

pending. On December 10, 1979, Senator Roth of Delaware offered a second degree amendment to an amendment from Senator Stevens of Alaska. Objection was entered to dispensing with the reading of the Roth amendment. Upon a parliamentary inquiry during the reading, the Chair twice affirmatively stated that the amendment being read was the "pending amendment" and the "pending order of business."

Specifically, the Chair expressed the following: "The Chair would advise that the amendment offered by the Senator from Delaware is the pending order of business. A unanimous consent request that the reading of the amendment be dispensed with was objected to. Therefore, the amendment is in the process of being read and now will be read."

One can clearly draw two inferences from this ruling that demonstrate once an amendment is offered, it is pending:

1. If the amendment were not pending, the Chair would have stated that the order of business would be the reading of the amendment, not the amendment itself. Instead, the Chair stated that the pending order of business was the amendment, which was being read.

2. Furthermore, if the Roth amendment were not yet pending, the Chair would have stated the pending amendment was the underlying Stevens amendment. However, the Chair announced that the pending amendment was the Roth amendment.

Based on this precedent, which is directly on point and controlling, I believe it is conclusive that the Sanders amendment was, in fact, pending, thereby triggering the limitations imposed by a consent order. Because an order applied, "action" had been taken on the amendment. Therefore, Senator Sanders should have needed unanimous consent to withdraw his amendment.

If the amendment had been fully read, its disposition would have carried over until the next calendar day. That is what should have happened if Senate procedures were properly applied. Senators from both parties vividly understand that the Parliamentarian's advice in this matter may have been greatly consequential for the consideration of health care legislation.

Finally, it is disturbing to know that the only entities privy to the operative considerations underlying the ruling were your office and the majority party. Senator Cardin, who presided at the time of the ruling, submitted into the Record on December 21, 2009 a statement that mentioned the 1992 and 1950 precedents, supplied by your office, to attempt to justify his ruling.

Unfortunately, at the time of the ruling, I had no way of knowing about the 1992 Adams precedent since it occurred after the latest edition of Riddick's Senate Procedure was published. Furthermore, the 1950 precedent was inaccurately depicted in Riddick's, with the text of Riddick's contradicting the actual precedent cited. Had all the precedents been commonly available in a reliable and updated form, Senators could have had a basis to challenge the Sanders ruling in real time. By the time the dust had settled after the ruling, as Senators struggled to parse what had happened, such a challenge was long moot. In any event, neither of these precedents arose in the context of a consent order. I therefore believe the precedents were off-point and inapplicable.

You are a man of integrity, are a dedicated public servant, and hold the rules and precedents of the Senate in high regard. However, I believe this ruling was incorrect, and that

it had a major adverse impact on a monumental piece of legislation.

Sincerely,

TOM A. COBURN, M.D.,
U.S. Senator.

TRIBUTE TO RICHARD GAUTHIER

Mr. LEAHY. Mr. President, today I would like to recognize Richard Gauthier, Chief of Police in Bennington, VT. Mr. Gauthier has been saving lives and protecting Vermont communities for nearly 30 years.

Chief Gauthier began his career with the Bennington Police Department in 1980 after graduating from the Vermont Police Academy in Pittsford. Six years later, he was promoted to detective, and in 1998, he was named chief of the department, a position he has held for the past 12 years.

Chief Gauthier received his bachelor's degree from Southern Vermont College in 1991, and later attended the FBI National Academy. He also holds a master's degree in criminal justice administration from Norwich University. As chief, he has led by example and consistently sought to improve the department, encouraging officers to seek additional education, improve their training and better their performance. He currently teaches courses in criminal justice at Southern Vermont College, his alma mater, where one former student described him as "a phenomenal educator."

During his time as chief, he has overseen a number of positive changes in the department and in the community including the formation of the Bennington County Child Advocacy Center/Special Victims Unit, of which he is a founding member. He also led efforts to specialize police investigation into drugs and gangs, and managed the department's move to a new police headquarters. A celebrated law enforcement officer, Chief Gauthier received the Vermont VFW Law Enforcement Officer of the Year in 2005 and the Vermont Commissioner's Award for Service to Children and Families.

Chief Gauthier will celebrate 30 years of service in September, and plans to step down as Chief of Police. I commend Chief Gauthier for his dedication to the city of Bennington and the State of Vermont. He has selflessly given so much to his community.

I ask unanimous consent that a story from The Bennington Banner about Chief Gauthier's career be printed in the RECORD.

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

[From the Bennington Banner, Jan. 6, 2010]
BPD'S CHIEF GAUTHIER RETIRING: 30-YEAR VETERAN OF FORCE PLANS TO STEP DOWN IN SEPTEMBER

(By Neal P. Goswami)

BENNINGTON.—Bennington Police Chief Richard Gauthier, a longtime member of the

town police force, has informed officials of his decision to retire in the fall.

