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No. 24

Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable TOM UDALL, a Senator from the State of New Mexico.

PRAYER

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

Let us pray.

O Lord our God, in whom we trust, put Your hands upon the Members of this body to guide and strengthen them. Bless them in moments of stress and tension, renewing their strength so that they mount up on wings like eagles. Lord, give them the moral and spiritual stamina to do what is right as You give them the life to understand Your will. May they fulfill their high calling to serve You and this Nation and exemplify to all the oneness of a shared commitment. Make their lives an expression of Your truth, righteousness and justice.

We pray in Your strong Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable TOM UDALL led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,

Washington, DC, February 24, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TOM UDALL, a Senator

from the State of New Mexico, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. UDALL of New Mexico thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. REID. Mr. President, following leader remarks, the time until 9:55 will be equally divided and controlled between the two leaders or their designees. At 9:55, the Senate will proceed to a series of up to two rollcall votes. The first vote will be on the motion to waive the applicable budget points of order with respect to the Reid amendment No. 3310.

If the points of order are waived, we will immediately proceed to vote on the motion to concur in the House amendment to the Senate amendment to the bill, H.R. 2947, with the Reid substitute amendment.

Following the votes, the Senate will proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

It is my hope we are able to reach an agreement to pass the short-term tax extenders legislation today. The next item of business will be the bipartisan travel promotion legislation.

Following the remarks of the Senator from Kentucky, I would yield 4 minutes to the Senator from New York, Mr. SCHUMER.

RECOGNITION OF THE MINORITY LEADER

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

HEALTH CARE SUMMIT

Mr. MCCONNELL. Mr. President, earlier this week, the White House unveiled its latest iteration of the Democrat plan for health care reform, and, to put it quite simply, it was a major disappointment.

It was our hope that when the administration called for a health care summit at the White House, it would be an opportunity for both sides to come together and start over. Now it is perfectly clear the administration had something else in mind entirely.

The plan we saw Monday is hardly a starting off point for a bipartisan discussion on commonsense reforms. It is really just more of the same: a massive government scheme with all the flaws of the previous proposals that the American people have already seen and rejected. Changing the name and increasing the cost is not what Americans have been asking for, and it is certainly not reform.

To make matters worse, even as lawmakers head down to the White House for this health care summit tomorrow, Democrats on Capitol Hill are working behind the scenes on a plan aimed at jamming this massive health spending bill through Congress against the clear wishes of an unsuspecting public. What they have in mind is a last ditch legislative sleight of hand called reconciliation that would enable them to impose government-run health care for all on the American people, whether Americans want it or not. And we know that Americans do not, in fact, want it.

Americans have seen these proposals before. They do not want them. So this is the height of legislative arrogance. If you did not like the Cornhusker Kickback, get ready. This is the Cornhusker Kickback on steroids.

In light of all these behind the scenes efforts to get around the will of the people, it is hard to imagine what the purpose of Thursday's summit is. If the White House wants real bipartisanship,

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



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then it needs to drop the proposal it posted Monday, which is no different in its essentials than anything we have seen before, and start over. And they need to take this last-ditch reconciliation effort off the table once and for all.

Then we can work on the kind of reform Americans really want, step by step proposals that will actually get at the problem, which is cost. That is what the American people have been asking us to do for a year. If ever there were a time for the administration to show it is listening, it is now. Reform is too important. We cannot let this opportunity pass.

RESERVATION OF LEADER TIME

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

COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the House message with respect to H.R. 2847, which the clerk will report.

The assistant legislative clerk read as follows:

A House message to accompany H.R. 2847, an Act making appropriations for the Departments of Commerce and Justice and Science, and Related Agencies for the Fiscal Year ending September 30, 2010, and for other purposes.

Pending:

Reid amendment No. 3310 (to the House amendment to the Senate amendment), in the nature of a substitute.

Reid amendment No. 3311 (to amendment No. 3310), to change the enactment date.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 9:55 will be equally divided and controlled between the two leaders or their designees.

Mr. GREGG. I ask unanimous consent that upon the completion of the remarks from the Senator from New York, I be recognized.

Mr. SCHUMER. Mr. President, the time will be equally divided, I presume?

Mr. GREGG. Yes.

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

The Senator from New York is recognized.

Mr. SCHUMER. Mr. President, on a more bipartisan note than the speech from the minority leader, we are now moving toward some legislation that has two bits of good news for the American people; one, it will help create jobs and employ those who have been out of work for too long a time; second, it is bipartisan. For the first time in a long time, we have a bill that is supported by both Democrats and Republicans. I would like to salute the five Republicans from the other side who

joined us in moving the bill forward. I am very hopeful there will be a large number of those from the other side of the aisle who will join in this bipartisan measure that will show the American people that, at least when it comes to jobs, we can—and must for their good—work together.

First, let me discuss the proposal, the part of the proposal authored by Senator HATCH and myself. It is very simple. It is a holiday from the payroll tax for any employer that hires a worker who has been out of work for 60 days.

Let me discuss why I think it will work. First, it is immediate. Most businesses, particularly small businesses, if you tell them they will get some kind of tax credit if they hire someone, but they will get that credit a year from April, are not very interested. This occurs immediately, the minute the worker is hired.

Second, it is simple. Again, you tell a businessperson, particularly a small businessperson, they have to fill out 30 pages, maybe hire an accountant to get a tax credit for a new worker, that is not life. They are going to tell you to forget it.

But here all the new employee has to show is that he or she was out of work for 60 days. It is very easy to show 60 days of unemployment compensation, and it immediately takes effect.

Third, it goes right to small business. So this is not a large government program. The money goes right to small business and is cost effective, which is the fourth point. If 3 million people are hired by this tax credit, it will cost \$15 billion. That is a lot of money. But compared to the stimulus of \$880 billion, it is much smaller. The money is cost effective. It goes right to where it should.

Finally, my last point is, it is bipartisan. The country is asking us to come and work together. Obviously, there are diverse views, both within the parties and certainly between the parties. But that does not mean, on areas that are getting close to emergencies, we cannot work together.

This proposal, let it be the start. But let this proposal be the start of a coming together on issues we can agree on. There are some job proposals my colleagues on this side of the aisle would support and my colleagues on the other side would not and vice versa. There are some they would support and we would not.

But there are a large number we can all agree on. We ought to endeavor to do them because what the American people want is not us just talking at one another and accomplishing nothing but us getting something done.

Finally, going back to the merits of this proposal, it should not be sold as a panacea. This is not a magic wand that is going to be waved and all our joblessness will decline.

