMBERING SENATOR TED STEVENS

Mr. VOINOVICH. Mr. President, I rise today to speak on the late Senator Stevens as we prepare to travel to Arlington Cemetery to lay Senator Stevens to rest. Today, Janet's and my thoughts and prayers are with the Stevens family and the others who died, were injured, or had loved ones on that tragic plane trip.

Senator Stevens was the first senator Alaska knew. His tenure lasted 40 years in this Chamber. I am proud to have served with him for 10 of those years, most closely on the Homeland Security and Government Affairs Committee. During his time in the Senate, he was chairman of the Commerce Committee, chairman of the Appropriations Committee, chairman of the Ethics, Rules and Governmental Affairs Committee, and chairman of a number of subcommittees and President pro tempore of the Senate. He was the embodiment of an effective Senator and leader as he fought every day for Alaska.

It was an honor to serve with Ted and amazing to think that his service in the Senate was only part of a life of service. He was instrumental in Alaska achieving statehood. He was a Harvard Law School graduate. He was an U.S. attorney in Fairbanks. He flew cargo over the Hump and into China during the Second World War. He was a decorated war veteran, part of America's Greatest Generation. He was a prostate cancer survivor and an advocate for research and funding to find a cure. He was an inspiration to all and an example of what one individual can do if he puts his nose to the grindstone and gets to work.

I was able to get to know Senator Stevens on the Homeland Security and Governmental Affairs Committee where I got to see his great love of Alaska and the Senate, which you saw everytime he would speak about his fellow Alaskans, as he worked to assist all Americans, whether Alaskans, Louisianans, Ohioans, or others, respond to natural disasters. I will never forget Ted standing up at our Police and Steering Committing lunches and telling it like it is and showing his knowledge, experience, and common sense. When he talked, everyone listened. I regret that his voice is absent from the Senate at this critical time in our Nation's history. I also saw his strength as he worked to prepare all of us against the threat of terrorism.

Senator Stevens always strove to do what was best for his home State of Alaska and the United States. You could be sure that if legislation was good for Alaska, Ted Stevens would support it regardless of the politics. We need more politicians today who are willing to do what is right regardless of party. His friendship and work with Senator INOUYE should be a model for us all.

He was a lion of the Senate. While Ted is gone, his legacy will live on. You see it here with his former colleagues and his former staffers. You see it in the legislation he championed, such as title 9, legislation on the Olympics, aid to rural Alaska, telecommunications, and, of course, his unwavering support for our military.

May God bless Senator Stevens, his family and all who held, and still hold, him dear.

Mr. LUGAR. Mr. President, as we remember the life of our friend, Ted Stevens, and celebrate his remarkable service to our country, each of us must surely remember a number of personal experiences which have helped us appreciate how much his friendship meant to us.

I first met Senator Stevens during the Senate election campaign of 1976. He was serving as chairman of the National Republican senatorial committee, and I had just won the Republican nomination to be a candidate for the U.S. Senate in Indiana. The senatorial committee was not as affluent in 1976 as presently, but Ted Stevens was able to steer a contribution into my campaign and to offer words of encouragement which included my first knowledge that he had been born in my hometown of Indianapolis, IN, on November 18, 1923.

In the days to come, I discovered, additionally, that he had attended School No. 84 and Shortridge High School. I began my elementary school education at School No. 84 and graduated from Shortridge High School in 1950. Later, I learned of the early struggles that Ted Stevens had in supporting relatives in Indianapolis and the challenging family circumstances that caused him to leave Indiana prior to graduation from Shortridge, but I always pointed out to Hoosiers that Ted Stevens was truly one of us.

The 1976 Senatorial Republican Campaign brought eight new Republican Senators to the U.S. Senate. Although we were only a total of 38 in that session, Ted Stevens became the Republican whip in January of 1977 and continued to serve in that capacity through 4 years of a distinct Republican minority and 4 more years of a glorious Republican majority during the first term of President Ronald Reagan.

Following the Presidential and congressional elections of 1984, a successor to Senator Howard Baker of Tennessee was elected by the Republican caucus. Senator Baker had elected to retire after a most successful tenure as majority leader of the Senate, and five candidates appeared to seek the Republican majority leader position.

The Republican caucus rules did not encompass such a large field, and I remember a meeting of the five candidates—Senator Robert Dole, Senator Ted Stevens, Senator James McClure, Senator Pete Domenici, and myself—to agree upon how the balloting would progress. At an informal afternoon session, we agreed that after the first ballot the candidate with the lowest vote would drop out and such a procedure would follow after each of the ballots until a majority occurred with the deciding ballot between the final two candidates. The voting was held in the Old Senate Chamber, and after the first two ballots, Senator McClure and Senator Domenici had left the field. I lost out on the third ballot, and Bob Dole defeated Ted Stevens in a close vote for majority leader.

Ted was undaunted and preceded to chair the Appropriations Committee with essential vigor and comprehensive activity. His chairmanship lasted from 1997 to 2005 with a short break of 18 months during which Democrats controlled the U.S. Senate. His efforts on behalf of Alaska are legendary, and it was not surprising that Alaskans named Ted Stevens the Alaskan of the Century in the year 2000.

At Republican Tuesday luncheons, Ted Stevens often gave comprehensive reports about legislation before the Appropriations Committee, which he felt vital to Alaska and the United States, and we all became much better acquainted with Alaska through his comprehensive tutorials. I admired the vision which he had for Alaska and for the position of Alaska as a part of vital foreign policy consideration with Russia, China, Japan, and the entirety of the Pacific Ocean Basin. He understood the important role which the Arctic Circle area would play in world history and the importance of giving proper and timely attention to a part of the world that was not normally the subject of our Senate debate.

As President pro tempore of the U.S. Senate from January 2003 to January 2007, Ted Stevens was extraordinarily conscientious not only in the opening ceremonies of the Senate each day but

in managing the appearance of that office with attention to detail and commendable diplomacy.

Although he sometimes displayed a choice of sharp words and even some short public displays of temper, I appreciated that each conversation I enjoyed with him was businesslike, friendly, and educational.

I did not have the privilege of serving on the major committees which Ted chaired, but I did enjoy, especially, our work on the Arms Control Observer Group. In 1986, President Ronald Reagan, anticipating intensive negotiations with the Soviet Union over potential reductions of nuclear weapons and other weapons of mass destruction, appointed a bipartisan Arms Control Observer Group to proceed to Geneva, Switzerland, and monitor what were anticipated to be spirited and productive negotiations. The Arms Control Observer Group would then be in a position to lead the debate on the Senate floor to obtain the two-thirds majority needed for a historical arms control agreement with the Soviet Union.

Senator Robert Byrd and Senator Robert Dole were appointed to the group along with other Senators such as Ted Kennedy, Al Gore, and Sam Nunn, who made substantial contributions to consideration of the negotiations with the Soviets over many years.

Ted and his wife Catherine took the assignment so seriously that they rented an apartment in Geneva anticipating that they would stay and continue to monitor the negotiations even after the Senators had returned to their normal debates on the Senate floor.

Unfortunately, negotiations did not proceed rapidly and, as a matter of fact, took several years to reach maturity. But Ted Stevens remained a thoughtful and vigilant observer in Geneva, in Washington, and in other places on Earth where his acute observations and comments were especially important.

As former Senator Sam Nunn and I formulated the Nunn-Lugar Cooperative Threat Reduction Program which was adopted by the Congress in 1991, Ted Stevens was a strong supporter of our efforts, and many of my conversations with him centered upon the methods of verifying all aspects of the treaty and further steps we could take with the Soviet Union, and then later, Russia, to provide increasing safety for all American cities and military installations.

I was visiting South Bend, IN, on the day that news of the tragic death of Ted Stevens flashed around the world. That night, I told all of the local correspondents that were following my activities that Ted Stevens was a son of Indiana, a student in two of the public schools in Indianapolis that had meant so much to both of us, and a remarkable champion both for his adopted state of Alaska and for our country. I will always be grateful for the friendship we enjoyed and the wonderful memories of that friendship that remain so vivid at this moment.

HONORING OUR ARMED FORCES

STAFF SERGEANT KENNETH K. MC ANINCH

Mr. BAYH. Mr. President, I rise today to honor the life of SSG Kenneth K. McAninch of the U.S. Army and Logansport, IN.

Staff Sergeant McAninch was assigned to the 1st Battalion, 506th Infantry Regiment, 101st Airborne Division at Fort Campbell, KY. He was 28 years old when he lost his life on October 21, 2010, while serving bravely in support of Operation Enduring Freedom in Paktika Province, Afghanistan. He was serving his third tour of duty.

A native Hoosier, Kenny attended Lewis Cass Junior-Senior High School in Walton, IN. His principal described Kenny as ''one of those kids who always worked hard to get things done.''

Staff Sergeant McAninch enlisted in the U.S. Army in 2005. A decorated soldier, his awards include the Joint Service Commendation Medal, Joint Service Achievement Medal, Joint Meritorious Unit Award, Army Good Conduct Medal, and the National Defense Service Medal.

Staff Sergeant McAninch was a devoted husband, father, and son. I join his family and friends in mourning his death. He is survived by his wife, Shawnna McAninch; his children, Jeremiah, Braxton, Brayden, Colby, and Shyanne; his father, Marvin McAninch of Logansport, IN; and his mother, Cheryl Nance of Peru, IN.

We take pride in the example of this American hero, even as we struggle to express our sorrow over this loss. 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 the fallen 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 SSG Kenneth K. McAninch in the official RECORD of the U.S. Senate for his service to our country and for his commitment to freedom, democracy, and peace.

FREEDOM OF INFORMATION ACT

Mr. LEAHY. Mr. President, in the coming months, the Supreme Court of the United States will consider Federal Communications Commission v. AT&T—a monumental Freedom of Information Act, FOIA, case that could vastly expand the rights of corporations to shield their activities from public view. Like many Americans who deeply value openness, transparency and accountability in our government, I urge the Court to reject efforts to broaden the personal privacy exemption to FOIA to include corporate information.

A decade after Congress first enacted the Freedom of Information Act, Congress created an exemption to this law for law enforcement records that contain sensitive personal information. The so-called ''personal privacy exemption'' for law enforcement records—FOIA exemption 7(C)—allows the government to withhold information contained in its investigatory files that ''could reasonably be expected to constitute an unwarranted invasion of personal privacy.''

By creating this exemption, Congress intended to shield from public disclosure sensitive personal information about individuals who may be mentioned in government files. However, Congress never intended for this exemption to apply to corporations.

The legislative history for the personal privacy exemption makes clear that Congress intended for this exemption to protect an individual's right to privacy. Indeed, when the Senate debated this exemption in May of 1974, Senator Philip Hart, who drafted the personal privacy exemption, remarked that ''the protection for personal privacy included in [the exemption] . . . is part of the sixth exemption [to FOIA] in the present law. By adding the protective language here, we simply make clear that the protections in the sixth exemption for personal privacy also apply to disclosure under the seventh exemption. I wish to also make it clear, in case there is any doubt, that this clause is intended to protect the privacy of any person mentioned in the requested files, and not only the person who is the object of the investigation.''

Former Senator Roman Hruska also confirmed that Congress intended for the exemption to address individual privacy rights. Regarding the personal privacy exemption, he said ''we are dealing in this matter with what I believe to be the most important rights, and in some respect the most important rights, an individual may possess, his right to privacy, and his right to personal safety.'' The universal understanding that the personal privacy exemption pertains only to the privacy rights of individuals is further confirmed by the remarks of former Senator Strom Thurmond, who noted during the Senate debate that ''[a]ll of us are aware of the general feeling permeating the country, that our citizens want to know what their Government is doing . . . However, by the same token, we are also concerned about a mutual problem of invasion of an individual's privacy.''

During the more than four decades since the Congress enacted the personal privacy exemption to FOIA, our Federal courts and Federal agencies have consistently interpreted this exemption to apply only to individuals.

Over the years, the Congress—with the full knowledge of how the courts have interpreted this exemption—has never amended this exemption, nor called into question the universally held view that the exemption protects the personal privacy rights of individuals.

Given the clear legislative history and the longstanding case precedent in this area, I am deeply troubled by recent efforts to vastly—and I believe improperly—expand the scope of this exemption to reach corporations. While I do not quibble with the notion that certain corporate information should be exempt from public disclosure, I firmly believe that Congress has provided meaningful and adequate protections for sensitive corporate information in other parts of FOIA. Indeed, Congress specifically enacted FOIA exemption 4 to protect trade secrets and other sensitive corporate information from public disclosure. Tellingly, American corporations have successfully relied upon exemption 4 for decades, to safeguard their sensitive business information when it is shared with the government.

I fear that vastly expanding the personal privacy exemption for law enforcement records would close a vital window into how our government works. I also fear that extending this exemption to corporations would permit corporations to shield from public view critical information about public health and safety, environmental dangers, and financial misconduct, among other things—to the great detriment of the people's right to know and to our democracy.

As Senator Hart wisely noted during the debate of the 1974 FOIA amendments, ''survival for a society such as ours hinges very importantly on the access that a citizen can have to the performance of those he has hired.'' I sincerely hope that our Nation's highest Court will carefully consider these words and that the Court will narrowly construe the personal privacy exemption, consistent with congressional intent. Should the Court decide to do otherwise, I will work with others in the Congress to ensure that FOIA, and specifically the personal privacy exemption for law enforcement records, remains a meaningful safeguard for the American people's right to know.

BREAST CANCER AWARENESS MONTH

Mr. BAUCUS. Mr. President, women are the backbone of the American family and a driving force of our economy. They are our mothers, sisters, wives, and daughters. Women are the heart of American families and local communities.

October is National Breast Cancer Awareness Month, and this October we have many reasons to reflect and celebrate. Thanks to the concerted efforts of the public and private sectors, we have come a long way to ensuring that women have long, healthy lives.

Twenty years ago, Congress created the National Breast and Cervical Cancer Early Detection Program. Today, the program provides screening services for breast and cervical cancer in all 50 States, the District of Columbia, five U.S. territories, and 12 American Indian or Alaska Native tribes and tribal organizations. Since the program got started, almost 4 million women have been served—giving them access to breast and cervical cancer screenings that they otherwise could not afford.

We have recently expanded opportunities for women across the country to be screened by including free preventive care, like mammograms and cervical cancer screenings, in the new health care reform law. The Affordable Care Act eliminates all insurance copays for these screenings, which means more women will have access to early detection and more women's lives will be saved.

This October, we are also celebrating the 30th anniversary of the beginnings of Susan G. Komen for the Cure, an organization founded on Susan's sister's promise to end breast cancer forever. Today, Susan G. Komen for the Cure is the largest source of nonprofit funds dedicated to the fight against breast cancer, investing nearly $1.5 billion in grassroots advocacy for quality care and research.

These efforts have made a big difference. In the last 30 years, we have improved the rate of cancer screenings—increasing the percentage of women over 40 who receive regular mammograms from less than 30 to nearly 75 percent. We have improved the treatment outcomes for women with cancer—increasing the 5-year survival rate from 74 percent to 98 percent. We have also increased the amount of Federal funding going toward breast cancer research, prevention, and treatment—ensuring that American women benefit from the best that science has to offer.

Despite these advances, it is estimated that nearly 40,000 women will die of breast cancer this year. That means that 40,000 American families will lose their mother or grandmother, sister or daughter. We cannot let up in this fight. We made a commitment to improving women's health in health reform—ending insurance industry abuses that have disproportionately affected women for decades, providing preventive benefits tailored to meet women's unique health needs, and ensuring women of all ages have access to comprehensive, high-quality coverage.

Improving women's health has a positive effect on the whole family. According to the Department of Labor, women make four out of five health care decisions for their families and are more likely to be the caregivers when family members are ill.

Improving women's health also has a positive effect on the economy. A healthy pregnancy, for example, begins with a healthy woman and leads to long, productive lives for mother and child.

We have come a long way, but we are not there yet. I am confident that with the consistent efforts of Congress and private sector groups such as Susan G. Komen for the Cure, we will continue to make progress for years to come.

AMERICAN DIABETES MONTH.

Mr. JOHNSON. Mr. President, I rise today in recognition of November as American Diabetes Month. National studies estimate 23.6 million Americans have diabetes and a quarter of people with diabetes do not know they have this disease. The State of South Dakota is home to nearly 40,000 diabetic adults, a figure which does not take into account the number of people who are undiagnosed, who are living with prediabetes, or those under age 18 who have child-onset diabetes, which is a growing problem linked to the increase of childhood obesity.

American Diabetes Month focuses on increased awareness of the disease and its risks. The disease carries with it an increased rate of heart disease and stroke, high blood pressure, kidney disease, blindness, and amputation of the lower extremities, among other associated health problems. As the prevalence of diabetes increases, we are beginning to understand the costs to both our citizens' health and to our economy. The high costs to our government in direct medical and indirect costs, coupled with the personal costs of rising health care coverage and treatment, make diabetes control and prevention a national priority.

Throughout my career in the U.S. House and Senate, I have strongly supported initiatives that would advance research, funding and education about diabetes, such as those conducted at the National Institutes of Health, the National Institute of Diabetes and Digestive and Kidney Diseases, as well as the Centers for Disease Control and Prevention.

Two special funding programs hold great promise in our efforts to prevent and cure diabetes among South Dakotans and our Nation at large. The Special Funding Program for Type One Diabetes Research provides additional funding for the National Institutes of Health to expand its juvenile diabetes research efforts. The program has funded clinical trials to test various drugs and therapies, increased understanding about reversing complications from the disease, improving our ability to predict risk of development, and helped develop new technologies for treatment.

I also am a proud supporter of the Special Diabetes Program for Indians, SDPI, which has addressed the high incidence of diabetes among Native Americans for the past 13 years by providing grants to tribal and urban Indian programs to create or enhance diabetes prevention and treatment efforts. Through SDPI, the Indian Health

Service has helped reduce diabetes-related complications, improve glucose and blood pressure levels and increase participation in treatment programs throughout the Native American population. Despite these advances, SDPI has found the incidence of type 2 diabetes among Indian children is steadily rising; as a result, they have developed plans to increase early education and prevention efforts in schools.

This year, Congress achieved comprehensive reform of our Nation's health care system. This historic legislation will improve access to quality, affordable health care for all Americans and help our country better manage the treatment and cost of chronic diseases. Given the cost of diabetes to American's personal finances and our economy, it is clear that increased awareness and funding for diabetes education and prevention should be a priority. I am pleased health care reform recognizes the significant impact of diabetes to our nation and includes efforts to specifically target the disease, including the creation of a National Diabetes Prevention Program.

American Diabetes Month provides us an opportunity to learn more about this disease, raise awareness about effective prevention strategies, encourage additional funding for research, and address the overall impact of diabetes on our Nation and our families.

INTELLIGENCE AUTHORIZATION BILL

Mr. ROCKEFELLER. Mr. President, Congress has acted to improve our Nation's intelligence community—and therefore our national security—by passing an intelligence authorization bill and sending it to the President.

The President's signature will enact this bill into law and will implement several common sense solutions to problems in our large and unwieldy intelligence community that we have recognized for years. I believe the new Director of National Intelligence, Jim Clapper, is the right leader at the right time, and this timely bill will provide him the authorities he needs to do this job well.

The bill provides the DNI streamlined personnel management authorities throughout the intelligence community, including the authority to convert contractor positions to government jobs, move personnel from one agency to another, provide annual assessments of personnel levels for each agency, harmonize language training in different agencies, and conduct performance evaluations of personnel throughout the intelligence community.

It provides the DNI streamlined oversight for major acquisitions—perhaps most critically, to provide for interoperable information technology systems in different intelligence agencies—and strengthened budget authorities for his management of the intelligence community.

Beyond these improved DNI authorities, which I believe will significantly improve intelligence integration among the 16 agencies of the intelligence community, this bill also makes three substantial improvements in the independent oversight of intelligence. This constructive oversight is necessary to ensure that secret intelligence activities are legal, effective, and serve the national security interests of the United States.

First, the bill establishes a Senate-confirmed inspector general for the intelligence community who will have the authority to inspect any element or activity in any intelligence agency. Inspectors general play an important troubleshooting role in all agencies of our government, but nowhere is this role more important than in the intelligence community, where—unlike in government agencies whose activities are public—problems can often escape scrutiny.

For instance, in 2004 the CIA inspector general's report on the CIA detention and interrogation program played a significant role in alerting the executive branch and the congressional Intelligence Committees to significant problems with the program.

The new intelligence community inspector general that this bill establishes will complement and supplement the important work of the inspectors general of individual intelligence agencies.

Second, the bill provides for access by the Comptroller General and the Government Accountability Office to information regarding intelligence activities. This access will be similar to the GAO's access to the Department of Defense's Special Access Programs. I believe that this agreement between Congress and the administration on this GAO provision bodes well for future cooperation on intelligence issues.

On that note, the third—and, I believe, most important—improvement this bill makes to the independent oversight of intelligence activities pertains to congressional oversight.

Constructive congressional oversight of intelligence activities is crucially important—both for our national security and our national identity. We are a transparent democracy, and there is a natural tension between transparent democracy and secret intelligence activities.

The Congressional Select Intelligence Committees—which consist of representatives of the American people, selected from other specific congressional committees with jurisdiction over foreign policy, defense and judiciary issues—are vital to resolving that tension between democracy and secrecy.