The 54-year-old Gauthier, appointed to the post in 1998, will reach the age of 55 and his 30th anniversary with the Bennington Police Department in September.

"I do have other goals that I want to achieve, and that would be a good time to start that," Gauthier said Wednesday in his downtown office. "When I came on 30 years ago when I was 25, I made up my mind at that point that I was going to finish here if at all possible, and that's what happened."

Gauthier joined the force two days after his 25th birthday, as a patrol officer. Six years later, he joined the Bureau of Criminal Investigations. After 12 years, and having reached the rank of sergeant, Gauthier was tapped by Town Manager Stuart A. Hurd to replace former Chief David Wooden.

"He was, I think, in the end, an excellent appointment. It was one of my first major appointments I had to face as town manager and, believe me, I was very, very nervous about it," Hurd said Wednesday.

"I say, more power to him. I certainly hate to lose him, and I think it's going to be an interesting process to try and replace him," he said. "Overall, there isn't anything bad you can say about Rick Gauthier."

Gauthier said his initial goal in police work was to become a detective, but his ambitions grew as he ascended the ranks of the department.

"That was as far forward as I was thinking at the time," Gauthier said. "Later on, after I had been at (the Bureau of Criminal Investigation) for a while, I began entertaining the potential, but I was still surprised when I was actually chosen."

Hurd said Gauthier was selected from a group of three internal candidates. Gauthier had a degree in criminal justice and as head of the police union had worked well with town officials, Hurd said.

"He brought all of those skills and all of those management styles, and in a sense, balance, to the police chief job in Bennington," he said.

Locals involved in the legal system had also vouched for him, Gauthier said.

"In talking with people in the law enforcement field—the state's attorney's office, lawyers who had worked with him—he really seemed to be heads and tails above everybody else in terms of his knowledge in police work," Hurd said.

For Gauthier, the highlight of his career in Bennington has been the "ability to help people out that desperately need it at the time." As chief, being able to shape the department and focus improvements on training, equipment and the professionalism of the department has been most rewarding, he said.

Gauthier said the department has made substantial in those areas because of a quality command staff. "I have what I consider to be a superior staff, a superior supervisory staff, and certainly this is a team effort," he said. "We are where we are because we have all worked together and done well."

A strong relationship with other town officials has helped, too, Gauthier said.

"I'm kind of the envy of a lot of other chiefs around the state. My relationship with (Hurd) is excellent. We've disagreed on a couple of things, but the disagreements have always been kind of minor," Gauthier said. "I've also had what I consider to be a very supportive select board, regardless of the members changing."

Hurd agreed that any disagreements the two have had have been "nothing of merit."

"He's always been a part of the team. He's never been sort of egocentric, or sort of self-centered.

"He's always been willing to step up when tough budget times are necessary, and people have to look at their budgets very hard and make tough decisions," Hurd said.

Gauthier said he has tried to encourage the officers he commands to "seek constant improvement," and hopes that will be a lasting legacy with the department.

"I hope that if I leave anything here, it's that continuous quest to improve all the time—improve yourself educationally, improve your performance as an officer, improve your training."

He has followed his own advice, earning a master's degree while serving as chief, and may pursue a doctorate degree following his retirement.

Employment outside of law enforcement is likely, Gauthier said, who already teaches courses at Southern Vermont College. He remains coy, however, about his full plans. "I've got a number of irons in the fire, and as I get closer to my actual retirement date, it will become clearer which one is the way I should go," he said.

Hurd said he intends to first look within the department to find Gauthier's replacement. The hope is to have someone on board at least 30 days before Gauthier departs, he said.

The search, once it begins, is expected to take at least two months. Hurd said he will create a review panel composed of himself, some select board members and possibly former Vermont State Police Director James Baker or former Bennington County Sheriff Gary Forrest. The panel will interview potential candidates, compare resumes to the job requirements and conduct a "deep reference check."

"You're looking for somebody who understands the law, but you're looking for somebody who has the personality to command but also to lead. I think there is a bit of a difference. You can be a good commander, but you might not be a good leader," Hurd said. "Hopefully, I'll be able to find somebody with similar management skills and personality."

At least two members of the department are interested in the position, according to people familiar with their thinking. Lt. Paul Doucette, currently second in the department's chain of command, and Detective Sgt. David S. Rowland, the third highest ranking officer in the department, have expressed interest, sources said.

Hurd said he doesn't expect any long-term negative impact from the internal search. "If you're goal is to stay and work and be a leader in Bennington then you're going to have to take some disappointment, because there's only going to be one chief. I'm prepared for that, and I think I'll be able to deal with it."

REMEMBERING CHIEF RALPH JACKMAN

Mr. LEAHY. Mr. President, I rise today to pay tribute to a dedicated public servant in Vermont who passed away earlier this month.

Ralph Jackman joined the Vergennes Volunteer Fire Department in 1947, and took over the helm as chief of the department in 1954. Some 55 years later, in November 2009, he stepped down from his post—widely recognized as one

of the longest serving fire chiefs in the Nation.