But what it does do is harness the economic growth we have seen in the last quarter, 5.7 percent, and translates

it into the creation of jobs. Let me explain. In the last quarter, there was economic growth, 5.7 percent, but hardly a job was created. You cannot sustain an economy and get an economy moving upward unless jobs are created.

But the growth gives us an opportunity—not every employer but a significant number of employers are getting new orders. They are thinking to themselves: Should I hire that new worker or should I just extend overtime or cut back somewhere else?

This job provision, a payroll tax holiday, says to the employer—to some, not all but to many—I am going to take that gamble and hire that worker and hire them now so it will help jumpstart our economy. It will work for businesses, not those that see declining sales or flat sales but those that are beginning to see sales go up and will translate those increased sales into increased jobs, which will then, hopefully, create the virtuous cycle of more jobs, more money in the economy, more jobs still, more money in the economy still, and we can get out of this awful recession.

In conclusion, I wish to save enough time for my friend from New Hampshire. I traveled around my State this last Presidents week break. In every corner of my State, I sat with the unemployed. It was heartbreaking. Think of those people and those faces, what they had to say late at night.

A woman from Rochester had worked for 20 years for Xerox, lost her position in human services up in Rochester. She has been looking for 2 years, close to 2 years, for a job. She made a very good salary. She did not have a family. Her job was her life. She has turned things inside out to try and find comparable work. She cannot.

I met a man who was a blue-collar worker. He had risen to the top of his craft, tool and die. He thought he had a great life—worked hard, had six children, a good marriage. A year ago he lost his job and is still paying the mortgage. His wife cannot work to support him because of the six kids, one of whom was 2 years old, as I recall.

What is he going to do? You meet people like this again and again. Young college students get out of college, bright-eyed and bushy-tailed, and cannot find work. How disillusioning at the beginning of their career.

So we have an imperative to do something. We have an imperative not to say: It has to be my way or no way. We have to put those people back to work.

That is what Senator HATCH and I attempted to do with our proposal. To our leader, I wish to pay him a tremendous tribute. He was focused on getting this done. He took brickbats left and right. But the ultimate wisdom of what he did is now being seen as we move this bill on the floor today.

Hopefully, it will go through the House and be on the President's desk shortly. I thank Senator HATCH and all my colleagues who, hopefully, in a few minutes, will come together in a bipartisan way and tell the workers who are

unemployed: Yes, there is some hope. Tell the voters from Massachusetts: Yes, we have heard you. We are focusing on jobs.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire is recognized.

Mr. GREGG. Mr. President, I believe the first obligation of a government—or one of the obligations, especially of Congress—is to live by its own words and live by its own rules. With great fanfare a couple weeks ago, the Democratic leadership and its membership passed a pay-go piece of legislation which says that when you bring spending legislation to the floor, it should be paid for. There was great breast-beating on the other side of the aisle about how this would discipline the government and make us fiscally responsible.

Now we see, as the first piece of legislation to come forward since the pay-go resolution passed, a bill which violates that pay-go resolution. This bill spends \$12 billion that is not paid for under the pay-go rules over the next 5 years. It is in violation of the concepts and the rules which were put forward by the other side as the way we would discipline spending.

I understand—and I think most of us understand—the issue of the economy is critical, getting people back to work is critical, but I don't think we get people back to work by loading more and more debt onto the next generation. Probably we create an atmosphere where folks who are willing to go out and invest and create jobs are a little reticent to do so because they don't know how all that debt the Federal Government is putting on the books will be paid for. I presume that is one of the reasons the pay-go legislation was brought forward a couple of weeks ago, to try to give some certainty to the markets and to the American people who were upset with all the deficit and debt, that we would discipline ourselves.

Now the first bill that comes forward violates the rules of the Senate by adding \$12 billion of spending which is not paid for, which will be deficit spending, and which will be added to the debt. I am not sure how you vote for this bill when it violates that rule which you just voted for 2 weeks ago. It seems a bit of inconsistency that is hard even for a political institution to justify.

On top of that, this bill has massive gamesmanship in the outyears. It is a bill of \$15 to \$18 billion in spending, but actually, because of the games played in the highway accounts, it adds \$140 billion of spending that is not paid for which will be added to the debt if this bill is passed. That is a hard number. That is a big number. That is a real number.

The simple fact is, this bill, in the classic gamesmanship we see from the highway committee, spends money we don't have and then claims we have the money. In the end, all that money has to be borrowed because there are no revenues to cover it.

If this bill is passed, there will be \$140 billion in new debt put on our kids' backs as a result of this alleged small number. I forgot what the number is they claim is actually in the bill. How does that happen? This bit of gamesmanship ought to be explained because it keeps being undertaken by the highway committee in the most egregious way relative to proper fiscal management. In fact, if this were done in an accounting cycle that was subject to accounting rules, the people who claim this sort of sleight of hand would go to jail. It is that simple. They would go to jail because this is such a fraud on the American taxpayer.

What they are claiming is that the highway fund, on which they have committed to spend much more money than is coming in, and they knew they would spend more money than was coming in because they wanted to spend more money than was coming in, what they are claiming is that highway fund lent the general fund money 10 years ago and that money should have had interest paid on it. Of course, at the time, they actually waived the interest, assuming interest should have been paid on that. That interest has been recouped a couple of times now, allegedly, even if it were owed. But what they claim is that because the money is coming out of the general fund to fund the highway fund, they are calling that an offset so it won't score.

Unfortunately, under the present rules with which we budget around here, it doesn't score because it is built into the baseline. It adds up to \$140 billion over the next 10 years, approximately, that is going to come out of the general fund to fund the highway fund because the people who run the highway fund don't have the courage to fund what they want to spend. So they are going to take it out of the general fund. Where does the general fund get its money? It borrows it from our children and grandchildren. It runs up debt. That is why, under any scenario, no matter what gamesmanship you play around here on naming this event, it turns out to be the same thing: debt added to our children's burden.

Our children already have a fair amount of debt coming at them as a result of this Congress's profligacy. Under the President's budget, the deficit will double in the next 5 years and triple in the next 10 years. We will add \$11 trillion of new debt to the backs of our children over the next 10 years under the President's initiatives, every year for the next 10 years. We will average deficits of \$1 trillion.