Simply put, these committees act as a board of directors who verify that secret executive actions serve the interests of the shareholders—the American people.

That is why title V of the National Security Act of 1947 requires the President to keep the congressional Intelligence Committees ''fully and currently informed'' on all intelligence activities.

However, during the time that I was chairman and vice chairman of the committee from 2003 through 2009, I became very concerned about the way in which the executive branch interpreted this obligation. Rather than briefing the full committee, the executive branch restricted briefings about certain classified programs to the chairman and vice chairman only.

These restrictions impeded our oversight of these programs. This is not an academic issue; it is crucial to how our democracy makes secret national security decisions. Without the intelligence committees' meaningful independent review and oversight—the very reason for the committees' existence—intelligence programs are more susceptible to both mistakes and illegitimacy. This is the case regardless of which party is in the White House or which party has a majority in Congress.

With this in mind, last year I offered an amendment to this authorization bill that will establish in statute new requirements regarding congressional notification. My intent was to strengthen the committees' constructive oversight relationship with the executive branch and the intelligence community.

A bipartisan majority of the committee approved my amendment. While this provision has undergone some changes in the process of Congress's consideration of this bill over the past year, the key elements of these new notification requirements remain. The bill that the President will soon sign into law requires that:

(1) the congressional Intelligence Committees and the President must establish written procedures regarding the details of notification processes and expectations;

(2) the President must provide the committees written notice about intelligence activities and covert actions, including changes in covert action findings and the legal authority under which an intelligence activity or a covert action is or will be conducted;

(3) the President must provide written reasons for limiting access to notifications to less than the full committee, and in such cases, provide the full committee a general description of the covert action in question; and

(4) the President must maintain records of all notifications, including names of Members briefed and dates of the briefings.

I strongly believe that congressional oversight of the executive branch's intelligence activities should not be adversarial; it should be a true, trusted and confidential partnership aimed exclusively at improving our Nation's collection and analysis capabilities, and ensuring the effectiveness and legitimacy of our covert action programs.

I think these new requirements for congressional notification are an important step toward such a partnership.

These new requirements—and this authorization bill as a whole—are the result of hard work and difficult negotiations after years of partisan divisions on intelligence issues.

The President has not signed an authorization bill into law since December 2004, and the last time Congress passed an intelligence authorization bill was February 2008, when I was chairman of the committee. Unfortunately, President George W. Bush vetoed that bill because it banned the use of coercive interrogation methods by any agency of our government, and the bipartisan majorities that passed the bill were not large enough to overcome the President's veto.

After all these difficult years, the bill that we are sending to the President today is exemplary of the bipartisan cooperation that is absolutely necessary for our intelligence community to perform as well as we need it to perform.

I want to commend my Intelligence Committee colleagues, particularly Chairwoman DIANNE FEINSTEIN and Vice Chairman KIT BOND and their staff, for sticking to it and completing the difficult negotiations with the administration and the House that brought this bill across the finish line.

This law will make our country more secure. Let us continue to build on this effort in the months and years to come.

AMERICAN EDUCATION WEEK

Ms. MURKOWSKI. Mr. President, as the granddaughter of a teacher and as a parent, education is one of my passions and priorities. So I rise today to commemorate the start of American Education Week, which seeks to shine a light on the importance of providing every child in America with a quality education so that they are prepared to contribute to our Nation's future as adults. Further, American Education Week gives each of us an opportunity to celebrate the good things that are happening in our schools, rededicate ourselves to help schools improve where improvement is needed, and to honor the parents, educators, students, and education support professionals who strive to do their best to ensure that every child receives a quality education each and every day. Each of the next 4 days will celebrate a different partner in the education of our children.

Tomorrow, American Education Week will focus our attention on our children's first and most important teachers—their parents. In my own State of Alaska, parents' contributions to their children's education is so important that we have been called to observe the entire month of November as Parental Involvement Month. This observance is intended to encourage all Alaskans to recognize the importance of and encourage parental involvement in school improvement and student achievement. Other States have proclaimed other months to be Parental Involvement Month. Why? We know instinctively, the day our children are born, that we are responsible for shaping their future. Everything we do influences our children and whether or not they grow up to love learning. When we read to our children before bedtime, as we teach them colors, shapes, right, and wrong, and the value of hard work and honesty and as we help them with homework, book reports, and college applications, our voices and examples are the strongest influences in their lives. If our children see us checking out books for ourselves at the library, if we volunteer at their school and participate in making their school better, they learn from our example that their education is important. If we have high expectations for our children and consistently communicate that, our children can fulfill their potential. Our children want to rise to our expectations. So I call on all of my fellow parents to fulfill your children's expectations of you.

On Wednesday, the focus of American Education Week will shift to those too often overlooked individuals who play such important roles in our schools—the education support professionals. These are folks who, day after day and for little pay and less recognition, keep the cogs running smoothly in our schools. They keep our children safe, guide them in their behavior, give out hugs, and provide help when things get tough during the day. Take a moment, Mr. President, to look back on your own school days. Think of the schoolbus driver who made sure everyone was seated and reasonably quiet on the way to school or who would wait as you ran to catch the bus. Think of the nurse who took care of you and called your mom that day you had a fever or the lunch lady who made sure you took a helping of vegetables and didn't forget your milk. Sometimes, if you forgot your lunch money, she would give you lunch anyway if you promised to pay tomorrow. One stern look from any of these good people would set your feet back on the right path, and you loved them for it, just as many children love their teacher's aide who can explain that thorny math problem better than the teacher or the specialist who helps them overcome a physical or learning challenge. Remember, on Wednesday, to think of these good folks who shaped your life, and think good thoughts for those who do so now across our great Nation.

On Thursday, community leaders are invited to come into our Nation's classrooms and serve as educators to get a glimpse of what the job is really like. We have all been to school, and we have all known many teachers. Being a teacher looks easy, but it isn't. Teachers need to know how to reach every child, excite every child about learning, and help every child fulfill his or her potential. The best way to do those things is different for every child. Mr. President, we all remember our favorite teachers, and if we traded stories they would go like this: I had this teacher once who was so hard and expected so much, but he cared about me, and he was the best teacher I ever had, or, I had a teacher who really knew what I was about and she really helped me learn that year. Boy, was her class hard, but I loved that teacher. Teaching is both a skill and an art. It is hard work, and it is often thankless work. Too often a classroom will include children who come to school unprepared to learn or who are dealing with serious problems at home. But every single teacher across this Nation wants just one thing—to help every single one of their students to learn. On Thursday, think of your favorite teachers and thank them and make a wish that every student across America has a teacher who is inspiring, skilled, caring, and kind.

On Friday, American Education Week calls on us to honor a different kind of educator. They are too often overlooked, forgotten, or, frankly, given a really hard time. I am referring to the substitute teacher. Those hardy, brave souls who go into a different classroom every day to help educate our children deserve our thanks and recognition. Often called before dawn to cover for a teacher who is unexpectedly ill, they can teach kindergarten one day and high school math the next. The best of them have one common characteristic—they can settle a classroom full of strangers down with a glance and inspire their temporary students with a word. Their stories are the stuff of legend. There was the sub who learned in the nick of time that one of her students brought a stink bomb to class because he knew there would be a substitute that day. There was the substitute who learned her students' goal of the day was to make her cry, and she did, but she was back in class with the students after lunch. Then there was the sub whose first day on the job was taking 28 7-year-olds on a field trip to the zoo. Substitute teachers must be disciplined but caring. They must be flexible but adhere to routine. They need thick skin and a great sense of humor. I admire them tremendously.

While American Education Week does not specifically highlight the school principal, I am pleased and proud to honor our Nation's principals here today as well. Whatever role the principal plays, from instructional leader, head of maintenance, chief disciplinarian, financial guru, and even part-time recess monitor, the school principal's ability to impact the success of the school cannot be underestimated. The most important of those roles, however, must always be that of instructional leader. Everyone in the school community, from students to the superintendent, from parents to future employers, relies on the principal to run an effective school in which students learn. The skill set for being a

principal is not the same as for a teacher. A principal must be able to set the agenda for learning for not only the students but for teachers and other staff as well. He or she is in charge of not only the safety, well-being, and future of the children in the school but must also guide and inspire the staff. The principal must be a diplomat, bring the community into the school, satisfy the taxpayer, and meet the needs of the school. The principal must mediate, command, and inspire any number of groups on any given day. The best of them are often taken for granted because everything just works. So I encourage my colleagues and the Nation to include in their appreciative thoughts this week our schools' hard-working, multitasking educational leaders—our Nation's principals.

In closing, as my colleagues here in the Senate consider, applaud, and recognize the hard work of the many Americans who work every day to make our schools the best, I would also encourage them to do their part. As you know, the Senate HELP Committee continues to work toward reauthorization of the Elementary and Secondary Education Act. I look forward to continuing and completing that work next year. We know that this law's goal is to help ensure that every single child in every community across the country has the opportunity and the tools to succeed, that is, that every child will fulfill his or her potential regardless of wealth, ethnicity, disability, or location. We all want that. Regardless of our views on the role or the degree of the role the Federal Government should play in our Nation's schools—whether we think Federal funding should come with the strings of accountability or not and to what degree—I hope we can all agree on one thing, and that is the proud tradition of bipartisanship we and our predecessors have achieved when it comes to education issues. We may disagree about our points of view, but in the end the final product is one most of us have been able to support.

I hope that as we observe American Education Week and in the days and months to come our Nation's children as well as the adults can look back at us with pride and say we got something good done for the country through civility, cooperation, bipartisanship, and a genuine love for our Nation.

TRIBUTE TO COL MICHAEL J. JENSEN

Mr. GRASSLEY. Mr. President, I rise today to recognize a truly exceptional Iowan. After more than 31 years of honorable military service, in November of this year, COL Michael J. Jensen is set to retire. His dedication and tireless devotion to the service of our great country is without question. I extend my heartfelt congratulations to COL Mike Jensen.

Colonel Jensen was born in Estherville, IA. He attended and graduated from Estherville Community High School in 1975, received an associate of science degree in computer science from Iowa Lakes Community College, a bachelor of arts degree in business management from Buena Vista University, and a master's degree in public administration from Drake University. Colonel Jensen also attended General Staff College, where he was the distinguished honor graduate.

Mike Jensen enlisted in C Battery 1st Battalion 194th Field Artillery on June 14th, 1979. He was commissioned a second lieutenant, Field Artillery, in June 1982 and graduated from the Iowa Military Academy Officer Candidate School at Camp Dodge in Johnston, IA. Duty assignments over his career include a number of positions in the 1–194th Field Artillery, 34th Infantry Division; Recruiting and Retention; the Secretary of General Staff; and Director of Military Support. In 2006, Colonel Jensen assumed his current position as the Commander of the Counterdrug Task Force, Iowa National Guard.

Over his admirable military career, Mike Jensen received a number of awards and decorations, including seven awards of the Meritorious Service Medal, the Army Commendation Medal with two oak leaf clusters, the Army Achievement Medal, and the Army Reserve Components Achievement Medal. Colonel Jensen is also an accomplished outdoorsman and avid fisherman.

Congratulations again to COL Michael Jensen. The Iowa National Guard will no doubt miss his daily contributions; however he continues as a model of honorable and distinguished service to his country. I thank him for his unwavering commitment to Iowa and to the United States of America.

ADDITIONAL STATEMENTS

RECOGNIZING THE VOICES OF UNITY YOUTH CHOIR

• Mr. BAYH. Mr. President, today I honor the Voices of Unity Youth Choir of Fort Wayne, IN, for outstanding achievement this past year at the sixth World Choir Games in Shaoxing, China.

The Voices of Unity Youth Choir was the first Indiana choir invited to participate in the World Choir Games, the world's largest choir competition. Known as the Choir Olympics, this year's contest featured more than 400 choirs comprised of 27,000 singers from 80 countries around the world.

One of only six American youth choirs invited to China, Voices of Unity won gold medals in two musical categories: popular choral music and gospel and spiritual. In addition, these Hoosiers won the title of World Grand Champion in the gospel and spiritual category.

Voices of Unity benefitted tremendously from the support of the Fort Wayne community who gave time and money to ensure these students had the opportunity to travel to China and share their talent with the world. In just 5 short months, Voices of Unity raised enough money to send 101 students and volunteers to China for the competition.

I particularly want to recognize Marshall White, founder of Unity Performing Arts Foundation, the home of Voices of Unity, for his tireless leadership.

I am honored to congratulate the World Champion Voices of Unity Youth Choir of Fort Wayne for this extraordinary achievement and for the teamwork, discipline, and hard work it takes to become champions.•

REMEMBERING HELEN McKINNEY

• Mr. CRAPO. Mr. President, today I honor the life of Helen McKinney. I join with her family and many friends in mourning her passing. Helen has been a great source of support and encouragement to me and many others. The peace of mind that Helen provided me and others is immeasurable. Helen took on challenges with good humor and cheer. Helen had passion and strength that far exceeded her physical presence. Her energy and enthusiasm were inspiring. She was a steadfast, giving, driven, kindhearted, and focused leader. She was very firm but tactful.

Throughout her life, Helen was a hard worker. She has rightly been described as being able to do everything. When you look at the variety of jobs and tasks she took on, this could not be more accurate. In the 1940s, she worked in the newspaper business. Helen also taught junior high. In the 1970s, she directed the Caldwell Chamber of Commerce. Helen served in the Idaho House of Representatives. She also was a member of the Idaho Judicial Council. Additionally, Helen is widely known for her efforts with the Canyon County Republican Party. Helen served as regional chair. She also served as a national convention delegate and State and precinct committeewoman. Her great service and hard work have been recognized through her induction into the Idaho Republican Party's Hall of Fame.

No matter the task, Helen did her work very well. She was straightforward, diligent, and determined. Helen had an abundance of light and intelligence of hope in her eyes. She was serious and paid attention to details. However, she never lost her sense of humor, and her positive outlook dominated her personality. When Helen spoke, people listened. She also did not hide her talents. She openly shared and mentored others. She was bold in defending her principles, but she was also gracious. Helen truly reflected Idaho values and the constitutional values of a land she loved so much.

I will greatly miss Helen, and I will never forget her thoughtful support and genuine example.•

TRIBUTE TO DON SHELBY

• Ms. KLOBUCHAR. Mr. President, today I pay tribute to one of our Nation's finest local newsmen and a Minnesota legend, Don Shelby, who is retiring after 32 years of service as a pioneering anchor, broadcaster, and reporter for WCCO in the Twin Cities.

A native of Royerton, IN, Don first arrived in Minnesota in 1978. But for those of us who tuned into him every night for our news, it is as if he has always been one of us.

When he first assumed lead anchor duties for the 10 p.m. newscast, Don had the tall task of replacing another Minnesota institution, Dave Moore, who had anchored the WCCO news desk for nearly 50 years. But Don's passion for bringing Minnesotans the stories that traditionally went unreported quickly made him a fixture on our television sets and in our hearts.

Don never forgot his roots as an investigative journalist. And he has never been one to just sit at the anchor desk and read the news.

Don is an intrepid reporter who will go to the ends of the Earth to bring his story home. Whether it was trekking to the Arctic with Will Steger, walking the beaches of Prince William Sound to expose the lasting damages caused by the Exxon Valdez oilspill, or traveling to Iraq to document the unprecedented service of our Minnesota National Guard troops, Don has brought the world home to living rooms across Minnesota.

Don's professional compass has guided him to what is important and away from the temptations of tabloid journalism and the ''if it bleeds, it leads'' sensationalism that too often dominate our news cycles today.

Minnesotans have benefited from Don Shelby's spirit of public service and commitment to journalistic values. For Don, it is never just about reading the headlines—it is about helping inform his viewers about the world around them.

Just one example of this was his trailblazing ''Project Energy'' series—with accessible, informative news reports on our energy future, including renewable energy, climate change, conservation, transportation alternatives, and much more. In short, Don represents public service journalism at its best.

Of course, it isn't just reporting that drives Don. There is also his ever-expanding list of hobbies, from mountain climbing, to bass fishing, to organic gardening, to playing guitar, and on and on. Don's intellectual curiosity knows no bounds.

For more than three decades, Minnesotans have turned to Don Shelby because they have trusted his experience and honesty.

While he has never been elected to public office, it is fair to say that he has become one of Minnesota's senior statesmen. And he became one by simply asking the important questions and telling the truth—with compassion, decency, and dignity.

So when Don signs off from his final broadcast this month, we will miss him dearly, but we can take comfort in knowing that our State is a better place because of his work.•

MARCUS CORPORATION

• Mr. KOHL. Mr. President, today I recognize the 75th anniversary of the Marcus Corporation. Not only does this month mark a monumental anniversary, it also gives us a time to look back at the accomplishments of the Marcus family.

Founded by Ben Marcus, the company opened a theater with just one screen in Ripon, WI. This small business became the basis of the Marcus Corporation, a leading name in hotels and movie theaters in the Midwest. Your hotels, like the Pfister in particular, serve as beautifully preserved landmarks, well-known meeting places, and home away from home for guests and employees alike. The Marcus family has consistently recognized and credited the work of their employees for the company's success, providing a rewarding environment for staff. The company has shown its integrity not only through its business operations but also in its contribution to the communities that house its theaters and hotels.

The Marcus Corporation has shared its success with the communities surrounding its businesses through both financial contributions and extensive volunteer programs. Employees of the businesses are encouraged to give back to their patrons through volunteer hours at a local program or cause of their choice. In fact, to mark this special anniversary, the Marcus Corporation will collectively volunteer 75,000 hours of community service. Milwaukee organizations such as the United Way of Greater Milwaukee and the United Performing Arts Fund have benefited from the company's generosity. I am proud that the heart of such a great company calls Wisconsin home.

I thank the Marcus family and Corporation for all they have done for Wisconsin. I am pleased to recognize the outstanding efforts and accomplishments of this company, and I send all the best for health, happiness, and continued achievement. On a personal note, to my dear friend Steve Marcus, together with sons Greg and David, congratulations on achieving much success in everything from your tremendous business growth and civic leadership down to your terrific tuna salad and for sharing it so generously.•

TRIBUTE TO MICHAEL P. CLINE

• Mrs. LINCOLN. Mr. President, today, I recognize of retired MSG Michael P. Cline for his years of distinguished service with the Enlisted Association of the National Guard of the United States, EANGUS. His efforts as one of the longest serving executive directors in the military association community are to be commended, and I thank him for his 38-plus years of military service to this country.

Mike has held the position of EANGUS executive director since 1990 and was selected as an honorary chief master Sergeant for the Air National Guard in 1999. For the previous 11 years, he has also served on the Secretary of Veterans Affairs Advisory Committee on Education. Over the years, he has also remained very active in the Military Coalition, TMC, a consortium of nationally prominent uniformed services and veterans associations representing over 5.5 million members. In addition to being a founder of the TMC Guard and Reserve Committee, he served as president of TMC for 5 years and codirector for 8 years.

Throughout his career of advocacy, Mike has worked tirelessly on behalf of the U.S. military, as well as our servicemembers, veterans, and their families. In particular, he has frequently led the fight to ensure that the men and women of our National Guard and Reserves receive enhanced care and benefits that are more commensurate with their increased service to our Nation.

In recent years, Mike and EANGUS have been at the forefront of efforts to provide larger military pay increases, health care that is more affordable for servicemembers and military retirees, enhanced educational benefits for servicemembers and veterans, and expanded access to retirement benefits for the men and women of the National Guard. He also played an active role in securing legislation providing burial and retirement flags for reservists, drill pay for funeral honors duty, increased health care benefits for reservists and retirees, and special compensation for severely disabled retirees.

Over the years, it has been a pleasure for me and my staff to work closely with Mike on a number of issues of great importance to our National Guard. In particular, we have worked to improve the readiness of our National Guard by providing greater access to medical, dental, and mental care for Selected Reservists. We have also called for an increase in the Montgomery GI Bill rate for members of the Reserve components and in the travel reimbursement for those traveling to drill duty. Additionally, we have championed legislation that would justly grant full veteran status to members of the Reserve components who have 20 years or more of service and do not otherwise qualify under law. The list goes on and on.

Due in large part to the dedication, counsel, and passion of advocates such as Mike Cline, the courageous men and women of our Armed Forces and their families have seen a number of significant improvements to their way of life in recent years. These efforts have also strengthened our ability to recruit and retain more quality men and women to serve in uniform and have increased

their readiness as an operational force in the continued defense of our Nation.

I am extremely proud of Mike's long record of distinction and will always be grateful for his service to our Nation and our military. Along with my colleagues, I wish him all the very best in his retirement, and to EANGUS for its continued success.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, 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 and two treaties which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE DURING ADJOURNMENT

ENROLLED BILLS SIGNED

Under authority of the order of the Senate of January 6, 2009, the following enrolled bills, previously signed by the Speaker of the House, were signed on September 30, 2010, during the adjournment of the Senate, by the ActingPresident pro tempore (Mr. REID):

S. 3304. An act to increase the access of persons with disabilities to modern communications, and for other purposes.

S. 3828. An act to make technical corrections in the Twenty-First CenturyCommunications and Video Accessibility Act of 2010 and the amendments made by that Act.