During his time as the chief, Jackman saw many changes at the fire department. The department grew immensely—doubling the number of firefighters and tripling the number of vehicles. He oversaw the establishment of a cadet program and the construction of a new fire station. He also found time for a variety of community service activities, including serving as the two-time president of the Vermont State Firefighters Association. Throughout his entire career, Jackman was in the thick of the action, responding to emergency calls and managing the volunteer department's operations.

Chief Jackman's family had firefighting in its blood. Jackman's twin brother Fred, who passed away in 2008, was a member of the Bristol Fire Department for 62 years, including 14 years as that department's chief. Chief Jackman's wife, as well as his five daughters, helped the Vergennes Volunteer Fire Department throughout his career. And eight of Chief Jackman's grandchildren are now firefighters.

My wife, Marcelle, and I wish to express our deepest condolences to Chief Jackman's wife, Myrle Jackman, his immediate family and his extended family in the fire service community throughout Vermont. They are rightly proud of Chief Jackman's long and distinguished career and the legacy he has left behind in Vergennes and Vermont.

I ask unanimous consent that a story from *The Burlington Free Press* about Chief Jackman's storied career be printed in the RECORD.

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

[From the *Burlington Free Press*, Jan. 7, 2010]

LAST CALL FOR CHIEF JACKMAN: HUNDREDS ATTEND FUNERAL
(By Matt Sutkoski)

VERGENNES.—Ralph Jackman made his last fire call Wednesday.

Jackman was chief of the Vergennes Fire Department from 1954 until November—55 years. He died Saturday at the age of 85. Services were held for him Wednesday morning.

Family, friends and more than 200 firefighters crowded into St. Peter's Catholic Church for the services. The firefighters came from surrounding towns and distant communities—Addison, Whiting, Bristol, Cabot, Burlington, Shrewsbury, East Montpelier, even Nashua, N.H.

At the service, Mark Bouvier of the Bristol Fire Department said Jackman's whole family helped with the chief's decades-long career. He had five daughters, and when they were growing up and a fire call came into the Jackman home in the middle of the night, everyone sprang into action. One daughter would answer the phone, others would make sure his gear was ready for him; another would open the garage door. "He needed all his daughters to get ready for fire calls," Bouvier said.

Firefighting runs in the Jackman family blood. His twin brother Fred, who died in

2008, was a member of the Bristol Fire Department for 62 years and was chief for 14 of those years. Eight of Ralph Jackman's grandchildren are firefighters.

Jackman was one of the nation's longest serving fire chiefs, and he was often in the forefront of Vermont firefighting innovations, Bouvier said. Under Jackman, the Vergennes Fire Department was the first to acquire a hose-reel truck and the first to establish a cadet program.

As great a contribution Jackman made to the Vergennes Fire Department, he thought of all the city's residents, Bouvier said. He'd give fuel oil to needy residents during the time he owned a fuel business. Somebody else might get a warm coat from him, and he was heavily involved in a variety of charitable organizations until the end of his life, Bouvier said.

The Rev. Yvon Royer, officiating at the Mass, also took note of Jackman's lifelong contributions. "He was a true icon of the community. It was a respect that was earned," Royer said.

After the service, with an honor guard of firefighters saluting, Jackman's American flag-draped coffin was loaded onto the back of Vergennes Fire Pumper Truck 316. Led by a contingent of Vergennes firefighters and followed by Jackman's family and friends, the truck bearing the coffin rolled slowly up Maple Street, turned right on Main, then right again onto Green Street to the Vergennes fire station.

The fire truck, parked in front of the station, then blasted its horn three times to ceremonially mark Jackman's final alarm.

2010 NATIONAL AMBASSADOR FOR YOUNG PEOPLE'S LITERATURE

Mr. LEAHY. Mr. President, I am pleased that this month Katherine Paterson of Barre, VT, has been named the 2010 National Ambassador for Young People's Literature. Her books, which include "A Bridge to Terabithia," "Jacob Have I Loved," and "Bread and Roses Too," motivate young readers to become excited about reading and understand struggles and joy in their own lives. She has long inspired readers in Vermont and across the country to make reading a daily part of their lives.

Reading at a young age can have a dramatic impact on a child's ability to succeed and learn more than can be taught in a classroom. In my home town of Montpelier, VT, the Kellogg-Hubbard Library serves as the center of the community to many local children. When I am home, I love seeing children flood the library after school and borrow new and exciting books or choose to reread old favorites.

Despite what I witness at my local Vermont library, reading rates among children today are on the decline, which makes Ms. Paterson's role as National Ambassador even more crucial as she tours the country to attract new, young readers. I cannot think of a better suited choice for this challenging role, and I congratulate her on her appointment. On a personal note, Marcelle and I have valued our years of friendship with Katherine and John Paterson.