The American people intuitively understand that cannot continue; it can't keep up. We are on an unsustainable course. We are running this Nation into a ditch on the fiscal side of the ledger. We are putting this Nation into financial bankruptcy because of the fact that we are running up deficits and debt far beyond our capacity to repay. In fact, if you look at these defi-

cits and debt just in the context of what other industrialized nations do—for example, the European Union—they don't allow their states to exceed deficits of 3 percent or a public debt to GDP ratio of 60 percent. The way this works out, we are going to run deficits of about 5 percent every year for the next 10 years, we will have a public debt situation of well over 60 percent next year, and we will get to 80 percent before the next 10 years are up. Those are numbers which lead to one conclusion—that we are in deep trouble. We are in deep, deep trouble. Yet we come here today with a bill which aggravates that situation relative to the pay-go rules by \$12 billion and relative to the highway fund by \$140 billion.

Mr. INHOFE. Mr. President, I have a unanimous consent request.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire has the floor.

Mr. GREGG. I will yield for the purpose of a unanimous consent request.

Mr. INHOFE. I ask unanimous consent that at the conclusion of the remarks of the Senator from New Hampshire, I be recognized for up to 3 minutes.

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

Mr. GREGG. What we have before us today is a bill which, first, violates the pay-go rules which we just passed a couple of weeks ago to the tune of \$12 billion and, second, puts in place a glidepath, which should be called a nosedive, toward \$140 billion of new debt being put on the backs of our children, with the alleged justification that it is offset when, in fact, the offset is superficial, Pyrrhic, and nonexistent.

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

Mr. GREGG. We can not keep doing this. We cannot keep doing this to our children. We cannot keep coming out here and claiming we are being fiscally disciplined when we are doing just the opposite: spending money we don't have and passing the bill on to our kids.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, when the Senator from New Hampshire talks about what we can and can't do to our children, I remind my fellow Senators, I happen to be blessed with 20 kids and grandkids. I am probably more concerned than anyone else here about future generations. Let me say, to redeem myself in advance, I am a conservative. I have been ranked No. 1 by the ACU, Man of the Year by Human Events. Yet I think we are supposed to be doing something when we come here to Washington. I have always said, when I run for office, that the two main things we are supposed to do are defend America and infrastructure. Yes, I am the ranking member on the Environment and Public Works Committee. I was the sponsor of the bill in

2005, and I am proud of it because we had to do something about infrastructure. I don't know, maybe there aren't any roads in New Hampshire, but I can tell you, don't buy into the argument that this is all debt. We are talking about \$12 billion.

This bill actually does two things. It has some very good reductions in taxes. I remember so well that John Kennedy, when he was President, said we have to raise more revenue. The best way is to reduce marginal rates. From 1961 to 1968, it went from \$94 billion to \$153 billion. That is in this thing. But the main thing here I am concerned about is we keep doing nothing about roads and highways and infrastructure. That is what we are supposed to do.

I know the Senator is sincere when he comes up with this, but where was his concern back when he voted to give an unelected bureaucrat \$700 billion? That wasn't offset. We can say that was a loan, but we all know better.

There are some things we are supposed to be doing in America, and the second most important thing, in my view—I know others don't share this view—is to do something about infrastructure. This bill does it. This carries it on to the end of the fiscal year, about 11 more months. If we don't do it, it is costing about \$1 billion a month by inaction. If we try to do this by extending it month by month, each one of us in this body is going to lose a lot of money that goes to roads and highways and infrastructure.

Last week had a crumbling bridge in Oklahoma where no one was killed, but it came very close to that. We saw what happened up in Minnesota. We have to do something, instead of spending all of our money, as this administration is doing, on social engineering. We need to start building bridges and roads and repairing them.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Joint Committee on Taxation document en-

titled "Estimated Revenue Effects of the Revenue Provisions Contained in Senate Amendment 3310, The 'Hiring Incentives to Restore Employment Act,' under consideration by the Senate" be printed in the RECORD.

In addition, the RECORD should reflect that the document entitled "Technical Explanation of the Revenue Provisions Contained in Senate Amendment 3310, The 'Hiring Incentives to Restore Employment Act,' under consideration by the Senate" can be found on the Joint Committee on Taxation website at <http://jct.gov/publications.html?func=startdown&id=3648>. This document is a contemporary explanation of the legislation that reflects the intentions of the Senate and its understanding of the legislative text.

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

JOINT COMMITTEE ON TAXATION
February 23, 2010
JCX-5-10

ESTIMATED REVENUE EFFECTS OF THE REVENUE PROVISIONS CONTAINED IN SENATE AMENDMENT 3310,
THE "HIRING INCENTIVES TO RESTORE EMPLOYMENT ACT,"
UNDER CONSIDERATION BY THE SENATE

Fiscal Years 2010 - 2020

[Millions of Dollars]

Provision	Effective	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2010-15	2010-20
I. Incentives for Hiring and Retaining Unemployed Workers														
1. Payroll tax forgiveness for hiring unemployed workers (sunset 12/31/10) [1].....	wpa DOE	-4,184	-3,432	--	--	--	--	--	--	--	--	--	-7,616	-7,616
2. Business credit for retention of certain newly hired individuals in 2010.....	wpa DOE	--	-2,137	-2,430	-422	-193	-112	-48	--	--	--	--	-5,294	-5,342
Total of Incentives for Hiring and Retaining Unemployed Workers.....		-4,184	-5,569	-2,430	-422	-193	-112	-48	--	--	--	--	-12,910	-12,958
II. Expensing - Increase in Expensing of Certain Depreciable Business Assets (sunset 12/31/10).....														
tyba 12/31/09		-556	-368	305	192	140	108	68	39	19	9	8	-178	-35
III. Qualified Tax Credit Bonds - Allow a Refundable Credit to the Issuers of Qualified Zone Academy Bonds, Qualified School Construction Bonds, New Clean Renewable Energy Bonds, and Qualified Energy Credit Bonds [2].....														
bia DOE		-56	-402	-539	-479	-373	-270	-175	-80	-62	-48	-37	-2,119	-2,520
IV. Revenue Provisions Contained in Extension of Current Surface Transportation Programs - Extend Highway Trust Fund (sunset 12/31/10), Provide for Interest and Certain Fund Transfers [3].....														
DOE														
V. Offset Provisions														
A. Foreign Account Tax Compliance.....	various	343	448	710	769	804	840	878	917	958	1,001	1046	3,914	8,714

----- No Revenue Effect -----

Provision	Effective	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2010-15	2010-20
B. Delay Implementation of Worldwide Interest Allocation Until 2020.....	tyba 12/31/17	--	--	--	--	--	12	97	131	1,897	3,811	2,013	12	7,961
Total of Offset Provisions.....		343	448	710	769	804	852	975	1,048	2,855	4,812	3,059	3,926	16,675
NET TOTAL		-4,453	-5,891	-1,954	60	378	578	820	1,007	2,812	4,773	3,030	-11,281	1,162

Joint Committee on Taxation

NOTE: Details may not add to totals due to rounding.