H.R. 553. An act to require the Secretary of Homeland Security to develop a strategy to prevent the over-classification of homeland security and other information and to promote the sharing of unclassified homeland security and other information, and for other purposes.

H.R. 1177. An act to require the Secretary of the Treasury to mint coins in recognition of five United States Army 5-Star Generals, George Marshall, Douglas MacArthur, Dwight Eisenhower, Henry ''Hap'' Arnold, and Omar Bradley, alumni of the United States Army Command and the General Staff College, Fort Leavenworth, Kansas, to coincide with the celebration of the 132nd Anniversary of the founding of the United States Army Command and General Staff College.

H.R. 3689. An act to provide for an extension of the legislative authority of the Vietnam Veterans Memorial Fund, Inc. to establish a Vietnam Veterans Memorial visitor center, and for other purposes.

H.R. 3980. An act to provide for identifying and eliminating redundant reporting requirements and developing meaningful performance metrics for homeland security preparedness grants, and for other purposes.

ENROLLED BILLS SIGNED

Under authority of the order of the Senate of January 6, 2009, the following enrolled bills, previously signed by the Speaker of the House, were signed on September 30, 2010, during the adjournment of the Senate, by the ActingPresident pro tempore (Mr. REID):

S. 1132. An act to amend title 18, United States Code, to improve the provisions relating to the carrying of concealed weapons by law enforcement officers, and for other purposes.

H.R. 3081. An act making continuing appropriations for fiscal year 2011, and for other purposes.

Under authority of the order of January 6, 2009, the Secretary of the Senate, on September 30, 2010, during the adjournment of the Senate, received a message from the House announcing that the House has passed the following bill, without amendment:

S. 3729. An act to authorize the programs of the National Aeronautics and SpaceAdministration for fiscal years 2011 through 2013, and for other purposes.

Under authority of the order of January 6, 2009, the Secretary of the Senate, on September 30, 2010, during the adjournment of the Senate, received a message from the House announcing that the House agrees to the amendments of the Senate to the bill (H.R. 946) to enhance citizen access to Government information and services by establishing that Government documents issued to the public must be written clearly, and for other purposes.

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 2701) to authorize appropriations for fiscal year 2010 for intelligence and intelligence-related activities of the United StatesGovernment, the Community Management Account, and the Central IntelligenceAgency Retirement and Disability System, and for other purposes.

The message further announced that the House agrees to the amendment of the Senate to the amendments of the House to the bill (S. 1510) to transfer statutory entitlements to pay and hours of work authorized by laws codified in the District of Columbia Official Code for current members of the United StatesSecret Service Uniformed Division from such laws to the United States Code, and for other purposes.

Under authority of the order of January 6, 2009, the Secretary of the Senate, on September 30, 2010, during the adjournment of the Senate, received a message from the House announcing that the House agrees to the Senate amendments to the bill (H.R. 3940), to clarify the availability of existing funds for political status education in the Territory of Guam, and for other purposes.

ENROLLED BILLS SIGNED

Under authority of the order of January 6, 2009, the Secretary of the Senate, on September 30, 2010, during the adjournment of the Senate, received a message from the House announcing that the Speaker had signed the following enrolled bills:

H.R. 946. An act to enhance citizen access to Government information and services by establishing that Government documents issued to the public must be written clearly, and for other purposes.

H.R. 2701. An act to authorize appropriations for fiscal year 2010 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

H.R. 3219. An act to amend title 38, United States Code, and the Servicemembers Civil Relief Act to make certain improvements in the laws administered by the Secretary of Veterans Affairs, and for other purposes.

H.R. 4543. An act to designate the facility of the United States Postal Service located at 4285 Payne Avenue in San Jose, California, as the ''Anthony J. Cortese Post Office Building''.

H.R. 5341. An act to designate the facility of the United States Postal Service located at 100 Orndorf Drive in Brighton, Michigan, as the ''Joyce Rogers Post Office Building''.

H.R. 5390. An act to designate the facility of the United States Postal Service located at 13301 Smith Road in Cleveland, Ohio, as the ''David John Donafee Post Office Building''.

H.R. 5450. An act to designate the facility of the United States Postal Service located at 3894 Crenshaw Boulevard in Los Angeles, California, as the ''Tom Bradley Post Office Building''.

H.R. 6200. An act to amend part A of title XI of the Social Security Act to provide for a 1-year extension of the authorizations for the Work Incentive Planning and Assistance program and the Protection and Advocacy for Beneficiaries of Social Security program.

Under authority of the order of January 6, 2010, the enrolled bills were signed on September 30, 2010, during the adjournment of the Senate, by the President pro tempore (Mr. INOUYE).

ENROLLED BILL SIGNED

Under authority of the order of January 6, 2009, the Secretary of the Senate, on September 30, 2010, during the adjournment of the Senate, received a message from the House announcing that the Speaker had signed the following enrolled bill:

S. 3729. An act to authorize the programs of the National Aeronautics and Space Administration for fiscal years 2011 through 2013, and for other purposes.

Under authority of the order of January 6, 2010, the enrolled bill was signed on September 30, 2010, during the adjournment of the Senate, by the President pro tempore (Mr. INOUYE).

ENROLLED BILL SIGNED

Under authority of the order of January 6, 2009, the Secretary of the Senate, on September 30, 2010, during the adjournment of the Senate, received a message from the House announcing that the Speaker had signed the following enrolled bill:

H.R. 3940. An act to clarify the availability of existing funds for political status education in the Territory of Guam, and for other purposes.

S. 3397. An act to amend the Controlled Substances Act to provide for take-back disposal of controlled substances in certain instances, and for other purposes.

Under authority of the order of September 29, 2010, the enrolled bills were signed on September 30, 2010, during the adjournment of the Senate, by the Acting President pro tempore (Mr. REID).

MESSAGES FROM THE HOUSE RECEIVED DURING RECESS

Under authority of the order of January 6, 2009, the Secretary of the Senate, on October 1, 2010, during the recess of the Senate, received a message from the House of Representatives announcing that the House has passed the following bills, without amendment:

S. 3196. An act to amend the Presidential Transition Act of 1963 to provide that certain transition services shall be available to eligible candidates before the general election.

S. 3751. An act to amend the Stem Cell Therapeutic and Research Act of 2005.

S. 3802. An act to designate a mountain and icefield in the State of Alaska as the ''Mount Stevens'' and ''Ted Stevens Icefield'', respectively.

Under authority of the order of January 6, 2009, the Secretary of the Senate, on October 4, 2010, during the recess of the Senate, received a message from the House of Representatives announcing that the House agrees to the amendments of the Senate to the House amendments to the Senate amendment to the bill (H.R. 3619) to authorize appropriations for the Coast Guard for fiscal year 2010, and for other purposes.

ENROLLED BILLS SIGNED

Under authority of the order of January 6, 2009, the Secretary of the Senate, on October 4, 2010, during the recess of the Senate, received a message from the House of Representatives announcing that the Speaker had signed the following enrolled bills:

S. 1510. An act to transfer statutory entitlements to pay and hours of work authorized by laws codified in the District of Columbia Official Code for current members of the United States Secret Service Uniformed Division from such laws to the United States Code, and for other purposes.

S. 3196. An act to amend the Presidential Transition Act of 1963 to provide that certain transition services shall be available to eligible candidates before the general election.

S. 3751. An act to amend the Stem Cell Therapeutic and Research Act of 2005.

S. 3802. An act to designate a mountain and icefield in the State of Alaska as the ''Mount Stevens'' and ''Ted Stevens Icefield'', respectively.

H.R. 3619. An act to authorize appropriations for the Coast Guard for fiscal year 2010, and for other purposes.

Under authority of the order of September 29, 2010, the enrolled bills were signed on October 4, 2010, during the recess of the Senate, by the Acting President pro tempore (Mr. REID).

MESSAGE FROM THE HOUSE

At 2:03 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 512. An act to amend the Federal Election Campaign Act of 1971 to prohibit certain State election administration officials from actively participating in electoral campaigns.

H.R. 758. An act to amend title IV of the Public Health Service Act to provide for the establishment of pediatric research consortia.

H.R. 1032. An act to amend the Public Health Service Act to improve the prevention, diagnosis, and treatment of heart disease, stroke, and other cardiovascular diseases in women.

H.R. 1210. An act to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes.

H.R. 1230. An act to amend the Public Health Service Act to provide for research on acquired bone marrow failure diseases, minority-focused programs on such diseases, and the development of best practices for diagnosis of and care for individuals with such diseases.

H.R. 1347. An act to amend title III of the Public Health Service Act to provide for the establishment and implementation of concussion management guidelines with respect to school-aged children, and for other purposes.

H.R. 2408. An act to expand the research and awareness activities of the National Institute of Arthritis and Musculoskeletal and Skin Diseases and the Centers for Disease Control and Prevention with respect to scleroderma, and for other purposes.

H.R. 2818. An act to amend the Public Health Service Act to provide for the establishment of a drug-free workplace information clearinghouse, to support residential methamphetamine treatment programs for pregnant and parenting women, to improve the prevention and treatment of methamphetamine addiction, and for other purposes.

H.R. 2853. An act to require the purchase of domestically made flags of the United States of America for use by the Federal Government.

H.R. 2941. An act to reauthorize and enhance Johanna's Law to increase public awareness and knowledge with respect to gynecologic cancers.

H.R. 2999. An act to amend the Public Health Service Act to enhance and increase the number of veterinarians trained in veterinary public health.

H.R. 3243. An act to amend section 5542 of title 5, United States Code, to provide that any hours worked by Federal firefighters under a qualified trade-of-time arrangement shall be excluded for purposes of determinations relating to overtime pay.

H.R. 4602. An act to designate the facility of the United States Postal Service located at 1332 Sharon Copley Road in Sharon Center, Ohio, as the ''Emil Bolas Post Office''.

H.R. 5354. An act to provide grants to better understand and reduce gestational diabetes, and for other purposes.

H.R. 5462. An act to amend title III of the Public Health Service Act to authorize the Secretary of Health and Human Services to establish and implement a birth defects prevention, risk reduction, and public awareness program.

H.R. 5605. An act to designate the facility of the United States Postal Service located at 47 East Fayette Street in Uniontown, Pennsylvania, as the ''George C. Marshall Post Office''.

H.R. 5606. An act to designate the facility of the United States Postal Service located at 47 South 7th Street in Indiana, Pennsylvania, as the ''James M. 'Jimmy' Stewart Post Office Building''.

H.R. 6118. An act to designate the facility of the United States Postal Service located at 2 Massachusetts Avenue, NE, in Washington D.C., as the ''Dorothy I. Height Post Office''.

The message also announced that pursuant to section 112 of the Clean Air Act (42 U.S.C. 7412), and the order of the House of January 6, 2009, the Speaker reappoints the following member on the part of the House of Representatives to the Board of Directors of the National Urban Air Toxics Research Center: Ms. Jane Luxton of McLean, Virginia.

The message further announced that pursuant to section 214(a) of the Help America Vote Act of 2002 (42 U.S.C. 15344), the Minority Leader appoints the following member on the part of the House of Representatives to the Election Assistance Commission Board of Advisors: Mr. Fuentes of Lake Forest, California.

The message also announced that pursuant to section 703 of the Social Security Act (42 U.S.C. 903), and the order of the House of January 6, 2009, and upon the recommendation of the Minority Leader, the Speaker reappoints, effective October 9, 2010, the following member on the part of the House of Representatives to the Social Security Advisory Board for a term of 6 years: Mrs. Dorcas R. Hardy of Spotsylvania, Virginia.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 512. An act to amend the Federal Election Campaign Act of 1971 to prohibit certain State election administration officials from actively participating in electoral campaigns; to the Committee on Rules and Administration.

H.R. 758. An act to amend title IV of the Public Health Service Act to provide for the establishment of pediatric research consortia; to the Committee on Health, Education, Labor, and Pensions.

H.R. 1032. An act to amend the Public Health Service Act to improve the prevention, diagnosis, and treatment of heart disease, stroke, and other cardiovascular diseases in women; to the Committee on Health, Education, Labor, and Pensions.

H.R. 1210. An act to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

H.R. 1230. An act to amend the Public Health Service Act to provide for research on acquired bone marrow failure diseases, minority-focused programs on such diseases, and the development of best practices for diagnosis of and care for individuals with such diseases; to the Committee on Health, Education, Labor, and Pensions.

H.R. 1347. An act to amend title III of the Public Health Service Act to provide for the establishment and implementation of concussion management guidelines with respect to school-aged children, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

H.R. 2408. An act to expand the research and awareness activities of the National Institute of Arthritis and Musculoskeletal and Skin Diseases and the Centers for Disease Control and Prevention with respect to scleroderma, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

H.R. 2818. An act to amend the Public Health Service Act to provide for the establishment of a drug-free workplace information clearinghouse, to support residential

methamphetamine treatment programs for pregnant and parenting women, to improve the prevention and treatment of methamphetamine addiction, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

H.R. 2853. An act to require the purchase of domestically made flags of the United States of America for use by the Federal Government; to the Committee on Homeland Security and Governmental Affairs.

H.R. 2941. An act to reauthorize and enhance Johanna's Law to increase public awareness and knowledge with respect to gynecologic cancers; to the Committee on Health, Education, Labor, and Pensions.

H.R. 2999. An act to amend the Public Health Service Act to enhance and increase the number of veterinarians trained in veterinary public health; to the Committee on Health, Education, Labor, and Pensions.

H.R. 3243. An act to amend section 5542 of title 5, United States Code, to provide that any hours worked by Federal firefighters under a qualified trade-of-time arrangement shall be excluded for purposes of determinations relating to overtime pay; to the Committee on Homeland Security and Governmental Affairs.

H.R. 4602. An act to designate the facility of the United States Postal Service located at 1332 Sharon Copley Road in Sharon Center, Ohio, as the ''Emil Bolas Post Office''; to the Committee on Homeland Security and Governmental Affairs.

H.R. 5354. An act to provide grants to better understand and reduce gestational diabetes, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

H.R. 5462. An act to amend title III of the Public Health Service Act to authorize the Secretary of Health and Human Services to establish and implement a birth defects prevention, risk reduction, and public awareness program; to the Committee on Health, Education, Labor, and Pensions.

H.R. 5605. An act to designate the facility of the United States Postal Service located at 47 East Fayette Street in Uniontown, Pennsylvania, as the ''George C. Marshall Post Office''; to the Committee on Homeland Security and Governmental Affairs.

H.R. 5606. An act to designate the facility of the United States Postal Service located at 47 South 7th Street in Indiana, Pennsylvania, as the ''James M. 'Jimmy' Stewart Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

H.R. 6118. An act to designate the facility of the United States Postal Service located at 2 Massachusetts Avenue, NE, in Washington, D.C., as the ''Dorothy I. Height Post Office''; to the Committee on Homeland Security and Governmental Affairs.

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

H.R. 847. An act to amend the Public Health Service Act to extend and improve protections and services to individuals directly impacted by the terrorist attack in New York City on September 11, 2001, and for other purposes.

H.R. 4168. An act to amend the Internal Revenue Code of 1986 to expand the definition of cellulosic biofuel to include algae-based biofuel for purposes of the cellulosic biofuel producer credit and the special allowance for cellulosic biofuel plant property.

H.R. 4337. An act to amend the Internal Revenue Code of 1986 to modify certain rules applicable to regulated investment companies, and for other purposes.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on September 30, 2010, she had presented to the President of the United States the following enrolled bills:

S. 1132. An act to amend title 18, United States Code, to improve the provisions relating to the carrying of concealed weapons by law enforcement officers, and for other purposes.

S. 3304. An act to increase the access of persons with disabilities to modern communications, and for other purposes.

S. 3397. An act to amend the Controlled Substances Act to provide for take-back disposal of controlled substances in certain instances, and for other purposes.

S. 3729. An act to authorize the programs of the National Aeronautics and Space Administration for fiscal years 2011 through 2013, and for other purposes.

S. 3828. An act to make technical corrections in the Twenty-First Century Communications and Video Accessibility Act of 2010 and the amendments made by that Act.

The Secretary of the Senate reported that on October 4, 2010, she had presented to the President of the United States the following enrolled bills:

S. 1510. An act to transfer statutory entitlements to pay and hours of work authorized by laws codified in the District of Columbia Official Code for current members of the United States Secret Service Uniformed Division from such laws to the United States Code, and for other purposes.

S. 3196. An act to amend the Presidential Transition Act of 1963 to provide that certain transition services shall be available to eligible candidates before the general election.

S. 3751. An act to amend the Stem Cell Therapeutic and Research Act of 2005.

The Secretary of the Senate reported that on October 12, 2010, she had presented to the President of the United States the following enrolled bills:

S. 3802. An act to designate a mountain and icefield in the State of Alaska as the ''Mount Stevens'' and ''Ted Stevens Icefield'', respectively.

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–7619. A communication from the Acting Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Importation of Fresh Unshu Oranges From the Republic of Korea into the Continental United States'' (Docket No. APHIS–2010–0022) received during adjournment of the Senate in the Office of the President of the Senate on October 14, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7620. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Tuberculosis in Cattle and Bison; State and Zone Designations; Minnesota'' (Docket No. APHIS–2010–0097) received during adjournment of the Senate in the Office of the President of the Senate on October 4, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7621. A communication from the Administrator, Rural Utilities Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Specifications and Drawings for Construction of Direct Buried Plant'' (7 CFR Part 1755) received during adjournment of the Senate in the Office of the President of the Senate on October 15, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7622. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of General James T. Conway, United States Marine Corps, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

EC–7623. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Lieutenant General George J. Trautman III, United States Marine Corps, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–7624. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Vice Admiral John J. Donnelly, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

EC–7625. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Vice Admiral Carl V. Mauney, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

EC–7626. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Lieutenant General Jeffrey A. Sorenson, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–7627. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, a quarterly report relative to withdrawals or diversions of equipment from Reserve component units from April 1, 2010 to June 30, 2010; to the Committee on Armed Services.

EC–7628. A communication from the Principal Deputy Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, an annual report relative to the conduct of the Defense Acquisition Challenge Program for fiscal year 2009; to the Committee on Armed Services.

EC–7629. A communication from the Principal Deputy Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, an annual report on the Mentor-Protégé Program for fiscal year 2009; to the Committee on Armed Services.

EC–7630. A communication from the Chair of the U.S. Election Assistance Commission, transmitting, pursuant to law, a report relative to the Government Accountability Office recommendations in ''Election Assistance Commission—Obligation of Fiscal Year 2004 Requirements Payments Appropriation''; to the Committee on Appropriations.

EC–7631. A communication from the President of the United States, transmitting, pursuant to law, a six-month periodic report on

the national emergency declared in Executive Order 12978 of October 21, 1995, with respect to significant narcotics traffickers centered in Colombia; to the Committee on Banking, Housing, and Urban Affairs.

EC–7632. A communication from the Deputy to the Chairman, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled ''Treatment by the Federal Deposit Insurance Corporation as Conservator or Receiver of Financial Assets Transferred by an Insured Depository Institution in Connection with a Securitization or Participation After September 30, 2010'' (RIN3064–AD55) received during adjournment of the Senate in the Office of the President of the Senate on October 7, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC–7633. A communication from the Secretary, Division of Corporation Finance, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled ''Removal from Regulation FD of the Exemption for Credit Rating Agencies'' received during adjournment of the Senate in the Office of the President of the Senate on October 4, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC–7634. A communication from the Secretary, Division of Investment Management, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled ''Technical Amendments to Forms N–CSR and N–SAR in Connection with the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010'' received in the Office of the President of the Senate on October 15, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC–7635. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Suspension of Community Eligibility'' ((44 CFR Part 64) (Internal Agency Docket No. FEMA–8151)) received during adjournment of the Senate in the Office of the President of the Senate on September 30, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC–7636. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Final Flood Elevation Determinations'' ((44 CFR Part 67) (Docket No. FEMA–2010–0003)) received during adjournment of the Senate in the Office of the President of the Senate on September 30, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC–7637. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Final Flood Elevation Determinations'' ((44 CFR Part 67) (Docket No. FEMA–2010–0003)) received in the Office of the President of the Senate on October 8, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC–7638. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Final Flood Elevation Determinations'' ((44 CFR Part 67) (Docket No. FEMA–2010–0003)) received during adjournment of the Senate in the Office of the President of the Senate on October 6, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC–7639. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Final Flood Elevation Determinations'' ((44 CFR Part 67) (Docket No. FEMA–2010–0003)) received during adjournment of the Senate in the Office of the President of the Senate on October 6, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC–7640. A communication from the Deputy Director, Financial Crimes Enforcement Network, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Financial Crimes Enforcement Network; Amendment to the Bank Secrecy Act Regulations; Defining Mutual Funds as Financial Institutions; Extension of Compliance Date'' (RIN1506–AA93) received in the Office of the President of the Senate on October 8, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC–7641. A communication from the Deputy Director, Financial Crimes Enforcement Network, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Reorganizing and Transferring the Bank Secrecy Act Regulations From Part 103 Within Title 31 of the Code of Federal Regulations to Chapter 1000–1099'' (RIN1506–AA92) received in the Office of the President of the Senate on October 8, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC–7642. A communication from the Regulatory Specialist, Office of the Comptroller of the Currency, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Community Reinvestment Act Regulations'' (RIN1557–AD24) received during adjournment of the Senate in the Office of the President of the Senate on October 6, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC–7643. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a report on the continuation of the national emergency with respect to Iran that was originally declared in Executive Order 12170 on November 14, 1979; to the Committee on Banking, Housing, and Urban Affairs.