Legend for "Effective" column:

bia = bonds issued after

DOE = date of enactment

tyba = taxable years beginning after

wpa = wages paid after

[[1] The proposal also appropriates a transfer from the General Fund to the Social Security Trust Fund to keep the trust fund whole. Thus, the reported estimate is all on-budget.

[2] Estimate includes the following increase

in outlays.....

[3] Estimates for the rest of this title will be provided by the Congressional Budget Office.

[illegible]

Mr. HATCH. Mr. President, I rise today to discuss the so-called jobs legislation that is before the Senate this afternoon and to express my grave concerns with the direction this bill has taken over the past few weeks.

Several of my Finance Committee colleagues on both sides of the aisle put a lot of time and effort into creating a compromise jobs bill that Chairman BAUCUS and Senator GRASSLEY were trying to move forward. Indeed, I had high hopes that we might help thaw the partisan freeze that has gridlocked this chamber for far too long. Unfortunately, our efforts and hopes have been dashed by the majority leader's inexplicable decision to gut our bill and replace it with a piece of legislation that replaces cooperation with contention.

Further exacerbating matters, the Democratic leadership has filled the amendment tree, thus preventing anyone from being able to offer amendments that would improve the underlying bill. So much for compromise.

As a longtime public servant of this great deliberative body, I can't recall a decision that exhibited as much raw political gamesmanship as this one does. The Democratic leadership is stifling the first genuine attempt at cooperation on a major issue—a move that bodes ill for bipartisanship for the remainder of this Congress.

Given what is happening with this jobs bill, how can we in the minority have faith that we won't be excluded from debate on future legislation such as health care and energy legislation? It is easy to label the Republicans as the "Party of No" when you completely exclude them from the legislative process. Unfortunately, the majority leaves us with little other option than to say "no."

But what puzzles me the most is what the majority has to gain from this partisan maneuver. In my experience, the Senate operates best when there is trust that agreements will be honored, but regrettably now even that is in question.

Just a few weeks ago, I sat in the House Chamber while the President gave his State of the Union Address in which he raised the importance of bipartisan cooperation, especially in the area of job creation. The fact that the President hit a nerve with this plea is evident by the effort to build such a bipartisan bill in the Finance Committee in the weeks that followed. However, it is obvious that many on the other side cannot stand the thought of working with our side when there might be political points to be scored by trying to embarrass us.

Here are a few of the things the President said about the need for bipartisanship in his State of the Union Address:

And what the American people hope—what they deserve—is for all of us, Democrats and Republicans, to work through our differences.

[Americans] are tired of the partisanship and the shouting and the pettiness.

These aren't Republican values or Democratic values that they're living by; business values or labor values. They're American values.

The President went on to address the need to promote job growth by saying:

Now, the true engine of job creation in this country will always be America's businesses.

We should start where most new jobs do—in small businesses, companies that begin when an entrepreneur takes a chance on a dream, or a worker decides it's time she became her own boss.

And finally:

[We should] Provide a tax incentive for all large businesses and all small businesses to invest in new plants and equipment.

While these challenges and standards were set by the President, the leader of the Democratic Party, I believe most Republicans would agree with him. The American people are suffering. Our unemployment rate is near double digits. We owe it to the unemployed and underemployed to put aside partisan politics so that we can create jobs and make our economy stronger.

Soon after President Obama addressed the Nation, Senate Democratic and Republican leaders went to work on a bipartisan solution to create a jobs-growth bill. I worked with Senator SCHUMER to come up with a payroll tax holiday for companies that hired more employees. Under this incentive, the sooner a company hired an unemployed worker the more tax incentive the company would receive. I believe that this initiative is a perfect example of the kind of bipartisanship the President talked about during his State of the Union Address.

In addition, Senators BAUCUS and GRASSLEY joined in this effort by including several other provisions aimed at job growth and to address the symptoms of a failing economy. This was a compromise that included an extension of unemployment insurance, Build America Bonds, and expired tax provisions.

Let me be clear. There is no doubt in my mind and in the mind of many of my colleagues that passing a jobs bill is crucial. We have seen our unemployment rate remain at about 10 percent since September. The American people sent us here to do a job, and it is way past time we did it.

This is why it was so disheartening on February 11, when the Senate majority leader announced that he would scrap the compromise proposal only hours after its unveiling and proceed instead with a stripped-down bill that would not extend any of the expiring tax proposals that are so vitally important to job growth. This decision not only pulled the rug out from Republicans, but it floored those Democrats who had been working for weeks on a bipartisan solution.

Regrettably, because of this decision, it looks as though President Obama's hope for a bipartisan solution to job creation only lasted 2 weeks. What a shame!

To illustrate the abruptness of and surprise caused by the majority lead-

er's unexpected action, just look at the next-day's headlines:

"Key Dem: Reid scrapped jobs bill because he did not trust Republicans"—The Hill

"Reid kills Baucus-Grassley jobs bill"—The Politico

"Senate leader slashes jobs bill; Despite new support"—LA Times

But it doesn't end there. The majority leader sent a pretty strong message when he said that he—and I quote—"dared Republicans to vote against his bill."

Many Democratic Senators were quick to stand behind the majority leader's reversal, just seconds after supporting the bipartisan jobs bill. Some even stated that we Republicans were not interested in a bipartisan deal because we were more inclined to "play rope-a-dope again." They went on to characterize the tax extenders as only "going to people who are making money, and they generally keep it." They even went so far as to say that what the Democratic Caucus is taking to the floor is something that is more focused on job creation than on tax breaks.

What most surprised me is just how quickly many Democratic Senators were to abandon these tax extenders, even though most of them support extending these very expiring tax provisions. In fact, the Democratic leadership has erroneously labeled the tax extenders as solely a Republican-supported initiative. This is hardly the case, considering the Democratic-led House has already passed nearly all of these tax extenders and the President called for them to be passed in his speech before Congress.

There is an array of expiring tax provisions contained in the tax extenders package. Here are a few that are included:

Also, many Democrats, including the majority leader, are cosponsors of legislation that would extend many of the expiring tax provisions. Look at the bill to extend the research tax credit, or the alternative fuels vehicle credit, or even the new markets tax credit. These are by no means solely Republican initiatives.

In fact, there are many business tax incentives included in the tax extenders package that are primarily supported by some of the Senators who have been the most vocal against including the expired provisions in the jobs bill. These Democratic-supported business incentives include a mine rescue team training credit and special expensing rules for certain film and television productions.

Therefore, to label the support of extending these expiring tax provisions as part of a solely Republican agenda is misleading, unfair, and unwarranted. I believe that these statements were made only to support the majority leader, who appeared to have made a hasty and ill-considered decision.

Some have questioned how extending these expired tax provisions relate to job creation. It is a fair question, but

one with easy answers. The extension of these expired tax provisions would support proven growth of companies that are slowly beginning to see the light at the end of the tunnel. Conversely, government funding would only provide a false sense of job growth because once the government funding is gone so will the jobs.

If we need proof that government spending isn't as effective as tax relief, we only have to look to what the Congressional Budget Office said last year about the effects of the year-old economic stimulus package:

The legislation would increase employment by 0.8 million to 2.3 million by the fourth quarter of 2009, by 1.2 million to 3.6 million by the fourth quarter of 2010, by 0.6 million to 1.9 million by the fourth quarter of 2011, and by declining numbers in later years.

The reason for this drop in employment is because government spending does not create permanent jobs; only the private sector can. In contrast to government spending, tax incentives would give the private sector a much-needed boost. If we had included more tax incentives for businesses in last year's stimulus bill, we would have created jobs that will last far longer than the ones government spending has created.

Originally projected to cost \$787 billion, the stimulus bill is now expected to total \$862 billion over 10 years, according to the Congressional Budget Office. This does not include interest owed, which would put the total cost in the trillions of dollars.

Thus far, only a third of the \$862 billion stimulus package has been spent. Another third is expected to be spent in 2010, and the remaining third after this year. Whatever happened to spending money on projects deemed to be "shovel ready?"

The administration has claimed the stimulus bill is responsible for creating or saving 1 million jobs—a very misleading claim.

For example, it was reported that a construction company in Nevada created 20 jobs on a project that has yet to receive money. A school district reported saving 665 jobs, even though it only employs roughly 600 people. A town in Oregon reported creating eight jobs on a contract for "rattlesnake stewardship."

In January 2009, President Obama's economic advisors predicted in a report that with an \$800 billion stimulus, the unemployment rate would never go above 8 percent. As I stated previously, unemployment has been near 10 percent since last September.

Moreover, the stimulus package was sold to the American people as an immediate fix—a "jolt" to the economy. The President's chief economic advisor, Larry Summers, said: "You'll see effects immediately." Christina Romer, the President's chair of Economic Advisers, said: "We'll start adding jobs rather than losing them." And House Majority Leader STENY HOYER

said, "This will begin creating jobs immediately."

When pitching the stimulus bill, then-President-elect Obama said "90 percent of these jobs will be created in the private sector—the remaining 10 percent are mainly public sector jobs." However, the Wall Street Journal reported in a February 17 article that government data indicate most jobs supported by stimulus dollars belonged to government employees at the State and local level. In fact, only 2 percent of the entire stimulus bill was dedicated toward tax relief for businesses.

We need to provide a foundation to allow the private sector to nourish and create better paying jobs. That is why many support including these tax extenders in a jobs bill.

For instance, it is estimated that that approximately 70 percent or more of the research tax credit benefits are attributable to salaries of performing U.S.-based research. How can some Senators disregard the effectiveness of some of these tax extenders on job growth? And keep in mind that the research credit has traditionally received more Democratic than Republican support in this body. In fact, there is a bill to extend the expiring research tax credit. Of the 18 cosponsors of this bill, 11 are Democrats. Furthermore, this bill was introduced by the Democratic chairman of the Senate Finance Committee.

As I stated earlier, the President set the tone at the beginning of the year by calling on Congress to put forth a bipartisan solution to create jobs. In response, both Democrats and Republicans brought innovative ideas to the table. Then, in a sudden change of events, many Republican ideas were excluded from the jobs bill the majority leader has brought to the floor. Finally, the majority leader is not allowing our side to offer any amendments.

If this is not an arrogance of power, then I do not know what is. I only hope the majority leader heeds President Obama's plea for a bipartisan solution.

I think one Democrat, learning of the majority leader's action, said it best:

Most Americans don't honestly believe that a single political party has all the good ideas. I hope the majority leader will reconsider."

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

The Senator from New Hampshire.

Mr. GREGG. Mr. President, I ask unanimous consent to engage in a colloquy with the Senator from Oklahoma for 2 minutes.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. SCHUMER. Mr. President, I have to object because the vote was set for 9:55.

The ACTING PRESIDENT pro tempore. Objection is heard.

The Senator from New York is recognized.

Mr. SCHUMER. Mr. President, we have had so much partisan gridlock. Today we have a real opportunity to

show that this new legislative year can break through that with something meaningful to the American people, a jobs bill. I am hopeful that many colleagues on the other side of the aisle will join us. There has been great input from Senator INHOFE and Senator HATCH. These are people who are conservative, have different voting records than I, but they say we have to do something. I thank the new Senator from Massachusetts for leading the way and breaking through the miasma. This is a good, focused bill. It is a modest bill, but it will do some good for the hundreds of thousands and perhaps millions who are looking desperately for work. When they find jobs, our economy begins to move forward. That is long overdue.

Both sides of the aisle can show the American people we have heard them by overwhelmingly passing this well-crafted, well-honed, modest piece of legislation aimed at issue No. 1: jobs and the economy.

I yield the floor.

The ACTING PRESIDENT pro tempore. Under the previous order, the question is on agreeing to the motion offered by the Senator from Maryland, Mr. CARDIN, to waive the Budget Act and budget resolutions with respect to the motion offered by the Senator from Nevada, Mr. REID, to concur with an amendment in the House amendment to the Senate amendment to H.R. 2847.

The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Michigan (Mr. LEVIN) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Texas (Mrs. HUTCHISON) and the Senator from Arizona (Mr. MCCAIN).

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 62, nays 34, as follows:

[Rollcall Vote No. 24 Leg.]