EC–7644. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to blocking the property of certain persons contributing to the conflict in Somalia that was declared in Executive Order 13536 of April 12, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC–7645. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to the situation in or in relation to the Democratic Republic of the Congo that was declared in Executive Order 13413 of October 27, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–7646. 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 Luxembourg; to the Committee on Banking, Housing, and Urban Affairs.

EC–7647. A communication from the Director of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Service Level I, II, and III Protective Coatings Applied to Nuclear Power Plants'' (Regulatory Guide 1.54, Revision 2) received during adjournment of the Senate in the Office of the President of the Senate on October 14, 2010; to the Committee on Energy and Natural Resources.

EC–7648. A communication from the General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Promoting a Competitive Market for Capacity Reassignments'' (FERC Docket No. RM10–22–000) received during adjournment of the Senate in the Office of the President of the Senate on September 30, 2010; to the Committee on Energy and Natural Resources.

EC–7649. A communication from the Secretary of the Commission, Bureau of Consumer Protection, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled ''Appliance Labeling Rule'' (RIN3084–AB03) received during adjournment of the Senate in the Office of the President of the Senate on October 4, 2010; to the Committee on Energy and Natural Resources.

EC–7650. A communication from the Assistant Secretary of Land and Minerals Management, Bureau of Ocean Energy Management, Regulation, and Enforcement, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Reorganization of Title 30, Code of Federal Regulations'' (RIN1010–AD70) received during adjournment of the Senate in the Office of the President of the Senate on October 4, 2010; to the Committee on Energy and Natural Resources.

EC–7651. A communication from the Assistant Secretary of Land and Minerals Management, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Oil and Gas and Sulphur Operations in the Outer Continental Shelf—Increased Safety Measures for Energy Development on the Outer Continental Shelf'' (RIN1010–AD68) received during adjournment of the Senate in the Office of the President of the Senate on October 14, 2010; to the Committee on Energy and Natural Resources.

EC–7652. A communication from the Assistant Secretary of Land and Minerals Management, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Oil and Gas and Sulphur Operations in the Outer Continental Shelf—Safety and Environmental Management Systems'' (RIN1010–AD15) received during adjournment of the Senate in the Office of the President of the Senate on October 14, 2010; to the Committee on Energy and Natural Resources.

EC–7653. A communication from the Administrator of the Department of Energy, transmitting, pursuant to law, a report entitled ''Annual Energy Review 2009''; to the Committee on Energy and Natural Resources.

EC–7654. 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 ''Oil Pollution Prevention; Spill Prevention, Control, and Countermeasure (SPCC) Rule—Compliance Date Amendment'' (FRL No. 9213–8) received in the Office of the President of the Senate on October 15, 2010; to the Committee on Environment and Public Works.

EC–7655. 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 of Implementation Plans of Wisconsin: Nitrogen Oxides Reasonably Available Control Technology'' (FRL No. 9205–8) received in the Office of the President of the Senate on October 15, 2010; to the Committee on Environment and Public Works.

EC–7656. 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 Designation of Areas

for Air Quality Planning Purposes; Texas; Beaumont/Port Arthur Ozone Nonattainment Area: Redesignation to Attainment for the 1997 8-Hour Ozone Standard and Determination of Attainment for the 1-Hour Ozone Standard; Clarification of EPA's Approval of the El Paso Section 110(a)(1) Maintenance Plan for the 1997 8-Hour Ozone Standard'' (FRL No. 9214–9) received in the Office of the President of the Senate on October 15, 2010; to the Committee on Environment and Public Works.

EC–7657. 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 ''Determination of Attainment for PM10: Eagle River PM10 Nonattainment Area, Alaska'' (FRL No. 9214–7) received in the Office of the President of the Senate on October 15, 2010; to the Committee on Environment and Public Works.

EC–7658. 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 ''Mandatory Reporting of Greenhouse Gases'' (FRL No. 9213–5) received in the Office of the President of the Senate on October 15, 2010; to the Committee on Environment and Public Works.

EC–7659. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, a report entitled ''FY2011–2015 EPA Strategic Plan''; to the Committee on Environment and Public Works.

EC–7660. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, a report entitled ''Fiscal Year 2009 Superfund Five-Year Review Report to Congress''; to the Committee on Environment and Public Works.

EC–7661. 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 ''Prevention of Significant Deterioration (PSD) for Particulate Matter Less Than 2.5 Micrometers (PM2.5)—Increments, Significant Impact Levels (SILs) and Significant Monitoring Concentration (SMC)'' (FRL No. 9210–9) received during adjournment of the Senate in the Office of the President of the Senate on October 6, 2010; to the Committee on Environment and Public Works.

EC–7662. 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 ''Pesticide Management and Disposal; Standards for Pesticide Containers and Containment; Change to Labeling Compliance Date'' (FRL No. 8848–8) received during adjournment of the Senate in the Office of the President of the Senate on October 6, 2010; to the Committee on Environment and Public Works.

EC–7663. 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; Delaware; Limiting Emissions of Volatile Organic Compounds from Consumer Products'' (FRL No. 9211–5) received during adjournment of the Senate in the Office of the President of the Senate on October 6, 2010; to the Committee on Environment and Public Works.

EC–7664. 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; Pennsylvania; Amendment to Consumer Products and Architectural and Industrial Maintenance Coatings Regulations'' (FRL No. 9211–6) received during adjournment of the Senate in the Office of the President of the Senate on October 6, 2010; to the Committee on Environment and Public Works.

EC–7665. 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 Designations of Areas for Air Quality Planning Purposes; Tennessee: Knoxville; Determination of Attaining Data for the 1997 8-Hour Ozone Standards'' (FRL No. 9212–6) received during adjournment of the Senate in the Office of the President of the Senate on October 6, 2010; to the Committee on Environment and Public Works.

EC–7666. 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. 9210–3) received during adjournment of the Senate in the Office of the President of the Senate on October 6, 2010; to the Committee on Environment and Public Works.

EC–7667. A communication from the Director of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''NRC Enforcement Policy Revision'' (SRM–SECY–09–0190) received during adjournment of the Senate in the Office of the President of the Senate on September 30, 2010; to the Committee on Environment and Public Works.

EC–7668. A communication from the Director of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Inservice Inspection Code Case Acceptability, ASME Section XI, Division 1'' (Regulatory Guide 1.147, Rev. 16) received during adjournment of the Senate in the Office of the President of the Senate on October 4, 2010; to the Committee on Environment and Public Works.

EC–7669. A communication from the Director of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''ASME Code Cases Not Approved for Use'' (Regulatory Guide 1.193, Revision 3) received during adjournment of the Senate in the Office of the President of the Senate on October 4, 2010; to the Committee on Environment and Public Works.

EC–7670. A communication from the Director of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Design, Fabrication, and Materials Code Case Acceptability, ASME Section III'' (Regulatory Guide 1.84, Revision 35) received during adjournment of the Senate in the Office of the President of the Senate on October 4, 2010; to the Committee on Environment and Public Works.

EC–7671. A communication from the Chief of Recovery and Delisting Branch, Endangered Species Program, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Technical Corrections for Three Midwest Region Plant Species'' (RIN1018–AX28) received in the Office of the President of the Senate on September 29, 2010; to the Committee on Environment and Public Works.

EC–7672. A communication from the Assistant Secretary for Fish and Wildlife Parks, National Park Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''General Regulation: National Park System'' (RIN1024–AD91) received in the Office of the President of the Senate on October 15, 2010; to the Committee on Environment and Public Works.

EC–7673. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, a report entitled ''2006–2007 Biennial Review of the Louisiana Coastal Wetlands Conservation Plan Report to Congress''; to the Committee on Environment and Public Works.

EC–7674. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, the Uniform Resource Locator (URL) for a report entitled ''Revised Guidance on Compiling Administrative Records for CERCLA Response Actions''; to the Committee on Environment and Public Works.

EC–7675. 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 ''Broadband Grants'' (Rev. Proc. 2010–34) received in the Office of the President of the Senate on September 29, 2010; to the Committee on Finance.

EC–7676. 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 ''Field Directive on Treatment of Sales-Based Vendor Allowances (''SBVA'') and Margin Protection Payments (''MPP'') under Section 471'' (LMSB–4–0910–026) received in the Office of the President of the Senate on September 29, 2010; to the Committee on Finance.

EC–7677. 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 ''Revenue Procedure re: Corrosive Drywall'' (Rev. Proc. 2010–36) received during adjournment of the Senate in the Office of the President of the Senate on October 14, 2010; to the Committee on Finance.

EC–7678. 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 ''Refundable Adoption Credit'' (Notice No. 2010–66) received during adjournment of the Senate in the Office of the President of the Senate on October 14, 2010; to the Committee on Finance.

EC–7679. 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 ''Finality of Foreign Adoptions under the Hague Convention'' (Rev. Proc. 2010–31) received during adjournment of the Senate in the Office of the President of the Senate on October 14, 2010; to the Committee on Finance.

EC–7680. 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 ''Adoption Credit Inflation Adjustments'' (Rev. Proc. 2010–35) received during adjournment of the Senate in the Office of the President of the Senate on October 14, 2010; to the Committee on Finance.

EC–7681. 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 ''2010–2011 Per Diem'' (Rev. Proc. 2010–39) received during adjournment of the Senate in the Office of the President of the Senate on October 14, 2010; to the Committee on Finance.

EC–7682. A communication from the Director of Regulations, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled ''Disability Determinations by State Agency Disability Examiners'' (RIN0960–AG87) received during adjournment of the Senate in the Office of the President of the Senate on October 14, 2010; to the Committee on Finance.

EC–7683. A communication from the Chairman of the U.S. International Trade Commission, transmitting, pursuant to law, a report entitled ''Andean Trade Preference Act (ATPA): Impact on U.S. Industries and Consumers and on Drug Crop Eradication and Crop Substitution, 2009''; to the Committee on Finance.

EC–7684. A joint communication from the Secretary of the Department of Health and Human Services and the Secretary of the Department of Labor, transmitting, pursuant to law, a report entitled ''Medicaid, CHIP , and Employer-Sponsored Coverage Coordination Working Group''; to the Committee on Finance.

EC–7685. A communication from the President of the United States, transmitting, pursuant to law, a report stating that it is in the nation's interest to temporarily terminate the suspensions under the Foreign Relations Authorization Act relative to the issuance of temporary munitions export licenses for export to the People's Republic of China; to the Committee on Foreign Relations.

EC–7686. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2010–0143—2010–0145); to the Committee on Foreign Relations.

EC–7687. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, a revised certification of a proposed technical assistance agreement for the export of defense articles, including, technical data, and defense services to Singapore for the organizational and intermediate level support and depot level maintenance and overhaul of the F110–GE–129 family of military aircraft engines in the amount of $50,000,000 or more; to the Committee on Foreign Relations.

EC–7688. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, a revised certification of a proposed manufacturing license agreement for the export of defense articles, including, technical data, and defense services to the Republic of Korea for the manufacture, assembly, inspection, and test of F404–GE–102 aircraft engines for incorporation into T–50 aircraft in the amount of $100,000,000 or more; to the Committee on Foreign Relations.

EC–7689. 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, to include technical data, and defense services to Mexico for the manufacture of various high and low pressure, non-cooled, turbine blades; to the Committee on Foreign Relations.

EC–7690. 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, to include technical data, and defense services to the United Kingdom and Germany for the manufacture of the main engine fuel pump for the EJ200 engine for the Eurofighter Typhoon Aircraft in the amount of $50,000,000 or more; to the Committee on Foreign Relations.

EC–7691. 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, to include technical data, and defense services for the manufacture of Enhanced Position Location Reporting System (EPLRS) Communications Products in the amount of $50,000,000 or more; to the Committee on Foreign Relations.

EC–7692. 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, to include technical data, and defense services to Japan for the manufacture, repair, and overhaul of F–15 Environmental Control System components, and the upgrade of the F–15 High Pressure Water System, Airframe Mounted Accessory Drive System and Center Gear Box in the amount of $100,000,000 or more; to the Committee on Foreign Relations.

EC–7693. 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, to include technical data, and defense services to Russia for the RD–180 Liquid Propellant Rocket Engine Program in the amount of $50,000,000 or more; to the Committee on Foreign Relations.

EC–7694. 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, to include technical data, and defense services to support the Jordanian M113A2Mk1 Armored Personnel Carrier and Co-production program in the amount of $50,000,000 or more; to the Committee on Foreign Relations.

EC–7695. 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, to include technical data, and defense services for the manufacturing and post-production support of various legacy naval equipment in the amount of $100,000,000 or more; to the Committee on Foreign Relations.

EC–7696. 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, to include technical data, and defense services to the United Kingdom and the United Arab Emirates related to the DB–110 Reconnaissance System, Integrated Logistics Support and Training in support of the F–16 Block 60 in the amount of $50,000,000 or more; to the Committee on Foreign Relations.

EC–7697. 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, to include technical data, and defense services for the Information and Command System of the Land Forces for the Algerian Ministry of Defense in the amount of $50,000,000 or more; to the Committee on Foreign Relations.

EC–7698. 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, to include technical data, and defense services to support the sale of twelve (12) 27MHz S-Band Transponders on-orbit in the SES–7 commercial communications satellite in the amount of $50,000,000 or more; to the Committee on Foreign Relations.

EC–7699. 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, to include technical data, and defense services to Chile and Canada to support flight training, maintenance and support related to the Bell 412 Helicopter and Huey II Flight Training Device in the amount of $50,000,000 or more; to the Committee on Foreign Relations.

EC–7700. 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, to include technical data, and defense services to the United Kingdom, Italy, and Saudi Arabia related to the integration of and support for Paveway Weapons Systems in the amount of $50,000,000 or more; to the Committee on Foreign Relations.

EC–7701. 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, to include technical data, and defense services to the United Kingdom and Canada to support the sale of Tactical Support Vehicles and related components and accessories in the amount of $100,000,000 or more; to the Committee on Foreign Relations.

EC–7702. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the establishment of a 15% Danger Pay Allowance for Reynosa, Mexico; to the Committee on Foreign Relations.

EC–7703. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, certification for the export of defense articles, to include technical data, and defense services to the United Arab Emirates, relating to the sale of ten (10) AT–802 aircraft; to the Committee on Foreign Relations.

EC–7704. 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 license for the export of defense articles, to include technical data, and defense services related to the sale of Sig Sauer Pistols in the amount of $1,000,000 or more; to the Committee on Foreign Relations.

EC–7705. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant

to law, a report relative to the elimination of the Danger Pay Allowance for Nogales, Mexico; to the Committee on Foreign Relations.

EC–7706. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the justification for the President's waiver of the restrictions on the provision of funds to the Palestinian Authority; to the Committee on Foreign Relations.

EC–7707. A communication from the Acting Deputy Assistant Administrator, Bureau for Legislative and Public Affairs, U.S. Agency for International Development (USAID), transmitting, pursuant to law, the Agency's response to the GAO report entitled ''USAID Needs to Improve Its Strategic Planning to Address Current and Future Workforce Needs''; to the Committee on Foreign Relations.

EC–7708. A communication from the Assistant General Counsel of the Division of Regulatory Services, Office of Postsecondary Education, Department of Education, transmitting, pursuant to law, the report of a rule entitled ''High School Equivalency Program and College Assistance Migrant Program, The Federal TRIO Programs, and Gaining Early Awareness and Readiness for Undergraduate Program'' (RIN1840–AD01) received during adjournment of the Senate in the Office of the President of the Senate on October 17, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC–7709. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled ''Report to Congress on the Impact and Effectiveness of Administration for Native Americans (ANA) Projects: Fiscal Year 2008''; to the Committee on Health, Education, Labor, and Pensions.

EC–7710. 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 ''Use of Ozone-Depleting Substances; Removal of Essential-Use Designation (Flunisolide, etc.); Correction'' (Docket No. FDA–2006–N–0304) received during adjournment of the Senate in the Office of the President of the Senate on September 30, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC–7711. 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 ''Microbiology Devices; Reclassification of Herpes Simplex Virus Types 1 and 2 Serological Assays; Confirmation of Effective Date'' (Docket No. FDA–2009–N–0344) received during adjournment of the Senate in the Office of the President of the Senate on October 14, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC–7712. 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 ''Investigational New Drug Safety Reporting Requirements for Human Drug and Biological Products and Safety Reporting Requirements for Bioavailability and Bioequivalence Studies in Humans'' (Docket No. FDA–2000–N–0108) received during adjournment of the Senate in the Office of the President of the Senate on October 14, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC–7713. A communication from the Program Manager, Office of the National Coordinator for Health Information Technology, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Health Information Technology: Revisions to Initial Set of Standards, Implementation Specifications, and Certification Criteria for Electronic Health Record Technology'' (RIN0991–AB76) received during adjournment in the Office of the President of the Senate on October 17, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC–7714. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the Prescription Drug User Fee Act of 1992 (PDUFA) for fiscal year 2009; to the Committee on Health, Education, Labor, and Pensions.

EC–7715. A communication from the General Counsel, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, a report relative to a vacancy in the position of Director, Pension Benefit Guaranty Corporation; to the Committee on Health, Education, Labor, and Pensions.

EC–7716. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a petition to add workers from the Ames Laboratory, Ames, Iowa, to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC–7717. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a petition to add workers from Revere Copper and Brass, Detroit, Michigan, to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC–7718. A joint communication from the Secretary of the Department of Agriculture and the Secretary of the Department of Health and Human Services, transmitting, pursuant to law, a report relative to Thefts, Losses, or Releases of Select Agents or Toxins for calendar year 2009; to the Committee on Health, Education, Labor, and Pensions.

EC–7719. A communication from the Director, Employee Services, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''General Schedule Locality Pay Areas'' (RIN3206–AM25) received during adjournment of the Senate in the Office of the President of the Senate on October 7, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC–7720. A communication from the Director, Planning and Policy Analysis, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''Federal Employees' Group Life Insurance Program: Miscellaneous Changes, Clarifications, and Corrections'' (RIN3206–AG63) received during adjournment of the Senate in the Office of the President of the Senate on October 7, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC–7721. A communication from the Deputy Associate Administrator of Acquisition Policy and Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; Federal Acquisition Circular 2005–46; Introduction'' (FAC 2005–46) received during adjournment of the Senate in the Office of the President of the Senate on September 30, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC–7722. A communication from the Deputy Associate Administrator of Acquisition Policy and Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; Federal Acquisition Circular 2005–46; Small Entity Compliance Guide'' (FAC 2005–46) received during adjournment of the Senate in the Office of the President of the Senate on September 30, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC–7723. A communication from the Deputy Associate Administrator of Acquisition Policy and Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; Award-Fee Language Revision'' (RIN9000–AL42) received during adjournment of the Senate in the Office of the President of the Senate on September 30, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC–7724. A communication from the Deputy Associate Administrator of Acquisition Policy and Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; Termination for Default Reporting'' (RIN9000–AL45) received during adjournment of the Senate in the Office of the President of the Senate on September 30, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC–7725. A communication from the Deputy Associate Administrator of Acquisition Policy and Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; Equal Opportunity for Veterans'' (RIN9000–AL67) received during adjournment of the Senate in the Office of the President of the Senate on September 30, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC–7726. A communication from the Deputy Associate Administrator of Acquisition Policy and Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; Encouraging Contractor Policies to Ban Text Messaging While Driving'' (RIN9000–AL64) received during adjournment of the Senate in the Office of the President of the Senate on September 30, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC–7727. A communication from the Deputy Associate Administrator of Acquisition Policy and Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; Buy American Exemption for Commercial Information Technology-Construction Material'' (RIN9000–AL62) received during adjournment of the Senate in the Office of the President of the Senate on September 30, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC–7728. A communication from the Deputy Associate Administrator of Acquisition Policy and Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; Certification Requirement and Procurement Prohibition Relating to Iran Sanctions'' (RIN9000–AL71) received during adjournment of the Senate in the Office of the President of the Senate on September 30, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC–7729. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled, ''District of Columbia Agencies' Compliance with Small Business Enterprise Expenditure Goals for

the 1st and 2nd Quarter of Fiscal Year 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–7730. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled, ''Audit of Advisory Neighborhood Commission 6A for Fiscal Years 2008 through 2010, as of March 31, 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–7731. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled, ''Audit of Advisory Neighborhood Commission 6B for Fiscal Years 2008 through 2010, as of March 31, 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–7732. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled, ''Audit of Advisory Neighborhood Commission 6D for Fiscal Years 2008 through 2010, as of March 31, 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–7733. A communication from the Secretary of Transportation, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from October 1, 2009 through March 31, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC–7734. A communication from the Management and Program Analyst, Citizenship and Immigration Services, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''U.S. Citizenship and Immigration Services Fees Schedule'' (RIN1615–AB80) received in the Office of the President of the Senate on September 28, 2010; to the Committee on the Judiciary.

EC–7735. A communication from the Staff Director, United States Commission on Civil Rights, transmitting, pursuant to law, the report of the appointment of members to the Maine Advisory Committee; to the Committee on the Judiciary.