YEAS—62

Akaka	Feingold	Murray
Baucus	Feinstein	Nelson (FL)
Bayh	Franken	Pryor
Begich	Gillibrand	Reed
Bennet	Hagan	Reid
Bingaman	Harkin	Rockefeller
Bond	Inhofe	Sanders
Boxer	Inouye	Schumer
Brown (MA)	Johnson	Shaheen
Brown (OH)	Kaufman	Snowe
Burris	Kerry	Specter
Byrd	Klobuchar	Stabenow
Cantwell	Kohl	Tester
Cardin	Landrieu	Udall (CO)
Carper	Leahy	Udall (NM)
Casey	Lieberman	Voinovich
Collins	Lincoln	Warner
Conrad	McCaskill	Webb
Dodd	Menendez	Whitehouse
Dorgan	Merkley	Wyden
Durbin	Mikulski	

NAYS—34

Alexander	Brownback	Chambliss
Barrasso	Bunning	Coburn
Bennett	Burr	Cochran

Corker	Hatch	Risch
Cornyn	Isakson	Roberts
Crapo	Johanns	Sessions
DeMint	Kyl	Shelby
Ensign	LeMieux	Thune
Enzi	Lugar	Vitter
Graham	McConnell	Wicker
Grassley	Murkowski	
Gregg	Nelson (NE)	

NOT VOTING—4

Hutchison	Levin
Lautenberg	McCain

The ACTING PRESIDENT pro tempore. On this vote the yeas are 62, the nays are 34. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Under the previous order, amendment No. 3311 is withdrawn.

The question is on agreeing to the motion to concur with an amendment to the House amendment to the Senate amendment to H.R. 2847.

Mr. DURBIN. Mr. President, I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. LAUTENBERG) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Texas (Mrs. HUTCHISON).

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 70, nays 28, as follows:

[Rollcall Vote No. 25 Leg.]

YEAS—70

Akaka	Feingold	Murkowski
Alexander	Feinstein	Murray
Baucus	Franken	Nelson (FL)
Bayh	Gillibrand	Pryor
Begich	Hagan	Reed
Bennet	Harkin	Reid
Bingaman	Hatch	Rockefeller
Bond	Inhofe	Sanders
Boxer	Inouye	Schumer
Brown (MA)	Johnson	Shaheen
Brown (OH)	Kaufman	Snowe
Burr	Kerry	Specter
Burr	Klobuchar	Stabenow
Byrd	Kohl	Tester
Cantwell	Landrieu	Udall (CO)
Cardin	Leahy	Udall (NM)
Carper	LeMieux	Voinovich
Casey	Levin	Warner
Cochran	Lieberman	Webb
Collins	Lincoln	Whitehouse
Conrad	McCaskill	Wicker
Dodd	Menendez	Wyden
Dorgan	Merkley	
Durbin	Mikulski	

NAYS—28

Barrasso	Ensign	McConnell
Bennett	Enzi	Nelson (NE)
Brownback	Graham	Risch
Bunning	Grassley	Roberts
Chambliss	Gregg	Sessions
Coburn	Isakson	Shelby
Corker	Johanns	Thune
Cornyn	Kyl	Vitter
Crapo	Lugar	
DeMint	McCain	

NOT VOTING—2

Hutchison	Lautenberg
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The motion was agreed to.

Mr. KAUFMAN. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The bill, H.R. 2847, as amended, was passed.

(The bill will be printed in a future edition of the RECORD.)

MORNING BUSINESS

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

The Senator from Illinois is recognized.

BLACK HISTORY MONTH

Mr. BURRIS. Mr. President, this Monday, I was honored to stand before this Chamber and read George Washington's Farewell Address. This annual tradition invites Members of the Senate, as well as the American people, to pause and reflect on the wisdom of our first President.

In this historic text, the father of our country lays out a unique view of the Nation he helped to create. It is a testament to the American spirit and a tribute to the American people that this country has come such a long way since the days of our ancestors.

Washington's vision was especially poignant to me, having traced my personal ancestry back to the days of slavery.

As I looked out over this Chamber on Monday, I thought about the reasons we celebrate each February as Black History Month. This year, as Black History Month draws to a close, I cannot help but reflect that Washington's address reminds us that Black history and American history are inseparable from one another; that the American story cannot be distilled into the Black experience and the White experience but that both are essential components of the American experience.

The story of this country is a story of expanding equality and opportunity, of people and institutions grappling with social change and striving to live up to the promise of a single line in the Declaration of Independence which laid out the creed that came to define this Nation:

We hold these truths to be self-evident, that all men are created equal. . . .

With these simple words, a slave owner named Thomas Jefferson laid the cornerstone of the free America we know today, even if the noble sentiment was not realized for all Americans until more than a century later. Although we have seen such injustice—though our journey toward freedom and equality is far from over—we can draw great strength from the promise that was woven into the fabric of our Nation on the day we declared our independence.

Black History Month is a time to remember those who have taken part in every step of that ongoing journey and to celebrate the legacy they have left behind for each of us.

At every moment in our past, African Americans have stood shoulder to shoulder with their countrymen from all races, backgrounds, and walks of life to help chart our course and define who we are to become: from the slaves who laid the very foundation of this Capitol Building to the businessmen and entrepreneurs who helped build our modern economy; from the "King" who dared to dream of an America he would never live to see to the President who reached the mountaintop; from the man who was born into the bonds of slavery to his great grandson who stands today before his peers in the Senate.

Each of these stories, however ordinary or remarkable, illustrates how Black history is woven deeply into the broad canvas of American history and why the two are inseparable from one another.

For me, this reality was brought to life the moment I stood at the front of this Chamber and began to read the words that our first President wrote to his countrymen more than two centuries ago. Yet it was the visionary leadership and high ideals of men such as Washington and Jefferson which transcended the prejudice of their times and made it possible for later generations to tear those inequalities to the ground.

All Americans have benefited from this profound legacy. We all have an interest in preserving the history we share.

In the closing days of this Black History Month, I urge my colleagues to reflect not only on the ways African Americans have contributed to American history but also on the ways we can move forward together as one Nation, just as Washington calls us to do in his Farewell Address.

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

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

The legislative clerk proceeded to call the roll.

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

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

UNITED STATES CAPITOL POLICE ADMINISTRATIVE TECHNICAL CORRECTIONS ACT OF 2009

Mr. REID. Mr. President, I ask the Chair to lay before the Senate a message from the House with respect to H.R. 1299, the U.S. Capitol Police administrative authorities.

The PRESIDING OFFICER. The Chair lays before the Senate a message from the House.

The legislative clerk read as follows:

Resolved, that the House agree to the amendment of the Senate to the bill (H.R. 1299) entitled "An Act to make technical corrections to the laws affecting certain administrative authorities of the United States

Capitol Police, and for other purposes," with a House amendment to the Senate amendment.

CLOTURE MOTION

Mr. REID. I move to concur in the House amendment to the Senate amendment, and I have a cloture motion at the desk on the motion to concur.

The PRESIDING OFFICER (Mrs. HAGAN). The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to concur in the House amendment to the Senate amendment to H.R. 1299, the United States Capitol Police Administrative Technical Corrections Act.

Harry Reid, Byron L. Dorgan, Russell D. Feingold, Patrick J. Leahy, Daniel K. Inouye, Kay R. Hagan, Jeff Bingaman, Robert Menendez, Richard J. Durbin, Jack Reed, Mark Begich, Patty Murray, Bernard Sanders, Robert P. Casey, Jr., Barbara Boxer, Jon Tester, John D. Rockefeller IV.

Mr. REID. Madam President, I thought it was important that the clerk read those names. Sometimes they are hard to read.

AMENDMENT NO. 3326

I move to concur in the House amendment with an amendment, which is at the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] moves to concur in the House amendment to the Senate amendment with an amendment numbered 3326.

The amendment is as follows:

At the end of the amendment, insert the following:

The provisions of this Act shall become effective 5 days after enactment.

Mr. REID. I now ask for the yeas and nays on that amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 3327 TO AMENDMENT NO. 3326

Mr. REID. Madam President, I have a second-degree amendment now at the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 3327 to amendment No. 3326.

The amendment is as follows:

In the amendment, strike "5" and insert "4".

MOTION TO REFER WITH AMENDMENT NO. 3328

Mr. REID. Madam President, I move to refer with instructions, which is also at the desk.

The PRESIDING OFFICER. The clerk will report the motion.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] moves to refer the House message to the Senate Committee on Rules with instructions to report back forthwith, with an amendment numbered 3328.

The amendment is as follows:

At the end, insert the following:

The Senate Rules Committee is requested to study the benefit of enacting a travel promotion measure, and the impact on job creation by its enactment.

Mr. REID. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 3329

Mr. REID. Madam President, I have an amendment to my instructions, which is at the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 3329 to the instructions of the motion to refer.

The amendment is as follows:

At the end, insert the following: "and include reasonable statistics of job creation."

Mr. REID. I ask for the yeas and nays on that amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 3330 TO AMENDMENT NO. 3329

Mr. REID. Madam President, I have a second-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 3330 to amendment No. 3329.

The amendment is as follows:

At the end, insert the following: "including specific data on the types of jobs created."

Mr. REID. Madam President, I ask unanimous consent that the mandatory quorum be waived with respect to the cloture motion.

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

Mr. REID. Madam President, I say for the benefit of Members, under the rules, this cloture motion will ripen Friday morning. I do not think there is going to be a lot of talk during the next 2 days on this matter, and I would certainly be happy to move up this time and have the vote earlier. But we will wait until we hear from the Republicans.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. REED. Madam President, we have today taken a very strong, positive step forward in terms of responding to the No. 1 crisis in our economy, and that is jobs for all of our people. Under Leader REID's leadership, we were able to get a bill through, with a huge majority, and it signals, I hope, not only attention to jobs but also the willingness and the ability to find common ground to serve the people of our country.

We are now on the travel promotion bill, which is another piece of legislation designed to encourage job creation in the travel industry. All of this is good news. The legislation we propose this morning combines elements of tax breaks for small businesses so they can expense their items, increase their cashflow, and hire more people with credits for hiring people. There is a huge investment in our infrastructure, which will put people to work in the building industry and in industries that supply all these infrastructure projects, and there is also a significant commitment to Build America Bonds. These are good programs, and they are fully paid for.

We are now taking up the challenge to put people to work, to do it in a responsible way, and to do so in a way that we can attract bipartisan support. But there is much more to do. There is the recognition that we have to not only create jobs but for the foreseeable future deal with those people who have been looking unsuccessfully for jobs and who are unemployed. In my home State of Rhode Island, the unemployment rate is 12.9 percent. That is the official rate. Unofficially, it is much higher, as many people have dropped out of the workforce. If you look at sectors in terms of ethnicity or age, the numbers are even more startling. The bill we passed this morning is a good first step forward, but we have to do much more.

I think one of the first jobs we have to address is the extension of unemployment benefits. They will expire this Sunday. We have to recognize that, despite many efforts here, there are millions of Americans who are looking every day and not finding work. They need support.

All of the economists who have looked at these programs indicated that not only do they support individuals and families, they provide a tremendous multiplier of economic activity for every dollar we commit to the program. There is, as they say, a big bang for the buck. People who are without a job will take their benefits and invariably they will have to support themselves in terms of going to the grocery store—doing the things you have to do just to get by day by day. They are not typically saving this money. That helps in the sense of increasing demand in the economy overall, increasing our economic growth.

If Congress fails to act swiftly, 1,200 Rhode Islanders will start losing their benefits each week. It is a small State

and that is a big number. We have never before in our history, at least postwar history, ever terminated extended unemployment and emergency unemployment benefits until unemployment was at least 7.4 percent. At that point it appears, in most cases, that there is a self-sustaining economic growth that will itself begin to continue to lower the unemployment rate. We are far from 7.4 percent. As I said, in my State it is 12.9. The national average is hovering around 10.

We have to do this. Congress has acted eight times—1958, 1961, 1971, 1974, 1982, 1991, 2002, 2008—to establish temporary federal unemployment benefit programs beyond regular unemployment compensation and extended benefits. Not to extend these benefits would essentially reject the consistent record of this Congress of helping Americans when the unemployment rate has reached such extraordinary proportions as it is today, whether the majority is Republican or Democrat. Last November, we did approve, without opposition, an expansion of up to 20 weeks, but now we need to pass a further extension.

As I said before, this is not just about helping families and individuals, it is also about helping the economy. For every \$1 we invest in our unemployment benefits, we see \$1.90 in economic activity overall throughout the economy.

One of the reasons I heard to oppose this morning's legislation: There is not enough demand to justify these tax incentives; they will not be used.

One of the things that does generate demand, consumer demand particularly, is the unemployment compensation program. It is not the way we want to do it. What we would like to see is a productive economy with jobs where the demand comes not only from people working but their being compensated and also being able, with discretionary income, to make consumption choices that today they cannot.

As I said before, we have to think about an agenda for jobs. We passed one piece of legislation today. We are discussing the travel legislation at this moment. We have to then move to the legislation with respect to unemployment compensation. We also have to think about supporting the States with additional FMAP, that is, the funds for Medicaid, because, again, not only will that help our States, but without it you are going to see a contraction in our health care industry in terms of hospitals being able to hire or willing to hire. So we have many steps to go forward.