EC–7736. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, a report entitled ''Hart-Scott-Rodino Annual Report: Fiscal Year 2009''; to the Committee on the Judiciary.

EC–7737. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, the Fiscal Year 2009 Annual Report to Congress for the Office of Justice Programs' Bureau of Justice Assistance; to the Committee on the Judiciary.

EC–7738. A communication from the Deputy Administrator, Small Business Administration, transmitting, pursuant to law, a report relative to the Administration's Strategic Plan for fiscal years 2011–2016; to the Committee on Small Business and Entrepreneurship.

EC–7739. A communication from the Director of Regulations Policy and Management, Veterans Benefits Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''Compensation for Certain Disabilities Due to Undiagnosed Illnesses'' (RIN2900–AN68) received during adjournment of the Senate in the Office of the President of the Senate on October 6, 2010; to the Committee on Veterans' Affairs.

EC–7740. A communication from the Director of Regulation Policy and Management, Veterans Benefits Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''Charges Billed to Third Parties for Prescription Drugs Furnished by Veterans Affairs to a Veteran for a Nonservice-Connected Disability'' (RIN2900–AN15) received during adjournment of the Senate in the Office of the President of the Senate on October 14, 2010; to the Committee on Veterans' Affairs.

EC–7741. A communication from the Deputy Assistant Administrator for Operations, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Pacific Halibut Fisheries; Limited Access for Guided Sport Charter Vessels in Alaska'' (RIN0648–AY85) received in the Office of the President of the Senate on September 29, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7742. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Chinook Salmon Bycatch Management in the Bering Sea Pollock Fishery; Correction'' (RIN0648–AX89) received during adjournment of the Senate in the Office of the President of the Senate on October 17, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7743. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Groundfish Fisheries of the Exclusive Economic Zone Off Alaska; Bering Sea/Aleutian Islands Crab Rationalization Program; Recordkeeping and Reporting'' (RIN0648–AY28) received in the Office of the President of the Senate on September 29, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7744. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Atlantic Highly Migratory Species; Atlantic Billfish Management, White Marlin (Kajikia albidus), Roundscale Spearfish (Tetrapturus georgii)'' (RIN0648–BA12) received during adjournment of the Senate in the Office of the President of the Senate on September 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7745. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Emergency Rule to Authorize Re-Opening the Recreational Red Snapper Season'' (RIN0648–BA06) received during adjournment of the Senate in the Office of the President of the Senate on October 17, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7746. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Magnuson-Stevens Fishery Conservation and Management Act; Regional Fishery Management Councils; Operations'' (RIN0648–AW18) received during adjournment of the Senate in the Office of the President of the Senate on October 17, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7747. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Atlantic Highly Migratory Species; North and South Atlantic Swordfish Quotas'' (RIN0648–XV31) received during adjournment of the Senate in the Office of the President of the Senate on September 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7748. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Black Sea Bass Fishery; 2010 Black Sea Bass Specifications; Emergency Rule Extension; Correction'' (RIN0648–XT99) received during adjournment of the Senate in the Office of the President of the Senate on October 7, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7749. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries Off West Coast States; Pacific Coast Groundfish Fishery Management Plan; Amendments 20 and 21; Trawl Rationalization Program'' (RIN0648–AY68) received during adjournment of the Senate in the Office of the President of the Senate on October 7, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7750. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher/Processors Using Pot Gear in the Bering Sea and Aleutian Islands Management Area'' (RIN0648–XZ27) received during adjournment of the Senate in the Office of the President of the Senate on October 17, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7751. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-Grouper Fishery of the South Atlantic; Closure of the 2010–2011 Commercial Sector for Black Sea Bass in the South Atlantic'' (RIN0648–XY48) received during adjournment of the Senate in the Office of the President of the Senate on October 17, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7752. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries Off West Coast States; Coastal Pelagic Species Fisheries; Closure'' (RIN0648–XY79) received during adjournment of the Senate in the Office of the President of the Senate on October 17, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7753. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Re-Opening of the 2010 Gulf of Mexico Recreational Red Snapper Season'' (RIN0648–XY73) received during adjournment of the Senate in the Office of the President of the Senate on October 17, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7754. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-Grouper Fishery of the South Atlantic; Closure of the July–December 2010

Commercial Sector for Vermilion Snapper in the South Atlantic'' (RIN0648–XY47) received during adjournment of the Senate in the Office of the President of the Senate on October 17, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7755. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Catching Pacific Cod for Processing by the Inshore Component in the Central Regulatory Area of the Gulf of Alaska'' (RIN0648–XZ05) received in the Office of the President of the Senate on September 29, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7756. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Crab and Halibut Prohibited Species Catch and Allowances in the Bering Sea and Aleutian Islands Management Area'' (RIN0648–XZ08) received during adjournment of the Senate in the Office of the President of the Senate on September 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7757. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 in the Gulf of Alaska'' (RIN0648–XZ04) received during adjournment of the Senate in the Office of the President of the Senate on September 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7758. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Shallow-Water Species by Vessels Using Trawl Gear in the Gulf of Alaska'' (RIN0648–XZ06) received during adjournment of the Senate in the Office of the President of the Senate on September 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7759. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 of the Gulf of Alaska'' (RIN0648–XZ13) received during adjournment of the Senate in the Office of the President of the Senate on September 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7760. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Trip Limit Reductions and Gear Modifications for the Common Pool Fishery'' (RIN0648–XZ07) received during adjournment of the Senate in the Office of the President of the Senate on October 7, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7761. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare Program: Hospital Outpatient Prospective Payment System and Calendar Year 2011 Payment Rates. . . .'' (RIN0938–AP82 and RIN0938–AP80) received during adjournment of the Senate in the Office of the President of the Senate on November 3, 2010; to the Committee on Finance.

EC–7762. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare Program; Payment Policies Under the Physician Fee Schedule and Other Revisions to Part B for Calendar Year 2011'' (RIN0938–AP79) received during adjournment of the Senate in the Office of the President of the Senate on November 3, 2010; to the Committee on Finance.

EC–7763. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2010–0146—2010–0159); to the Committee on Foreign Relations.

EC–7764. A communication from the Secretary of the Senate, transmitting, pursuant to law, the report of the receipts and expenditures of the Senate for the period from April 1, 2010 through September 30, 2010, received in the Office of the President of the Senate on November 15, 2010; ordered to lie on the table.

REPORTS OF COMMITTEES DURING RECESS

Under the authority of the order of the Senate of September 29, 2010, the following reports of committees were submitted on October 26, 2010:

By Mr. KERRY, from the Committee on Foreign Relations, with an amendment in the nature of a substitute:

S. 987. A bill to protect girls in developing countries through the prevention of child marriage, and for other purposes (Rept. No. 111–344).

By Mr. LEVIN, from the Committee on Armed Services, under authority of the order of the Senate of 9/29/2010:

Special Report entitled ''Inquiry Into the Role and Oversight of Private Security Contractors in Afghanistan'' (Rept. No. 111–345). Additional views filed.

By Mr. AKAKA, from the Committee on Veterans' Affairs, with an amendment in the nature of a substitute:

S. 3447. A bill to amend title 38, United States Code, to improve educational assistance for veterans who served in the Armed Forces after September 11, 2001, and for other purposes (Rept. No. 111–346).

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 Mrs. MURRAY:

S. 3938. A bill to designate the airport traffic control tower located at Spokane International Airport in Spokane, Washington, as the ''Ray Daves Airport Traffic Control Tower''; to the Committee on Commerce, Science, and Transportation.

By Mr. INHOFE:

S. 3939. A bill to reform earmarking and increase transparency and accountability for all expenditures authorized by Congress and all executive agencies of the Federal Government; to the Committee on Rules and Administration.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 3940. A bill to designate the Federal building and United States courthouse located at 700 Grant Street in Pittsburgh, Pennsylvania as the ''Richard Lewis Thornburgh Courthouse''; to the Committee on Environment and Public Works.

By Mr. WHITEHOUSE:

S. 3941. A bill to prohibit trafficking in counterfeit military goods or services; to the Committee on the Judiciary.

By Mr. TESTER (for himself, Mr. CRAPO, Mr. BAUCUS, Mr. INHOFE, Mr. ENZI, Mr. BEGICH, and Mr. WICKER):

S. 3942. A bill to amend the Arms Export Control Act to provide that certain firearms listed as curios or relics may be imported into the United States by a licensed importer without obtaining authorization from the Department of State or the Department of Defense, and for other purposes; to the Committee on Foreign Relations.

By Mrs. GILLIBRAND:

S. 3943. A bill to amend the Federal Water Pollution Control Act to direct the Administrator of the Environmental Protection Agency to carry out activities for the restoration, conservation, and management of Onondaga Lake, New York, and for other purposes; to the Committee on Environment and Public Works.

By Ms. MIKULSKI:

S. 3944. A bill to amend the definition of a law enforcement officer under subchapter III of chapter 83 and chapter 84 of title 5, United States Code, respectively, to ensure the inclusion of certain positions; to the Committee on Homeland Security and Governmental Affairs.

By Mr. AKAKA (for himself and Mr. INOUYE):

S. 3945. A bill to express the policy of the United States regarding the United States relationship with Native Hawaiians and to provide a process for the recognition by the United States of the Native Hawaiian governing entity; to the Committee on Indian Affairs.

By Mr. BAUCUS (for himself, Mr. BEGICH, Ms. LANDRIEU, Ms. STABENOW, Mrs. SHAHEEN, and Mr. BROWN of Massachusetts):

S. 3946. A bill to repeal the expansion of information reporting requirements for payments of $600 or more to corporations, and for other purposes; to the Committee on Finance.

By Mr. REID:

S.J. Res. 40. A joint resolution appointing the day for the convening of the first session of the One Hundred Twelfth Congress; considered and passed.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. REID:

S. Res. 674. A resolution to constitute the majority party's membership on certain committees for the One Hundred Eleventh Congress, or until their successors are chosen; considered and agreed to.

By Mr. GREGG (for himself and Mrs. SHAHEEN):

S. Res. 675. A resolution commemorating the 100th anniversary of the Weeks Law; to the Committee on Agriculture, Nutrition, and Forestry.

By Mrs. SHAHEEN (for herself and Ms. COLLINS):

S. Res. 676. A resolution supporting the goals and ideals of American Diabetes

Month; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CARPER (for himself and Ms. SNOWE):

S. Res. 677. A resolution to express the sense of the Senate regarding the importance of recycling and the inception of recycling on the National Mall; to the Committee on Energy and Natural Resources.

ADDITIONAL COSPONSORS

S. 654

At the request of Mr. BUNNING, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 654, a bill to amend title XIX of the Social Security Act to cover physician services delivered by podiatric physicians to ensure access by Medicaid beneficiaries to appropriate quality foot and ankle care.

S. 781

At the request of Mr. ROBERTS, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 781, a bill to amend the Internal Revenue Code of 1986 to provide for collegiate housing and infrastructure grants.

S. 831

At the request of Mr. KERRY, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 831, a bill to amend title 10, United States Code, to include service after September 11, 2001, as service qualifying for the determination of a reduced eligibility age for receipt of non-regular service retired pay.

S. 984

At the request of Mrs. BOXER, the names of the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 984, a bill to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes.

S. 1076

At the request of Mr. MENENDEZ, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1076, a bill to improve the accuracy of fur product labeling, and for other purposes.

S. 1273

At the request of Mr. DORGAN, the names of the Senator from New Mexico (Mr. BINGAMAN) and the Senator from North Carolina (Mrs. HAGAN) were added as cosponsors of S. 1273, a bill to amend the Public Health Service Act to provide for the establishment of permanent national surveillance systems for multiple sclerosis, Parkinson's disease, and other neurological diseases and disorders.

S. 1352

At the request of Mr. DODD, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 1352, a bill to provide for the expansion of Federal efforts concerning the prevention, education, treatment, and research activities related to Lyme and other tick-borne diseases, including the establishment of a Tick-Borne Diseases Advisory Committee.

S. 1361

At the request of Mr. LEAHY, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 1361, a bill to amend title 10, United States Code, to enhance the national defense through empowerment of the National Guard, enhancement of the functions of the National Guard Bureau, and improvement of Federal-State military coordination in domestic emergency response, and for other purposes.

S. 1780

At the request of Mrs. LINCOLN, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 1780, a bill to amend title 38, United States Code, to deem certain service in the reserve components as active service for purposes of laws administered by the Secretary of Veterans Affairs.

S. 1821

At the request of Mr. KOHL, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1821, a bill to protect seniors in the United States from elder abuse by establishing specialized elder abuse prosecution and research programs and activities to aid victims of elder abuse, to provide training to prosecutors and other law enforcement related to elder abuse prevention and protection, to establish programs that provide for emergency crisis response teams to combat elder abuse, and for other purposes.

S. 2097

At the request of Mr. THUNE, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 2097, a bill to authorize the rededication of the District of Columbia War Memorial as a National and District of Columbia World War I Memorial to honor the sacrifices made by American veterans of World War I.

S. 2747

At the request of Mr. BINGAMAN, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from Minnesota (Mr. FRANKEN) were added as cosponsors 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. 2814

At the request of Mr. CONRAD, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2814, a bill to amend title XVIII of the Social Security Act to ensure more timely access to home health services for Medicare beneficiaries under the Medicare program.

At the request of Ms. COLLINS, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2814, supra.

S. 2904

At the request of Mr. FRANKEN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2904, a bill to amend title 10, United States Code, to require emergency contraception to be available at all military health care treatment facilities.

S. 2982

At the request of Mr. KERRY, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 2982, a bill to combat international violence against women and girls.

S. 3134

At the request of Mr. SCHUMER, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 3134, a bill to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes.

S. 3152

At the request of Mr. DEMINT, the name of the Senator from Tennessee (Mr. CORKER) was added as a cosponsor of S. 3152, a bill to repeal the Patient Protection and Affordable Care Act.

S. 3170

At the request of Mr. BOND, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 3170, a bill to provide for preferential duty treatment to certain apparel articles of the Philippines.

S. 3184

At the request of Mrs. BOXER, the names of the Senator from North Carolina (Mrs. HAGAN), the Senator from Montana (Mr. BAUCUS) and the Senator from Colorado (Mr. BENNET) were added as cosponsors of S. 3184, a bill to provide United States assistance for the purpose of eradicating severe forms of trafficking in children in eligible countries through the implementation of Child Protection Compacts, and for other purposes.

S. 3192

At the request of Mr. SPECTER, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 3192, a bill to amend title 38, United States Code, to provide for the tolling of the timing of review for appeals of final decisions of the Board of Veterans' Appeals, and for other purposes.

S. 3201

At the request of Mr. UDALL of Colorado, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 3201, a bill to amend title 10, United States Code, to extend TRICARE coverage to certain dependents under the age of 26.

S. 3234

At the request of Mrs. MURRAY, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 3234, a bill to improve employment, training, and placement services furnished to veterans, especially those serving in Operation Iraqi Freedom and Operation Enduring Freedom, and for other purposes.

S. 3237

At the request of Mr. HARKIN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 3237, a bill to award a Congressional Gold Medal to the World War II members of the Civil Air Patrol.

S. 3257

At the request of Mr. ENZI, the names of the Senator from Oklahoma (Mr. COBURN), the Senator from North Carolina (Mr. BURR) and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors of S. 3257, a bill to authorize the Department of Labor's voluntary protection program and to expand the program to include more small businesses.

S. 3317

At the request of Mr. KERRY, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 3317, a bill to authorize appropriations for fiscal years 2010 through 2014 to promote long-term, sustainable rebuilding and development in Haiti, and for other purposes.

S. 3390

At the request of Mr. FRANKEN, the names of the Senator from New York (Mr. SCHUMER), the Senator from North Dakota (Mr. DORGAN) and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of S. 3390, a bill to end the discrimination based on actual or perceived sexual orientation or gender identity in public schools, and for other purposes.

S. 3398

At the request of Mr. BAUCUS, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 3398, a bill to amend the Internal Revenue Code of 1986 to extend the work opportunity credit to certain recently discharged veterans.

S. 3418

At the request of Mr. MERKLEY, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 3418, a bill to amend the Public Health Service Act to specifically include, in programs of the Substance Abuse and Mental Health Services Administration, programs to research, prevent, and address the harmful consequences of pathological and other problem gambling, and for other purposes.

S. 3424

At the request of Mr. DURBIN, the names of the Senator from Oregon (Mr. MERKLEY) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 3424, a bill to amend the Animal Welfare Act to provide further protection for puppies.

S. 3447

At the request of Mr. AKAKA, the names of the Senator from Indiana (Mr. BAYH), the Senator from Maryland (Mr. CARDIN), the Senator from Georgia (Mr. CHAMBLISS), the Senator from Vermont (Mr. LEAHY) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of S. 3447, a bill to amend title 38, United States Code, to improve educational assistance for veterans who served in the Armed Forces after September 11, 2001, and for other purposes.

S. 3508

At the request of Mr. UDALL of New Mexico, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 3508, a bill to strengthen the capacity of the United States to lead the international community in reversing renewable natural resource degradation trends around the world that threaten to undermine global prosperity and security and eliminate the diversity of life on Earth, and for other purposes.

S. 3572

At the request of Mrs. LINCOLN, the names of the Senator from Iowa (Mr. GRASSLEY), the Senator from Ohio (Mr. VOINOVICH), the Senator from Maine (Ms. SNOWE), the Senator from Massachusetts (Mr. BROWN), the Senator from South Dakota (Mr. THUNE) and the Senator from South Carolina (Mr. GRAHAM) were added as cosponsors of S. 3572, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 225th anniversary of the establishment of the Nation's first law enforcement agency, the United States Marshals Service.

S. 3605

At the request of Mr. ROCKEFELLER, the names of the Senator from Florida (Mr. NELSON), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Delaware (Mr. KAUFMAN), the Senator from Massachusetts (Mr. KERRY), the Senator from Washington (Ms. CANTWELL), the Senator from Arkansas (Mr. PRYOR) and the Senator from Alaska (Mr. BEGICH) were added as cosponsors of S. 3605, a bill to invest in innovation through research and development, to improve the competitiveness of the United States, and for other purposes.

S. 3703

At the request of Mrs. MURRAY, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 3703, a bill to expand the research, prevention, and awareness activities of the Centers for Disease Control and Prevention and the National Institutes of Health with respect to pulmonary fibrosis, and for other purposes.

S. 3705

At the request of Mr. CRAPO, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 3705, a bill to amend title 23, United States Code, with respect to vehicle weight limitations applicable to the Interstate System, and for other purposes.

S. 3708

At the request of Mr. SCHUMER, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 3708, a bill to amend titles XVIII and XIX of the Social Security Act to clarify the application of EHR payment incentives in cases of multi-campus hospitals.

S. 3716

At the request of Mrs. GILLIBRAND, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 3716, a bill to amend the Internal Revenue Code of 1986 to provide a tax incentive for the installation and maintenance of mechanical insulation property.

S. 3733

At the request of Mr. BENNET, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 3733, a bill to amend the Elementary and Secondary Education Act of 1965 to allow State educational agencies, local educational agencies, and schools to increase implementation of schoolwide positive behavioral interventions and supports and early intervening services in order to improve student academic achievement, reduce overidentification of individuals with disabilities, and reduce disciplinary problems in school, and to improve coordination with similar activities and services provided under the Individuals with Disabilities Education Act.

S. 3756

At the request of Mr. ROCKEFELLER, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 3756, a bill to amend the Communications Act of 1934 to provide public safety providers an additional 10 megahertz of spectrum to support a national, interoperable wireless broadband network and authorize the Federal Communications Commission to hold incentive auctions to provide funding to support such a network, and for other purposes.

S. 3772

At the request of Mrs. HAGAN, her name was added as a cosponsor of S. 3772, a bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

S. 3804

At the request of Mr. LEAHY, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 3804, a bill to combat online infringement, and for other purposes.

S. 3819

At the request of Mrs. LINCOLN, the names of the Senator from Maine (Ms. SNOWE) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 3819, a bill to amend the Internal Revenue Code of 1986 to reduce the mileage threshold for the deduction for National Guard and Reservists overnight travel expenses.

S. 3846

At the request of Ms. COLLINS, the names of the Senator from Maine (Ms. SNOWE) and the Senator from Florida (Mr. NELSON) were added as cosponsors of S. 3846, a bill to establish a temporary prohibition on termination coverage under the TRICARE program for

age of dependents under the age of 26 years.

S. 3860

At the request of Mr. BROWN of Massachusetts, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 3860, a bill to require reports on the management of Arlington National Cemetery.

S. 3861

At the request of Mrs. BOXER, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 3861, a bill to direct the Administrator of the Environmental Protection Agency to investigate and address cancer and disease clusters, including in infants and children.

S. 3900

At the request of Mr. COBURN, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 3900, a bill to reduce waste, fraud, and abuse under the Medicare, Medicaid, and CHIP programs, and for other purposes.

S. 3913

At the request of Mr. ROCKEFELLER, the names of the Senator from Oregon (Mr. WYDEN) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 3913, a bill to amend title 10, United States Code, to enhance the roles and responsibilities of the Chief of the National Guard Bureau.

S. 3925

At the request of Mr. BINGAMAN, the names of the Senator from Indiana (Mr. LUGAR), the Senator from Massachusetts (Mr. KERRY), the Senator from Maryland (Mr. CARDIN), the Senator from Indiana (Mr. BAYH), the Senator from South Dakota (Mr. JOHNSON) and the Senator from Virginia (Mr. WARNER) were added as cosponsors of S. 3925, a bill to amend the Energy Policy and Conservation Act to improve the energy efficiency of, and standards applicable to, certain appliances and equipment, and for other purposes.

S. 3929

At the request of Mr. TESTER, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 3929, a bill to revise the Forest Service Recreation Residence Program as it applies to units of the National Forest System derived from the public domain by implementing a simple, equitable, and predictable procedure for determining cabin user fees, and for other purposes.

S. CON. RES. 63

At the request of Mr. BARRASSO, his name was added as a cosponsor of S. Con. Res. 63, a concurrent resolution expressing the sense of Congress that Taiwan should be accorded observer status in the International Civil Aviation Organization (ICAO).

S. CON. RES. 71

At the request of Mr. FEINGOLD, the names of the Senator from Vermont (Mr. SANDERS), the Senator from Colorado (Mr. UDALL) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. Con. Res. 71, a concurrent resolution recognizing the United States national interest in helping to prevent and mitigate acts of genocide and other mass atrocities against civilians, and supporting and encouraging efforts to develop a whole of government approach to prevent and mitigate such acts.

S. RES. 519

At the request of Mr. DEMINT, the name of the Senator from Florida (Mr. LEMIEUX) was added as a cosponsor of S. Res. 519, a resolution expressing the sense of the Senate that the primary safeguard for the well-being and protection of children is the family, and that the primary safeguards for the legal rights of children in the United States are the Constitutions of the United States and the several States, and that, because the use of international treaties to govern policy in the United States on families and children is contrary to principles of self-government and federalism, and that, because the United Nations Convention on the Rights of the Child undermines traditional principles of law in the United States regarding parents and children, the President should not transmit the Convention to the Senate for its advice and consent.

S. RES. 586

At the request of Mr. FEINGOLD, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. Res. 586, a resolution supporting democracy, human rights, and civil liberties in Egypt.

S. RES. 631

At the request of Mrs. LINCOLN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. Res. 631, a resolution designating the week beginning on November 8, 2010, as National School Psychology Week.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. MURRAY:

S. 3938. A bill to designate the airport traffic control tower located at Spokane International Airport in Spokane, Washington, as the ''Ray Daves Airport Traffic Control Tower''; to the Committee on Commerce, Science, and Transportation.

Mrs. MURRAY. 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. 3938

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The airport traffic control tower located at Spokane International Airport in Spokane, Washington, and any successor airport traffic control tower at that location, shall be known and designated as the ''Ray Daves Airport Traffic Control Tower''.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the airport traffic control tower referred to in section 1 shall be deemed to be a reference to the ''Ray Daves Airport Traffic Control Tower''.

By Mr. INHOFE:

S. 3939. A bill to reform earmarking and increase transparency and accountability for all expenditures authorized by Congress and all executive agencies of the Federal Government, to the Committee on Rules and Administration.

Mr. INHOFE. Mr. President, I need to tell Molly I have reduced the length of my speech from 1 hour to 30 minutes because of something I totally did not expect. However, I think it is going to have a happy ending.

I think the bottom line in all this discussion of earmarks—or however you want to word it—is that we have to do something about excessive spending. It is something we cannot continue. It is not sustainable. I think everyone agrees with that.

It is interesting for me when I see the President and the passage of such things as the $787 billion stimulus and all that to say we are going to form a commission to see how we can keep from spending so much money. Well, that is how you do it: You do not do things like that.

Let me say, first of all, after this election, the Tea Party did play a big part in this thing. I have to say I was very excited about it early on. I think I might have been the first Republican anyway to go to Marco Rubio and support him in his efforts down in Florida and several of the others. I think it is clearly a good thing, a change, and I think the American people have clearly spoken.

In spite of what you might have heard in the media, let me clear up one thing. Never have I once had any indication of trying to influence anyone from voting for or against a ban on earmarks. You will find out in just a minute how I can come to this conclusion and why it would not be necessary, and it does not make all that much difference.

But before I do, to make sure people understand, you are hearing these comments not from any Member of the Senate but from someone who probably, I would have to say, has been declared as the most conservative Member of the body more times than anybody else has, most recently by the National Journal, and so you are hearing this from someone who is a conservative and someone who is also lonely.

I go back quite a ways, but I can remember my two favorite Senators. My mentors, I guess I should say, were Jesse Helms and the Senator from Nebraska, Carl Curtis. Both of them are deceased. It has been quite some time since Carl Curtis was serving, but, nevertheless, I remember I was in the State senate—this was many years ago—and I was recognized as a conservative at that time. Carl Curtis was

serving here from Nebraska, and he is the guy, you might remember, who consistently, year after year after year, introduced the budget balancing amendment to the Constitution.

Well, he called me one day—this is back in the 1970s—and he said: Inhofe, I know you and I share the same philosophy. But I can never get this up for a vote. The excuse the liberals use is that you will never be able to get three-fourths of the States to pass a resolution ratifying a constitutional amendment to balance the budget.

So his idea was kind of ingenious. What he said was: I will go ahead and get started and stand behind you, and we will find you and enough other States to make up three-fourths of the States, and we will preratify a constitutional amendment to balance the budget.

I did not understand how it would work, but we talked about it for a while. So I said: Well, let me try it. So I did. In the State senate we preratified a balanced budget amendment to the Constitution. It was kind of fun because after that I started going around to other States and getting them to do the same thing. We got up to within, I think, four States of being able to do it before it started to unravel.

But a guy named Anthony Harrigan—he was a syndicated columnist from down South someplace—wrote an editorial or an op-ed piece that got published, and it was called ''A Voice in the Wilderness.'' He said: Way out in the State of Oklahoma there is one State legislator who is going to balance the Federal budget. So that was kind of the beginning of the kind of lonely ride I have had.

Since that time, I remember serving in the House of Representatives. John Nance Garner—this is 80 years ago—was the Speaker of the House. John Nance Garner devised a system. Here is the problem he had. People were getting more and more informed on how people were voting in America. So he had all his west Texas Members, and they did not want to vote for the liberal agenda of the Democratic Party. Can you see anyone from west Texas voting for gun control? It is not going to happen. So he devised a system—it was kind of ingenious, corrupt but ingenious—and that was a discharge petition so that in the House of Representatives if you want to take up a bill, you have to have it either come out of a committee or, if it is in a committee, you have to have a discharge petition, sign a discharge petition to force it to come out. He wanted his Members to be able to say that they signed the discharge petitions, yet they wouldn't sign them, so the bills would never come out.

They kept the discharge petitions in a locked drawer, just like the Presiding Officer has, right up there in front of the whole House of Representatives, and you couldn't open the drawer unless you were signing a discharge petition. You couldn't copy down the names of anyone else. What I did was set up a system where I had people go up and memorize names, and then I went ahead and just disclosed all of this. Anyway, it is a much longer story than that, but the bottom line is that the punishment for doing what I did was to be expelled from the House of Representatives. I said: OK. That is fine. I will go ahead and do it anyway. They can expel me. I will run. Who is not going to vote for someone who was expelled because they shed light on the system? And it worked. It was declared by several publications as the greatest single reform in the House. Again, it was lonely, but it is something that worked.

Then along came global warming. We all remember the Kyoto Treaty back then. In fact, back during the Clinton-Gore years when it first came up, everybody thought it was something that would be ratified until they looked at it to see what it would cost to do it, and the cost was somewhere between $300 billion and $400 billion. So I looked at that. We all looked at it and we thought, do we really want to ratify this? Well, as it turned out, we didn't. One reason we didn't was Senator Byrd was the primary mover of a motion to stop it from happening unless the developing countries had to pay the same price as the developed nations. Of course, they didn't do it, so it didn't happen. Then several people said: Well, let's just do it unilaterally.

We had the McCain-Lieberman bill of 2003 and 2005. At that time, I was enjoying being in the majority. The occupier of the Presiding Officer's chair today has never been in the minority, so he may not know what I am talking about. But in the majority, you can do a lot more things than you can as a minority. So I chaired the committee called the Environment and Public Works Committee. That committee had jurisdiction over all the energy issues and a lot of other things but also over this global warming issue.

I have to confess that I assumed back then—and this is back in about 2002—that catastrophic global warming was a result of anthropogenic gases, manmade gases, CO_2, methane and such, and I assumed that was the case until the Wharton School came out with a study that concluded that if we were to pass—at that time it was the McCain-Lieberman bill—it would end up costing between $300 billion and $400 billion.

So my effort then as chairman of that committee was, to look to see where the science was. That is when we got to the realization that it all started with the United Nations. They developed the IPCC—the Intergovernmental Panel on Climate Change—and consequently they were going to do all this, and that was the science behind it. But we kept getting complaints because I would make statements on the floor questioning the science. Then scientists starting coming out, and the bottom line is this: After a period of time, up until a year ago right now, it looked as if people recognized that it wouldn't do any good if we did unilaterally pass it. Why is that? Even Lisa Jackson, the head of the Environmental Protection Agency, said that they would be—that if the United States alone passed something to stop the different emissions, CO_2 emissions, it wouldn't have any effect globally because that is just the United States doing it. In fact, one could argue it would have just the opposite effect because companies seeking power would have to go to countries where they didn't have these restrictions and it could actually increase CO_2.

Anyway, the bottom line was that I made the comment—this has been now 8 years ago—that the idea that catastrophic global warming is a result of manmade gases is probably the greatest single hoax ever perpetrated on the American people. Back then, everybody hated me, and now it looks as if we have pretty much won that argument.

I mention this because I am very much concerned—I understand the argument on both sides of the whole thing about the earmarks. I have—Kay and I have 20 kids and grandkids. This little guy right here came up to me, and he said: PopI—''I'' is for INHOFE—he said: PopI, why is it you do things nobody else does? And I said: That is the reason—nobody else does. So that is kind of a little bit of the background as to why I got into this very difficult issue.

I have to say that it is something that needs to be talked about today because something is going to happen this week, and I think we can turn this thing into something that is very good. The tea party people came in. My concern has been over the last 2 years and longer than that, that all we have heard about is people quite frankly demagoguing this whole thing on earmarks, saying ''Earmarks, earmarks, earmarks,'' and all the time that happened, what happened? We ended up with the President and the majority increasing the debt to $13.4 trillion in America—and that is a larger increase than all Presidents from George Washington to George W. Bush combined—and at the same time giving my 20 kids and grandkids a $3 trillion deficit. So we were trying to look at this thing and say: How can we take care of this situation? The increase in the debt is something that is not sustainable. I think we all understand that. I was going to try to accomplish two things—to stop the demagoguing and to solve the problem.

Today, for that purpose, I have introduced—and it is at the desk right now—S. 3939. Now, I grant you that Senator MCCONNELL's announcement changed the way in which I was going to present this, but the bottom line is this: It would be nothing short of criminal to go to all the trouble of electing great new antiestablishment conservatives only to have them cede

to President Obama their constitutional power of the purse, which is exactly what would happen, as has been pointed out, with the moratorium on earmarks.

I wish to read one statement out of Senator MCCONNELL's remarks that I think is worth repeating.

With Republican leaders in Congress united, the attention now turns to the President. We have said we are willing to give up discretion. Now we will see how he handles spending decisions. If the President ends up with total discretion over spending—

That is what he would have—

we will see even more clearly where his priorities lie. We already saw the administration's priorities in the stimulus bill, and that has become synonymous with wasteful spending. True. That borrowed nearly $1 trillion for administration earmarks such as the turtle tunnels and the sidewalk that led to the ditch and all this stuff about which we have been hearing, which I will elaborate on in just a minute. But nonetheless, I think that is important, and we have to look at that.

Now, why I thought that was wrong—let's put up chart No. 1—was I think that anytime you want to eliminate something, you have to define it first. The problem was that there was no definition until the House came along—and this was about a year ago. The House Republicans—not the whole House but the Republicans—and resolved that:

It is the policy of the Republican conference that no Member shall request a congressional earmark, limited tax benefit, or limited tariff benefit, as such terms are used in clause 9 of Rule XXI of the House rules.

Well, if you look up that rule, that applies to appropriations. So what they were saying at that time is that they were not going to appropriate anything. But there is one problem with that.

Chart 2 is article I, section 9 of the Constitution. That is what we are supposed to be doing here. I will elaborate on that a little bit because I think it fits in this debate pretty well. Chart 2. Article I, section 9 of the Constitution makes it very clear that we in the U.S. Senate and the House of Representatives are the ones who are supposed to be spending money: ''No money shall be drawn from the Treasury, but in consequence of appropriations made by law.''

All three of these people who were driving this thing—the Senators, by the way, who were involved in the earmark thing, giving proper credit or blame depending on how you look at it—the first one who went back the furthest was Senator MCCAIN, then Senator COBURN, and then more recently Senator DEMINT. They all embrace the House definition of earmarks. I have a chart that shows that, but it is not necessary to do it. I think everyone realizes that.

Let's go back to the Constitution. We have it right here. The Constitution restricts spending to only the legislative branches and specifically denies that honor to the President.

We take an oath of office to uphold the Constitution. That means we take an oath of office to uphold article I, section 9 of the Constitution. It is important that we elaborate on that Constitution because a lot of people—if you get this in your mind, if there is any doubt that we are supposed to be doing it and not President Obama or the executive branch, then listen to this. Franklin Delano Roosevelt said:

It is the duty of the President to propose and the privilege of Congress to dispose.

James Madison said:

The power over the purse in fact may be regarded as the most complete and effectual weapon with which any Constitution can arm the immediate representatives of the people, for obtaining a redress in every grievance . . .

Now, why is this? He went on to explain in the Federalist Papers and elsewhere that the reason—they called them the direct representatives. At that time, I guess they didn't have Senators, but the direct representatives should do the spending for two reasons. No. 1 is that they are the ones who know their own State or province or area better than the President does—particularly back in those days but it is also true today. The second reason is that if they don't like the way they are doing it, they can immediately go ahead and vote them out of office. Look what happened November 2. That is exactly what did happen. So that was Madison.

Alexander Hamilton said:

The legislature not only commands the purse, but prescribes the rules by which the duties and rights of every citizen are to be regulated . . .

Now, there is no wiggle room in that. It is supposed to be us. The Supreme Court Justice—I was talking with someone with the Investor's Business Daily, and I said: You probably never heard of this guy Joseph Story, the Supreme Court Justice, and he said to me—I wish I could remember his name because this is kind of interesting—he said: Oh, no, I live out here now, but when I lived in Washington, I went to a weekly meeting, It was the Joseph Story Fan Club or something like that.

Anyway, in his commentaries on the U.S. Constitution in 1833, he states—this is Justice Joseph Story:

It is highly proper that Congress should possess the power to decide how and when any money should be applied . . . if it were otherwise, the executive would possess an unbounded power . . . Congress is made the guardian of the Treasury . . .

I say all this to make sure to impress upon any impartial patriot that the legislative branch—that is us—only the legislative branch has the power to spend money, according to the Constitution.

How does a ban on earmarks cede authority to the President? This is significant. Although Senator MCCONNELL didn't mention it this morning, let me say what he would have said had he had time, I believe. I will also show how this can be impacted by S. 3939. It couldn't be a more appropriate time to introduce this.

President Obama—this is the way it is for any President—submits a budget to Congress which Congress either accepts all or part of or rejects all or part of. If it is rejected, we substitute what the Obama requests are with what we think is better for America. The cost is the same.

I have often said that stopping an earmark doesn't save any money. Not many people understand this, but it doesn't because all we are doing is taking what the President would have spent on an item and changing it to something else. For example, in his military budget—and I know President Obama doesn't feel the same way I feel about the priorities of defending America. That should be our No. 1 priority. I don't think he believes that. Nonetheless, in his budget he asked for $300 million and something, plus or minus, for a launching system that is a good launching system. It was called a bucket of rockets, and it is one that I would like to have.

When we went to the Armed Services Committee—keep in mind, these committees, such as the Senate Armed Services Committee, are staffed with professionals. A lot of them are former military people, scientists, people who really understand how we can best, with limited resources, defend this country. So we took the $300 million for that system and put that same $300 million—canceled the launching system and put in 6 new F–18 fighters. They are actually FA–18EF model fighters. This is what we all decided would be best. Now, if we substitute our appropriation for his budget item, it would be an earmark by any definition. If we place a moratorium on earmarks, we would have to accept Obama's original request. This is a concern I have, but it doesn't lead to a happy ending, as you will find out in a second.

Therefore, we would not have any additional F–18s. Still there is no money saved. In other words, we would be doing what James Madison wanted us to do. So the Senate is taken out of the process and cedes its power to President Obama. Speaking of systems we would not have if we had ceded that authority previously, we would not have unmanned aerial vehicles. The Air Force, right now, is currently operating at least 36 continual combat air patrols in Southeast Asia. That was a congressional earmark. We would not have that. We would not have improved armored vehicles and add-on armor. That was a congressional earmark. We would not have Mine Resistant Ambush Protected vehicles. We would not have them. They have saved lives. We would not have had $14.2 million for detection of landmines and detection of suspected bomb makers and IED makers in Iraq and Afghanistan. That was a congressional earmark. Actually, it was mine. We would not have had that.

We can see that a moratorium would not allow us to change anything in the

Obama budget. It would allow the President to perform our constitutional duties. In a minute, I will give you a solution. Meanwhile, we cannot continue to do the big spending. I think a ban on earmarks has at least focused on this problem for right now.

Here is another chart. I mentioned before that there are two problems I had with a ban on earmarks. One of the problems with a ban is that it cedes to the President our constitutional duties. The other is that it gives some protection to people who are big spenders.

Put up chart 4. I was going to say—technically, by the definition, this would be true. I was going to say these are the four biggest, largest earmarks in 2008. They can argue they are not earmarks, that this wasn't the intent, nonetheless. By the definition I showed you in the House and Senate, these are earmarks. First is the TARP. I was one who opposed that $700 billion we gave to an unelected bureaucrat with no oversight whatsoever. There was the mortgage bailout of $300 billion, the Pelosi-Bush stimulus check of $150 billion; PEPFAR, a program that does some good but not expanded to the point it is right now in sending money to foreign countries to fight AIDS. If we total that up, that is $1.2 trillion.

I am not as smart as a lot of the guys in this Chamber. So when I see the millions and billions and trillions, my head starts to spin. I am not sure how this affects us.

Put up chart 5. What I have developed in Oklahoma—and nobody here is aware of this, but they are in Oklahoma—is known as the Inhofe factor. I will use 2009. In 2009, $2 trillion in taxes was paid by individuals across the country, and $18 billion came from Oklahomans, which is about 1 percent of the Federal budget. The average Oklahoma individual tax return for that year, 2009, was $11,100. Therefore, the average Oklahoma taxpayer is responsible for providing—I have the percentage of total Federal revenue. For every $10 million in spending in Washington, Oklahomans pay a nickel in terms of how much each family—I am taking every family in Oklahoma that files a tax return. That is what it amounts to.

Let's see the next one. By the way, I say to some of my friends from other States, other Senators: You are not going to deviate too much from that because Oklahoma is not that much different from other States. What did it cost you for the four largest earmarks? If you apply that to Oklahoma—each family in Oklahoma who filed a tax return—it would cost each family $5,683. That is each family who files a tax return.

In earmarks, the total of all projects requested by me in 2008 was $80 million. Most of them were military projects, some of which I just talked about. If you apply the same factor to $80 million, it would cost each family in Oklahoma 40 cents. I hope you look at this—each family, 40 cents as opposed to the four largest things, $5,683.

I said that because I think it is important that we look at these things and see how much—quit talking in terms of billions and trillions and know what it is for each family. Even though I am ranked as the most conservative member by many organizations, I am a big spender in three areas: national defense, infrastructure—roads, highways, and bridges. We have a crumbling infrastructure throughout America. I think we all understand that. The Governor of Pennsylvania and I have talked about that. He is a far leftwing liberal, and I am a conservative. Yet we agree that infrastructure is very important. The third area where I could be considered a big spender is unfunded mandates. I was a mayor at one time. As I often tell my friends in the Senate: If you want a hard job, become a mayor because there is no hiding things when you are a mayor. So if there is a problem and they don't like the trash system, it ends up in your front yard. It did. I was there.

If we go back to chart 4, we have to follow this carefully. OMB stated that our earmarks for 2010 were $11 billion. They have their definition of an earmark, and people are saying that is a good definition. These four obligations—say they are not earmarks, but they could be defined as that. That would be $1.2 trillion. If we take the $11 billion and do the math, we would find that earmarks are one one-hundredth of just these four spending bills. In other words, the total amount of the 2010 earmarks were only 1 percent of these huge spending bills. Of the three drivers of the earmark wagon, Senator MCCAIN voted for all four of these, or supported them. Senator COBURN, my junior Senator, voted for half of them, $750 billion. Senator DEMINT and I opposed all four of them.

My point is, the public has been focusing so intently on earmarks, that 1 percent figure, they overlook the huge bills that spend 100 times more than all the earmarks, and we ended up with the $13.4 trillion increase in the debt. My 20 kids and grandkids have to pay for $3 trillion of the deficit increase.

That left out Senator DEMINT. I say this in love, but I think it is very important to understand there is a commitment on behalf of every Senator, all 100 Senators, to help people in the States. I have that as well as he does. Let's talk for a minute about Senator DEMINT.

In 2004, Republicans were in the majority. I was chairman of the Environment and Public Works Committee. That takes care of all the transportation, roads, highways, infrastructure, and that type of thing. At Senator DEMINT's request, I flew to South Carolina to support his commitment to highway earmarks. He said: I am not only supportive of I–73 and other projects, but I have a good working relationship with people who can get it done.

I guess that was me. He got 13 earmarks in places such as Myrtle Beach, Beaufort County; engineering design and construction of a port access road, $15 million; and $10 million for improvements in Beaufort and Colleton County to improve safety, and the list goes on.

I tell you what. It actually gets better as we look into it because on September 30, 2009, there was a vote on a $2.5 billion amendment to add 10 additional Charleston, SC, based C–17s for $2.5 billion. The Citizens Against Government Waste listed this as the single largest defense earmark of 2009. Senator DEMINT voted for it, and South Carolina was very appreciative. It was the single largest defense earmark then.

Last week, Senator DEMINT told the Greenville News that he wants to reform the harbor maintenance trust fund to ''get back the money South Carolina contributes.'' He is going after specific funding of $400,000. Whether the money comes from the Corps of Engineers or the harbor maintenance trust fund, it is still an earmark under anyone's definition. He wants to put that money into a fund to study and deepen the channel, rather an O&M. He should do that. He is doing what the Constitution tells him to do. He is looking after the needs of the people of South Carolina. I look after the needs of the people of Oklahoma. I am not sure that if we left this up to President Obama he would be very generous to South Carolina and Oklahoma. So he is entitled to do this. That is why Madison gave the power to spend to the legislature.

All those earmarks—and you might say that Senator DEMINT is adaptable. It reminds me of the guy who had been out of town for 2 years and called up his dearest friend, and he said to his friend: Well, Mary, how are you doing? This is Tom.

She said: Tom, it is so good to hear from you. It has been 2 years.

Tom said: How is old Jim getting along?

She said: Didn't you know? Jim is dead.

He said: No, what happened?

She said: He went down to the garden to pick some peas for dinner and leaned over and had a heart attack and fell on his face dead.

He said: You poor thing, Mary. Whatever did you do?

She said: There is only one thing we could do. We had to open a can of peas.

You see, there is nothing wrong with being adaptable. I think Senator DEMINT is. I think we are talking about not a can of peas but a can of worms.

The government has a function to provide infrastructure, roads, highways, and all of this. I will bring this out because—I will mention a couple of others, but people are concerned about their States. There is one significant fact that needs to be elaborated on now. One of the arguments that was

not sound was that they said earmarks are a gateway drug that needs to be eliminated in order to demonstrate that we are serious about fiscal restraint. There is one problem with that; it is not true.

According to the OMB and Citizens Against Government Waste, the earmarks have dramatically decreased over the past several years. OMB said in 2005 total earmarks were $18.9 billion. In 2008, they were $16.6 billion. In 2009, they were $15.3 billion. In 2010, they were $11.1 billion. Why do you suppose they are reducing every year? It is because we are demanding more light so that people can know what they are spending money on.

I say that earmarks are hardly a gateway drug, a symptom of Federal funding run amok, or even an underlying cause to our fiscal problems. Why? Because we have shed light on earmarks. Let's add why a shining light can be a first step.

In 2009, the Senate performed the rare action of considering many appropriations bills individually rather than irresponsibly lumping them into one like we are doing today, lumping them into one vote at the end of the year. The value of that—considering them individually—is it gives Senators the opportunity to exercise oversight of government programs and to monitor how Federal departments spend money. So in 2009 Senators could offer amendments to cut spending and strike particular earmarks if they desired.

From July until November of that year, 2009, there were 18 votes specifically targeting earmarks. All the amendments failed. Had they succeeded, it would not have reduced the overall amount of money the Federal Government is spending by a dime.

Instead of putting money back into the pockets of the American people by reducing spending or shrinking the deficit, these efforts would have put the money into the hands of President Obama, by allowing his administration to spend the money as he saw fit. At the end of the day, no one would have saved money. President Obama is the winner and the American people are the loser.

In another case Members offered amendments to strike funding from the program called Save America's Treasures for specific art centers throughout the United States. They offered amendments to strike it. Did it save any money? No. That went back to the unelected bureaucrats at the National Park Service to spend. That is the Obama administration. He calls the shots there. It didn't save a cent.

In another case, a Member offered an amendment to strike a variety of transportation projects in quite a few States only to redirect spending to the Obama administration and the unelected bureaucrats in the Federal Highway Administration. Not one of these actions saved a dime but made President Obama happy because it all went back to his coffers.

Now I point this out because there is a solution. We have clearly demonstrated, and we have made a point here, and the point is: No. 1—and no one can deny this—that spending is an exclusive constitutional right of the Senate and the House, and killing earmarks doesn't save a dime but can be the first stop in a real solution.

That gets back to S. 3939. I am very proud of that, and I wish to say there is a happy ending to this story mostly because of that Senate bill. I would like to take credit for that but I am not going to do it because I can't. I wasn't that smart. But there are eight great Americans—and let's put that chart up, if you would, Luke—eight great Americans and the conservative groups they represent—Tom Schatz, president of Citizens Against Government Waste; Melanie Sloan, director of Citizens for Responsibility and Ethics in Washington; Steve Ellis, Taxpayers for Common Sense; Craig Holman, Public Citizens; Jim Walsh, Rich Gold, Manny Rouvelas, and Dave Wenhold—and thanks to them we can put the earmarks issue to rest. They authored the ''5 Principles of Earmark Reform,'' and I will list these. The chart shows what they are, starting at the top.

I have to say that S. 3939 will address all of these specifically. There are people in Washington who go through a lot of work making a lot of studies, and they assume we never read these things or care about them. But if you believe that, you are wrong because I listened, and this is the result—the five principles of earmark reform.

What we are saying here is that we know—and it doesn't matter what you do in having a ban on earmarks, because Members are going to be voting and supporting things in their States; everyone is. I can assure you that is going to happen, by the Senator from Oregon and everyone here. This is going to happen. But principle No. 1 says to cut the cord between campaign contributions, Congress should limit earmarks directed to campaign contributors. Limiting total contributions from the earmark beneficiary and its affiliates to no more than $5,000 would help restore public confidence. This came from those eight great groups that evaluated as to what we could do to clean up this system. Well, S. 3939, just introduced, does exactly that. Section 2 says:

> No earmark beneficiary shall make contributions aggregating more than $5,000 to any requesting candidate with respect to such earmark beneficiary.

So that first one is met. The second principle is to eliminate any connection between legislation and campaign contributions, legislative staff should be barred from participating in fundraising activities. The attendance of legislative staff at fundraisers suggests a connection between campaign donations and earmarks.

So we handled that with S. 3939. It does just that under section 3. Subsections (a) and (b) state:

> Limits on staff attendance of Member fundraisers. Except as provided in subsection B, an employee of the personal staff of a Member of Congress should not attend a political fundraiser on behalf of the Member of Congress for whom they are employed. A Member of Congress may designate one employee who shall not be subject to the provisions of Subsection A.

I think people know there may be a situation where someone would need to drive a Member or there could be threats and they may need to have some security.

The third thing they came up with to increase transparency is, Congress should create a new database of all congressional earmarks. They went on to say:

> Information about lawmakers' earmark requests is scattered across hundreds of web sites in a variety of formats with differing levels of details. The funding levels for each earmark award are listed in a chart at the end of each spending bill. While the data is technically available, it is virtually impossible to collect, understand and analyze all of the earmark information. Congress should create a unified, searchable, sortable and downloadable database on the public website.

S. 3939, which I introduced an hour ago, does exactly that. Section 4 reads:

> The Secretary of the Senate and the Clerk of the House of Representatives shall post on a public website of their respective houses, a link to the earmark database maintained by the Office of Management and Budget.

Done.

No. 4. The fourth concern is to ensure taxpayer money has been spent appropriately, the Government Accountability Office should randomly audit earmarks. Because oversight is essential to maintain integrity in the earmarking process, the Government Accountability Office should develop and implement a system to audit and report to Congress regularly on programs and projects funded through earmarks.

This does that, and I am going to read our section 7. This is a more difficult one, but it is air tight.

> Not later than December 31, 2011, and each year thereafter, the Comptroller General shall submit a report to Congress that uses the OMB database—(1) to randomly select a percentage of each of the programs and projects funded through earmarks in a preceding fiscal year; (2) to conduct an audit on each selected program or project reporting on the amount, purpose, term, requesting Member and the present state of completion of the program or project; and (3) if the earmark contributes to an already existing program or project, to provide a detailed accounting of how the earmark contributed to each program or project.

That was the request, and we came up with the section that, as I say, is air tight in solving the problem.

No. 5, to promote congressional responsibility without stifling innovation, Members should certify earmark recipients are qualified to handle the project. The last language we had on that was section 6:

> And a certification that the recipient is qualified to handle the project, if applicable.

You might say that is great, we have resolved all of the problems that are

out there. This was a combination of the intellects of all the people I have mentioned a while back. They looked at all the problems that are there and how we could resolve those problems. But one thing was overlooked, so we have a section in S. 3939 where we go one step further. It demands—listen to this, Mr. President—the same transparency to Obama bureaucratic earmarks as it does to Senatorial earmarks.

Well, that is kind of neat, if we do that. I will read section 5:

> Not later than July 1, 2011, the head of each department and agency of the Federal Government shall post on the public website of that department or agency a link to a searchable database that lists each contract, grant, cooperative agreement, and other expenditure made by the department or agency listing with respect to the expenditure, the amount, purpose, term and office making such expenditure.

Why is that necessary? I can remember Sean Hannity, about 6 months ago, came out with a series one night where he talked about the 102 most egregious earmarks that were brought up. Here is something that is interesting about that. I was so excited when I saw these that I read them all. I came down and stood right here on the Senate floor and I went over them all and described all 102 earmarks. We have a chart that shows some of those. Look at some of the things we are talking about here: $3.4 million to construct an echo passage for turtles—that is nice; $450,000 to build 22 concrete toilets in the Mark Twain National Forest; $300,000 for helicopter equipment to detect radioactive rabbit droppings; $500,000 for a grant to a researcher named in the Climate-Gate scandal—I wish we had another hour, I would like to talk about that—and $325,000 to study the mating decisions of female cactus bugs.

After reading all 102—and this is five of them—I asked the questions: What do all these have in common? What they have in common is that not one of them was a congressional earmark. They were all earmarks that were put in there by the Obama administration.

So here is the problem you have. If you ban congressional earmarks, you are going to have more of this. Because as you restrict what Congress can do, that same amount of money goes back into the administration, whether it is the Department of the Interior, the Corps of Engineers, the EPA, or any of the rest of them. So is there any question why President Obama embraced the ban on the earmarks? No, because he wants the money to go to him.

But S. 3939 is going to curb that. I think this actually could have a very happy ending, because the five principles of earmark reform assembled by the eight individuals I mentioned is an ingenious document. Even the Tea Party people recognized that we have an obligation to our States.

Let me congratulate Senator Rand Paul for his statement on Sunday, November 7, wherein he stated that he told the people of Kentucky that he will work through the committee process to get things done for Kentucky, but it has to be under a particular overall budget. I agree. I am with him. I have had the same conversation with Marco Rubio. I am with him. They recognize the President does not have the knowledge of each State's needs.

With the passage of S. 3939, it resolves the whole earmark dilemma and puts it to rest. The one good thing about the ban is that we have to tackle the deficit. As long as we continue, as we did in the last 2 years, to stand on the floor of this Senate and go hour after hour after hour talking about the earmark problem, which is 1 percent of the total discretionary spending, we are not going to be able to address the real problem, and that is the increase of the debt to $13.4 trillion—the largest increase in the history of America. It is larger than any of the other increases, all the way from George Washington to George W. Bush, and saddling my 20 kids and grandkids with $3 trillion of extra spending.

That is the problem we have. I would have to say, as I learned in my successful battle against cap and trade, the truth eventually triumphs. Winston Churchill said:

> Truth is incontrovertible. Panic may resent it, ignorance may deride it, malice may destroy it, but there it is.

I believe that is what we are getting closer and closer to. The end result will be that a Senator will be able to continue to work for the needs of the States, as Senator DEMINT is doing, and I am doing right now. But first, all of the reforms necessary to clean up the process will occur; and, secondly, we can limit President Obama or any future President from claiming or from taking our constitutional rights by subjecting him to the same transparency.

I think this is very significant. I believe after all this talk, over all these years, particularly in the last 2 years, we are now at the point to satisfy everyone. If they want to ban earmarks, fine, ban earmarks. But at the same time, put the clarity and the transparency in the system that will clean it up, and I believe that is what is going to happen. I guess you can say we can have it both ways, and it looks as if we are going to be able to do that.

Mr. President, I yield the floor.

By Mr. BAUCUS (for himself Mr. BEGICH, Ms. LANDRIEU, Ms. STABENOW, Mrs. SHAHEEN, and Mr. BROWN of Massachusets):

S. 3946. bll to repeal the expansion of information reporting requirements for payments of $600 or more to corporations, and for other purposes; to the Committee on Finance.

Mr. BAUCUS. Mr. President, today, I am introducing a bill to help small businesses across America. The Small Business Paperwork Relief Act repeals recently enacted information reporting rules.

Known as ''the 1099 provision,'' these rules would have required businesses to file Form 1099 with the IRS to report payments made to corporations for goods and certain services with the hope that that better information would help the IRS collect more of the taxes that are legally owed, and in turn, keep taxes lower for all taxpayers.

Forms 1099 have been used by the IRS for decades to better track income. And in fact, this type of information reporting was proposed by the Bush administration to help better keep track of what businesses spend and earn, which helps better keep track of what they owe in taxes.

But it has become clear the new rules went too far.

As I traveled my home state of Montana, I listened to small business owners like Darrell Keck, owner of the Dixie Inn in Shelby. Darrell and his wife Jeanne run a tight ship, they are hard-working, and they pay their taxes. This is just one of many mom-and-pop businesses in Montana and throughout the country that told me they do not have the manpower or the software to make the new Form 1099 reporting rules work.

I have listened to small businesses, I have heard small businesses, and I am responding to small businesses by offering this bill for full repeal of the new information reporting requirements.

The time and expense for small businesses to comply with the new rules far exceed any benefit. Especially in these tough economic times, now is not the time to put additional stress on small businesses to meet complicated government rules. Small business is the backbone of the American economy—especially in Montana where more workers are employed by small businesses than anywhere else in the country. Business owners need to focus their efforts on growing their business and creating jobs—not filing paperwork.

As Chairman of the Senate Committee on Finance, I remain committed to improving tax administration and enhancing voluntary tax compliance. When each person pays what he owes, our nation's system of voluntary tax compliance is fairer for everyone—without raising taxes on anyone. I look forward to working collaboratively with the small business community to improve the ability of small businesses to understand and meet their tax obligations.

Small businesses in Montana and all across America want to comply with the tax laws. But these new rules stretched their ability to do that. I urge my Colleagues to support their full repeal.

Mr. President, I ask 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. 3946

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 ''Small Business Paperwork Relief Act''.

SEC. 2. REPEAL OF EXPANSION OF INFORMATION REPORTING REQUIREMENTS.

Section 9006 of the Patient Protection and Affordable Care Act, and the amendments made thereby, are hereby repealed; and the Internal Revenue Code of 1986 shall be applied as if such section, and amendments, had never been enacted.

By Mr. REID:

S.J. Res. 40. A joint resolution appointing the day for the convening of the first session of the One Hundred Twelfth Congress; considered and passed.

Mr. REID. Mr. President, I ask unanimous consent that the joint resolution of the bill be printed in the RECORD.

There being no objection, the text of the joint reolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 40

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the first regular session of the One Hundred Twelfth Congress shall begin at noon on Wednesday, January 5, 2011.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 674—TO CONSTITUTE THE MAJORITY PARTY'S MEMBERSHIP ON CERTAIN COMMITTEES FOR THE ONE HUNDRED ELEVENTH CONGRESS, OR UNTIL THEIR SUCCESSORS ARE CHOSEN

Mr. REID submitted the following resolution; which was considered and agreed to:

S. RES. 674

Resolved, That the following shall constitute the majority party's membership on the following committees for the One Hundred Eleventh Congress, or until their successors are chosen:

COMMITTEE ON ARMED SERVICES: Mr. Levin (Chairman), Mr. Lieberman, Mr. Reed, Mr. Akaka, Mr. Nelson (Florida), Mr. Nelson (Nebraska), Mr. Bayh, Mr. Webb, Mrs. McCaskill, Mr. Udall (Colorado), Mrs. Hagan, Mr. Begich, Mr. Burris, Mr. Bingaman, Mr. Manchin, Mr. Coons.

COMMITTEE ON THE BUDGET: Mr. Conrad (Chairman), Mrs. Murray, Mr. Wyden, Mr. Feingold, Mr. Nelson (Florida), Ms. Stabenow, Mr. Cardin, Mr. Sanders, Mr. Whitehouse, Mr. Warner, Mr. Merkley, Mr. Begich, Mr. Manchin.

COMMITTEE ON FOREIGN RELATIONS: Mr. Kerry (Chairman), Mr. Dodd, Mr. Feingold, Mrs. Boxer, Mr. Menendez, Mr. Cardin, Mr. Casey, Mr. Webb, Mrs. Shaheen, Mrs. Gillibrand, Mr. Coons.

COMMITTEE ON HEALTH, EDUCATION, LABOR AND PENSIONS: Mr. Harkin (Chairman), Mr. Dodd, Ms. Mikulski, Mr. Bingaman, Mrs. Murray, Mr. Reed, Mr. Sanders, Mr. Casey, Mrs. Hagan, Mr. Merkley, Mr. Franken, Mr. Bennet, Mr. Manchin.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS: Mr. Lieberman (Chairman), Mr. Levin, Mr. Akaka, Mr. Carper, Mr. Pryor, Ms. Landrieu, Mrs. McCaskill, Mr. Tester, Mr. Burris, Mr. Coons.

COMMITTEE ON THE JUDICIARY: Mr. Leahy (Chairman), Mr. Kohl, Mrs. Feinstein, Mr. Feingold, Mr. Schumer, Mr. Durbin, Mr. Cardin, Mr. Whitehouse, Ms. Klobuchar, Mr. Specter, Mr. Franken, Mr. Coons.

COMMITTEE ON RULES AND ADMINISTRATION: Mr. Schumer (Chairman), Mr. Inouye, Mr. Dodd, Mrs. Feinstein, Mr. Durbin, Mr. Nelson (Nebraska), Mrs. Murray, Mr. Pryor, Mr. Udall (New Mexico), Mr. Warner, Mr. Manchin.

SENATE RESOLUTION 675—COMMEMORATING THE 100TH ANNIVERSARY OF THE WEEKS LAW

Mr. GREGG (for himself and Mrs. SHAHEEN) submitted the following resolution; which was referred to the Committee on Agriculture, Nutrition, and Forestry:

S. RES. 675

Whereas the 100th anniversary of the Act of March 1, 1911 (commonly known as the ''Weeks Law'') (16 U.S.C. 480 et seq.), marks 1 of the most significant moments in conservation and Forest Service history;

Whereas New Hampshire, along with the southern Appalachians, was at the center of efforts to pass the Weeks Law;

Whereas John Wingate Weeks, sponsor of the Weeks Law, was born in Lancaster, New Hampshire, and maintained a summer home there that is now Weeks State Park;

Whereas, in 1903, the Appalachian Mountain Club, and the newly formed Society for the Protection of New Hampshire's Forests, helped draft a bill for the creation of a forest reserve in the White Mountains;

Whereas passage of the Weeks Law on March 1, 1911, was made possible by an unprecedented collaboration of a broad spectrum of interests, including the Appalachian Mountain Club, the Society for the Protection of New Hampshire Forests, industrialists, small businesses, and the tourist industry;

Whereas, in 1914, the first 7,000 acres of land destined to be part of the White Mountain National Forest were acquired in Benton, New Hampshire, under the Weeks Law;

Whereas national forests were established and continue to be managed as multiple use public resources, providing recreational opportunities, wildlife habitat, watershed protection, and renewable timber resources;

Whereas the forest conservation brought about by the Weeks Law encouraged and inspired additional conservation by State and local government as well as private interests, further protecting the quality of life in the United States;

Whereas the White Mountain National Forest continues to draw millions of visitors annually who gain a renewed appreciation of the inherent value of the outdoors;

Whereas the multiple values and uses supported by the White Mountain National Forest today are a tribute to the collaboration of 100 years ago, an inspiration for the next 100 years, and an opportunity to remind the people of the United States to work together toward common goals on a common landscape; and

Whereas President Theodore Roosevelt stated ''We want the active and zealous help of every man far-sighted enough to realize the importance from the standpoint of the nation's welfare in the future of preserving the forests'': Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the significance of the 100th anniversary of the Act of March 1, 1911 (commonly known as the ''Weeks Law'') (16 U.S.C. 480 et seq.) to the history of conservation and the power of cooperation among unlikely allies;

(2) encourages efforts to celebrate the centennial in the White Mountain National Forest with a focus on the future as well as to commemorate the past; and

(3) encourages continued collaboration and cooperation among Federal, State, and local governments, as well as business, tourism, and conservation interests, to ensure that the many values and benefits flowing from the White Mountain National Forest today to the citizens of New Hampshire, and the rest of the United States, are recognized and supported in perpetuity.

SENATE RESOLUTION 676—SUPPORTING THE GOALS AND IDEALS OF AMERICAN DIABETES MONTH

Mrs. SHAHEEN (for herself and Mrs. COLLINS) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 676

Whereas according to the Centers for Disease Control (referred to in this preamble as the ''CDC''), nearly 24,000,000 people of the United States have diabetes and 57,000,000 people of the United States have pre-diabetes;

Whereas diabetes is a serious chronic condition that affects people of every age, race, ethnicity, and income level;

Whereas the CDC reports that Hispanic, African, Asian, and Native Americans are disproportionately affected by diabetes and suffer from diabetes at rates that are much higher than the general population;

Whereas according to the CDC, 3 people are diagnosed with diabetes every minute;

Whereas each day, approximately 4,384 people are diagnosed with diabetes;

Whereas in 2007, the CDC estimates that approximately 1,600,000 individuals aged 20 and older were newly diagnosed with diabetes;

Whereas a joint National Institutes of Health and CDC study found that approximately 15,000 youth in the United States are diagnosed with type 1 diabetes annually and approximately 3,700 youth are diagnosed with type 2 diabetes annually;

Whereas according to the CDC, between 1980 and 2007, diabetes prevalence in the United States increased by more than 300 percent;

Whereas the CDC reports that over 24 percent of individuals with diabetes are undiagnosed, a decrease from 30 percent in 2005;

Whereas the National Diabetes Fact Sheet issued by the CDC states that more than 10 percent of adults of the United States and 23.1 percent of people of the United States age 60 and older have diabetes;

Whereas the CDC estimates that 1 in 3 people of the United States born in the year 2000 will develop diabetes in the lifetime of that individual;

Whereas the CDC estimates that 1 in 2 Hispanic, African, Asian, and Native Americans born in the year 2000 will develop diabetes in the lifetime of that individual;

Whereas according to the American Diabetes Association, in 2007, the total cost of diagnosed diabetes in the United States was $174,000,000,000, and 1 in 10 dollars spent on health care was attributed to diabetes and its complications;

Whereas according to a Lewin Group study, in 2007, the total cost of diabetes (including both diagnosed and undiagnosed diabetes, pre-diabetes, and gestational diabetes) was $218,000,000,000;

Whereas a Mathematica Policy study found that, for each fiscal year, total expenditures for Medicare beneficiaries with diabetes comprise 32.7 percent of the Medicare budget;

Whereas according to the CDC, diabetes was the seventh leading cause of death in 2007 and contributed to the deaths of over 230,000 Americans in 2005;

Whereas there is not yet a cure for diabetes;

Whereas there are proven means to reduce the incidence of, and delay the onset of, type 2 diabetes;

Whereas with the proper management and treatment, people with diabetes live healthy, productive lives; and

Whereas American Diabetes Month is celebrated in November: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of American Diabetes Month, including—

(A) encouraging the people of the United States to fight diabetes through public awareness about prevention and treatment options; and

(B) increasing education about the disease;

(2) recognizes the importance of early detection of diabetes, awareness of the symptoms of diabetes, and the risk factors that often lead to the development of diabetes, including—

(A) being over the age of 45;

(B) having a specific racial and ethnic background;

(C) being overweight;

(D) having a low level of physical activity level;

(E) having high blood pressure; and

(F) having a family history of diabetes or a history of diabetes during pregnancy; and

(3) supports decreasing the prevalence of type 1, type 2, and gestational diabetes in the United States through increased research, treatment, and prevention.

SENATE RESOLUTION 677—TO EXPRESS THE SENSE OF THE SENATE REGARDING THE IMPORTANCE OF RECYCLING AND THE INCEPTION OF RECYCLING ON THE NATIONAL MALL

Mr. CARPER (for himself and Ms. SNOWE) submitted the following resolution; which was referred to the Committee on Energy and Natural Resources:

S. RES. 677

Whereas, since 1997, communities across the United States have come together each year to celebrate and observe America Recycles Day on November 15th;

Whereas America Recycles Day, which is managed by the nonprofit organization Keep America Beautiful, is the only nationally recognized day dedicated solely to the promotion of recycling in the United States;

Whereas recycling is important to the sustainability of resources of the United States;

Whereas Americans throw away enough aluminum cans every month to rebuild the entire commercial air fleet of the United States;

Whereas the United States should encourage the establishment of recycling programs and services;

Whereas the National Mall is one of the most recognized and popular national parks in the United States and, as such, can serve as a model for recycling in parks and public places across the United States;

Whereas a study conducted in 2010 assessed that of the 1,200 tons of waste collected annually on the National Mall, about half is recyclable;

Whereas the National Park Service oversees activities on the National Mall and recognized a need to be a leader in encouraging recycling in our Nation's capital;

Whereas the National Park Foundation is the charitable partner of the National Park Service and administers programs to fund park conservation and restoration efforts, foster youth engagement, promote citizenship, and preserve history;

Whereas the Trust for the National Mall is a nonprofit organization started to help beautify and refurbish the facilities and grounds of the National Mall by raising funds from individuals, groups, and corporations with a common goal of keeping the capital city of the United States beautiful for more than 30,000,000 visitors each year;

Whereas The Coca-Cola Company, a private company, has created a subsidiary company, Coca-Cola Recycling, with the goal of recapturing the equivalent of 100 percent of the packaging placed in the North American marketplace by Coca-Cola products;

Whereas effective public-private partnerships, such as the partnership among the National Park Service, the National Park Foundation, the Trust for the National Mall, and The Coca-Cola Company, have allowed a comprehensive recycling plan to be implemented on the National Mall; and

Whereas the National Park Service, the National Park Foundation, the Trust for the National Mall, and The Coca-Cola Company have been working together to install recycling infrastructure on the National Mall since July 2010, allowing the National Park Service to implement a permanent recycling program on the National Mall in November 2010: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the importance of observing America Recycles Day; and

(2) commends the National Park Service, the National Park Foundation, the Trust for the National Mall, and The Coca-Cola Company for—

(A) establishing and promoting recycling on the National Mall; and

(B) providing an excellent example for government agencies and corporate citizens to follow in making recycling possible in public places across the United States.

NOTICE OF HEARING

IMPEACHMENT TRIAL COMMITTEE ON THE ARTICLES AGAINST JUDGE G. THOMAS PORTEOUS, JR.

Mrs. MCCASKILL. Mr. President, I wish to announce that the Impeachment Trial Committee on the Articles Against Judge G. Thomas Porteous, Jr. will meet on Tuesday, November 16, 2010, at 10:30 a.m. to conduct an executive business meeting.

For further information regarding this meeting, please contact Erin Johnson at 202–228–4133.

PRIVILEGES OF THE FLOOR

Mr. HARKIN. Mr. President, I ask unanimous consent that Joel Murray, Kia Hamadanchy, Caitlin DuBois, and Krista Maier of my staff be granted floor privileges for the duration of today's session.

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

Mr. WYDEN. Mr. President, I ask unanimous consent that Mr. Russell Sloan, a fellow in the office of Senator PRYOR, be granted floor privileges for the week of November 15 through November 19, 2010.

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

CONVENING OF FIRST SESSION OF THE 112TH CONGRESS

Mr. WYDEN. I ask unanimous consent that the Senate proceed to the immediate consideration of S.J. Res. 40, introduced earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 40) appointing the day for the convening of the first session of the One Hundred and Twelfth Congress.

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. WYDEN. I ask unanimous consent that the joint resolution be read three times, passed, and the motion to reconsider be laid upon the table.

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

The joint resolution (S.J. Res. 40) was read the third time and passed, as follows:

S.J. RES. 40

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the first regular session of the One Hundred Twelfth Congress shall begin at noon Wednesday, January 5, 2011.

MAJORITY PARTY COMMITTEE MEMBERSHIP

Mr. WYDEN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 674, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 674) to constitute the majority party's membership on certain committees for the One Hundred Eleventh Congress, or until their successors are chosen.

There being no objection, the Senate proceeded to consider the resolution.

Mr. WYDEN. I ask unanimous consent that the resolution be agreed to and the motions to reconsider be laid upon the table, with no intervening action or debate.

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

The resolution (S. Res. 674) was agreed to, as follows:

S. RES. 674

Resolved, That the following shall constitute the majority party's membership on the following committees for the One Hundred Eleventh Congress, or until their successors are chosen:

COMMITTEE ON ARMED SERVICES: Mr. Levin (Chairman), Mr. Lieberman, Mr. Reed,

Mr. Akaka, Mr. Nelson (Florida), Mr. Nelson (Nebraska), Mr. Bayh, Mr. Webb, Mrs. McCaskill, Mr. Udall (Colorado), Mrs. Hagan, Mr. Begich, Mr. Burris, Mr. Bingaman, Mr. Manchin, Mr. Coons.

COMMITTEE ON THE BUDGET: Mr. Conrad (Chairman), Mrs. Murray, Mr. Wyden, Mr. Feingold, Mr. Nelson (Florida), Ms. Stabenow, Mr. Cardin, Mr. Sanders, Mr. Whitehouse, Mr. Warner, Mr. Merkley, Mr. Begich, Mr. Manchin.

COMMITTEE ON FOREIGN RELATIONS: Mr. Kerry (Chairman), Mr. Dodd, Mr. Feingold, Mrs. Boxer, Mr. Menendez, Mr. Cardin, Mr. Casey, Mr. Webb, Mrs. Shaheen, Mrs. Gillibrand, Mr. Coons.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS: Mr. Harkin (Chairman), Mr. Dodd, Ms. Mikulski, Mr. Bingaman, Mrs. Murray, Mr. Reed, Mr. Sanders, Mr. Casey, Mrs. Hagan, Mr. Merkley, Mr. Franken, Mr. Bennet, Mr. Manchin.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS: Mr. Lieberman (Chairman), Mr. Levin, Mr. Akaka, Mr. Carper, Mr. Pryor, Ms. Landrieu, Mrs. McCaskill, Mr. Tester, Mr. Burris, Mr. Coons.

COMMITTEE ON THE JUDICIARY: Mr. Leahy (Chairman), Mr. Kohl, Mrs. Feinstein, Mr. Feingold, Mr. Schumer, Mr. Durbin, Mr. Cardin, Mr. Whitehouse, Ms. Klobuchar, Mr. Specter, Mr. Franken, Mr. Coons.

COMMITTEE ON RULES AND ADMINISTRATION: Mr. Schumer (Chairman), Mr. Inouye, Mr. Dodd, Mrs. Feinstein, Mr. Durbin, Mr. Nelson (Nebraska), Mrs. Murray, Mr. Pryor, Mr. Udall (New Mexico), Mr. Warner, Mr. Manchin.

ORDER FOR FILING OF IMPEACHMENT COMMITTEE REPORT

Mr. WYDEN. Mr. President, I ask unanimous consent that the Senate Impeachment Committee be permitted to file their report with respect to the impeachment of Judge Porteus, notwithstanding adjournment of the Senate, on Tuesday, November 16, between the hours of 12 noon to 2 p.m.

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

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 111–8

Mr. WYDEN. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaty transmitted to the Senate on November 15, 2010, by the President of the United States: Protocol Amending Tax Convention with Luxembourg, Treaty Document No. 111–8. I further ask that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

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

The message of the President is as follows:

To the Senate of the United States:

I transmit herewith, for the advice and consent of the Senate to its ratification, the Protocol Amending the Convention between the Government of the United States of America and the Government of the Grand Duchy of Luxembourg for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income and Capital, signed on May 20, 2009, at Luxembourg (the ''proposed Protocol'') and a related agreement effected by the exchange of notes also signed on May 20, 2009. I also transmit for the information of the Senate the report of the Department of State, which includes an Overview of the proposed Protocol and related agreement.

The proposed Protocol and related agreement provide for more robust exchange of information between tax authorities in the two countries to facilitate the administration of each country's tax laws. They generally follow the current U.S. Model Income Tax Convention and the Organization for Economic Cooperation and Development standards for exchange of tax information.

I recommend that the Senate give early and favorable consideration to the proposed Protocol and related agreement and give its advice and consent to their ratification.

BARACK OBAMA.

THE WHITE HOUSE, *November 15, 2010*.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 111–7

Mr. WYDEN. As in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaty transmitted to the Senate on November 15, 2010, by the President of the United States: Tax Convention with Hungary, Treaty Document No. 111–7. I further ask that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

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

The message of the President is as follows:

To the Senate of the United States:

I transmit herewith, for the advice and consent of the Senate to its ratification, the Convention between the Government of the United States of America and the Government of the Republic of Hungary for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income, signed on February 4, 2010, at Budapest (the ''proposed Convention'') and a related agreement effected by an exchange of notes on February 4, 2010. I also transmit for the information of the Senate the report of the Department of State, which includes an Overview of the proposed Convention and related agreement.

The proposed Convention and related agreement were negotiated to bring U.S.-Hungary tax treaty relations into closer conformity with current U.S. tax treaty policies. For example, the proposed Convention contains comprehensive provisions designed to address ''treaty shopping,'' which is the inappropriate use of a tax treaty by residents of a third country. The existing Convention with Hungary, signed in 1979, does not contain treaty shopping protections and, as a result, has been abused by third-country investors in recent years. For this reason, concluding the proposed Convention has been a top priority for the Department of the Treasury's tax treaty program.

I recommend that the Senate give early and favorable consideration to the proposed Convention and related agreement and give its advice and consent to their ratification.

BARACK OBAMA.

THE WHITE HOUSE, *November 15, 2010*.

APPOINTMENTS

The PRESIDING OFFICER. The Chair announces the following appointments made pursuant to the unanimous consent agreement of September 29, 2010, by the President pro tempore and the majority leader during the adjournment of the Senate: Pursuant to the provisions of Public Law 110–343, by the majority leader, the appointment of the Honorable EDWARD E. KAUFMAN of Delaware, vice Elizabeth Warren of Massachusetts, to the Congressional Oversight Panel on September 30, 2010; pursuant to the provisions of Public Law 99–498, by the President pro tempore, the appointment of Sharon Wurm of Nevada, vice Clare Cotton of Massachusetts, to the Advisory Committee on Student Financial Assistance on October 5, 2010.

The Chair, on behalf of the majority leader, pursuant to provisions of Public Law 110–343, appoints the following individual as a member of the Congressional Oversight Panel: EDWARD E. KAUFMAN of Delaware, vice Elizabeth Warren of Massachusetts.

The Chair, on behalf of the President pro tempore, pursuant to Public Law 99–498, as amended by Public Law 110–315, appoints the following individual to the Advisory Committee on Student Financial Assistance: Sharon Wurm of Nevada, vice Clare Cotton of Massachusetts.

ORDERS FOR WEDNESDAY, NOVEMBER 17, 2010

Mr. WYDEN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Wednesday, November 17; 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 that following any leader remarks the Senate proceed to a period of morning business until 11 a.m., with the time equally divided and controlled between the two leaders or

their designees, with Senator HARKIN controlling 15 minutes, Senator DODD controlling 15 minutes, and Senator MIKULSKI controlling 5 minutes of the majority time; further, that at 11 a.m. the Senate resume consideration of the motion to proceed to S. 3815, the Promoting Natural Gas and Electric Vehicles Act of 2010, and the Senate immediately proceed to vote on the motion to invoke cloture on the motion to proceed.

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

PROGRAM

Mr. WYDEN. Mr. President, Senators should expect the first vote of the day to begin at approximately 11 a.m. That will be the cloture vote on the motion to proceed to the Promoting Natural Gas and Electric Vehicles legislation. If cloture is not invoked, the Senate would proceed immediately to a cloture vote on the motion to proceed to S. 3772, the paycheck fairness bill. If cloture is again not invoked, there would be a third cloture vote on the motion to proceed to S. 510, the food safety bill. Therefore, Senators should expect up to three rollcall votes to begin around 11 a.m.

ADJOURNMENT UNTIL WEDNESDAY, NOVEMBER 17, 2010, AT 9:30 A.M.

Mr. WYDEN. 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 5:53 p.m., adjourned until Wednesday, November 17, 2010, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF STATE

SUE KATHRINE BROWN, OF TEXAS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO MONTENEGRO.

PAMELA L. SPRATLEN, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KYRGYZ REPUBLIC.

DAVID LEE CARDEN, OF NEW YORK, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE ASSOCIATION OF SOUTHEAST ASIAN NATIONS, WITH THE RANK AND STATUS OF AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

ERIC G. POSTEL, OF WISCONSIN, TO BE AN ASSISTANT ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT, VICE JACQUELINE ELLEN SCHAFER, RESIGNED.

OVERSEAS PRIVATE INVESTMENT CORPORATION

ROBERTO R. HERENCIA, OF ILLINOIS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION FOR A TERM EXPIRING DECEMBER 17, 2012, VICE PATRICK J. DURKIN, TERM EXPIRED.

JAMES A. TORREY, OF CONNECTICUT, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION FOR A TERM EXPIRING DECEMBER 17, 2010, VICE DIANNE I. MOSS, TERM EXPIRED.

JAMES A. TORREY, OF CONNECTICUT, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION FOR A TERM EXPIRING DECEMBER 17, 2013. (REAPPOINTMENT)

FEDERAL HOUSING FINANCE AGENCY

JOSEPH A. SMITH, JR., OF NORTH CAROLINA, TO BE DIRECTOR OF THE FEDERAL HOUSING FINANCE AGENCY FOR A TERM OF FIVE YEARS. (NEW POSITION)

MARINE MAMMAL COMMISSION

FRANCES M.D. GULLAND, OF CALIFORNIA, TO BE A MEMBER OF THE MARINE MAMMAL COMMISSION FOR A TERM EXPIRING MAY 13, 2012, VICE VERA ALEXANDER, TERM EXPIRED.

DEPARTMENT OF JUSTICE

TIMOTHY J. FEIGHERY, OF NEW YORK, TO BE CHAIRMAN OF THE FOREIGN CLAIMS SETTLEMENT COMMISSION OF THE UNITED STATES FOR A TERM EXPIRING SEPTEMBER 30, 2012, VICE MAURICIO J. TAMARGO, TERM EXPIRED.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. MICHELLE D. JOHNSON

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. BRETT T. WILLIAMS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. JAMES M. HOLMES

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be brigadier general

COL. WAYNE E. LEE

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. MICHAEL D. BARBERO

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. MICHAEL FERRITER

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be major general

BRIG. GEN. MANUEL ORTIZ, JR.

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be major general

BRIG. GEN. RODNEY J. BARHAM

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIGADIER GENERAL ROBERT B. ABRAMS
BRIGADIER GENERAL ALLISON T. AYCOCK
BRIGADIER GENERAL PETER C. BAYER, JR.
BRIGADIER GENERAL JAMES C. BOOZER, SR.
BRIGADIER GENERAL JEFFREY S. BUCHANAN
BRIGADIER GENERAL GARY H. CHEEK
BRIGADIER GENERAL KENDALL P. COX
BRIGADIER GENERAL WILLIAM T. CROSBY
BRIGADIER GENERAL ANTHONY G. CRUTCHFIELD
BRIGADIER GENERAL PETER N. FULLER
BRIGADIER GENERAL WILLIAM K. FULLER
BRIGADIER GENERAL WALTER M. GOLDEN, JR.
BRIGADIER GENERAL PATRICK M. HIGGINS
BRIGADIER GENERAL FREDERICK B. HODGES
BRIGADIER GENERAL ANTHONY R. IERARDI
BRIGADIER GENERAL RICHARD C. LONGO
BRIGADIER GENERAL ALAN R. LYNN
BRIGADIER GENERAL DAVID L. MANN
BRIGADIER GENERAL BRADLEY W. MAY
BRIGADIER GENERAL LLOYD MILES
BRIGADIER GENERAL MARK A. MILLEY
BRIGADIER GENERAL JENNIFER L. NAPPER
BRIGADIER GENERAL JOHN W. NICHOLSON, JR.
BRIGADIER GENERAL RAYMOND P. PALUMBO
BRIGADIER GENERAL GARY S. PATTON
BRIGADIER GENERAL MARK W. PERRIN
BRIGADIER GENERAL WILLIAM E. RAPP
BRIGADIER GENERAL THOMAS J. RICHARDSON
BRIGADIER GENERAL FREDERICK S. RUDESHEIM
BRIGADIER GENERAL BENNET S. SACOLICK
BRIGADIER GENERAL FRANK D. TURNER III
BRIGADIER GENERAL KEVIN R. WENDEL
BRIGADIER GENERAL LARRY D. WYCHE

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE UNITED STATES MARINE CORPS WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. KENNETH J. GLUECK, JR.

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 vice admiral

REAR ADM. GERALD R. BEAMAN

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 lieutenant commander

MATTHEW R. FOMBY

THE FOLLOWING NAMED OFFICER FOR TEMPORARY APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 744:

To be captain

RONNY L. JACKSON