One aspect of this issue, which I would like to mention is that many of these programs we have talked about—for example, the tax credits for hiring—are nationwide and they miss the point that there are some areas that are much more affected by unemployment than other areas. We have States—and their good fortune is something we should be proud of—that have

rates as low as 4.7 percent for unemployment. Yet they will qualify for these general, generic programs.

As we go forward and start thinking about additional steps, I think we also have to think about how we can target those programs to areas that have critical unemployment situations. Rhode Island, at 12.9 percent, is one, but there are many others. If you look within States, there are regions that have significant unemployment problems. Again, we have taken steps to extend our benefits, but as we go forward, as we consider additional legislation, let's also think seriously about how to make it more effective, more efficient, more targeted.

I again urge all my colleagues to continue the effort and spirit which resulted today in an overwhelming vote for a program that will help Americans and move our country and our economy forward.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

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

Mr. DORGAN. Mr. President, the legislation on the floor of the Senate at this point includes legislation that I have worked on with my colleagues for about 3 years. It is a bipartisan piece of legislation called the Travel Promotion Act. I wish to talk just a bit about it today, but before I do, let me describe the reasons for its importance.

When we began to put this together—as I said, 3 years ago last month, working with a good number of sectors in our economy to try to evaluate how do we promote international tourism to the United States—we were not in a very deep recession. We were in a period of economic growth. In the intervening period, our country has fallen into a very significant and deep recession. It makes the urgency all that much greater to create new jobs and to do so as soon as possible.

Somewhere around 15 million to 17 million people, according to official estimates, woke up this morning in this country of ours without a job. They want a job. They want work. They have looked for work, but they can't find a job in the United States of America.

Now, that number of 15 million to 17 million is ominous enough. Just think of one person this morning who woke up not able to work because they can't find a job, and then think of 15 million or 17 million, and then fast-forward and think of perhaps 25 million to 26 million, which is what is estimated to be the total population of people who are unemployed in America, many of whom have stopped looking for work because

they couldn't find work at all. This is a very big problem, and it affects our country in many ways. It affects the economy in a devastating way. It is very hard on American families when they are not able to find work to be able to take care of themselves. It results in more Federal spending for unemployment insurance and the other things. So we are trying to find ways to put people back to work.

Earlier this week we passed, with the leadership of Senator REID and many others—work that I and Senator DURBIN, Senator SCHUMER, and many others have done—a jobs bill that will begin putting people back to work when it is signed by the President. The legislation that Senator REID brought to the floor today includes the Travel Promotion Act, which will also put people back to work. I wish to talk through this and explain why this is important.

Let me begin by saying that on 9/11/2001, we were the victims of a devastating terrorist attack on our country. Thousands of Americans were killed that day. As a result, since that period of time we have been engaged in an effort to prevent terrorism, to track down the terrorists and destroy the terrorist networks that would visit that kind of tragedy upon our country. But also during that period and following, it became clear to the rest of the world that our country was clamping down on visitation to our country. Many people believed: The United States doesn't want us to visit them anymore. It is harder to get a visa to come to the United States. We are not welcome in the United States. So what happened was, there was a dramatic reduction in visitation to our country by overseas travelers.

Why is that important? When you have millions of people who are traveling around the world to go experience and see the sights and take vacations and so on, they are spending a fair amount of money on those trips. They are creating jobs in many areas, not just hotels and cars and restaurants and so on but in many other areas as well. Our country, for the last 6 to 8 years, has had the experience in which the rest of the world has said: We are going to visit Italy, France, Japan, and India. But fewer of us are going to visit the United States of America.

In fact, we have seen a circumstance where after 9/11, we had fewer and fewer visitors coming to our country; that is, fewer than came before, and last year, in 2009, we had 2.4 million fewer people visit our country than visited our country in the year 2000. Let me say that again because I think it is important. We had 2.4 million fewer people come to the United States of America to visit as overseas travelers than visited in the year 2000.

The Presiding Officer is from the State of New Mexico. It is a wonderful State, and I know it is a State that attracts a lot of visitation not only from people in our country but from people

who come from outside of America to see the wonders of New Mexico. But it doesn't matter whether it is the wonders of New Mexico or Old Faithful in Yellowstone or Niagara Falls or you name it—the cities or the wonders of our country, the great national parks—2.4 million fewer people showed up last year to visit our country.

Let me explain why that has happened. Here are some headlines. The Sydney Morning Herald, Sydney, Australia, headline: "Coming to America Isn't Easy." It describes the difficulty of getting visas and coming to America.

The Guardian in England says: "America: More Hassle Than it's Worth?" Again, difficulty coming to America.

The Sunday Times in London: "Travel to America? No Thanks," says the headline.

The newspaper says:

It is already a nightmare, but now they want to make entry into the U.S. tougher, so let's not go.

Well, let me describe what is happening in other countries at the same time we are taking leave on this issue. Other countries are very busy advertising to the world to say: Are you traveling? Are you taking a vacation? Are you seeing the world? Come to our country. Come to see what is happening.

The poster says: Looking for an experience to remember? Be part of an adventure you will never forget. Come and see Australia. See the wonders. It is true what they say: To find yourself sometimes you need to lose yourself. In Australia they call this "going walkabout." So a big campaign: If you are traveling, come to Australia. Come and see what we have to offer.

A campaign for the Emerald Isle: Go where Ireland takes you. If you are taking a trip, be sure and visit Ireland. Come to Ireland, it says. It is an international campaign.

Japan says: Sweet secrets from Japan. With its many unique culinary arts, they entice travelers; a stunning array of specialties, and on and on. Come to Japan. Thinking of traveling? Show up in Japan.

Are you taking a trip with your family? How about coming to the Eiffel Tower. Come to France in 2009. Vive la France. So France and Japan and India and Ireland say: Come and see us.

Belgium's national campaign says: If you are traveling with your family, come to Belgium where fun is always in fashion.

Brussels, sophisticated simplicity, the capital of cool.

I think you get the point. This one says:

One special reason to visit India in 2009. Any time is a good time to visit the land of Taj, but there is no time like now.

So we have millions of people traveling around the world. On average, overseas travelers spend over \$4,000. All of these countries are saying to those overseas travelers: Come to our coun-

try. See our country and the wonders of what we have to offer the world.

In the United States of America, we have not done that. That is why, in my judgment, at least in part, we had 2.4 million fewer visitors last year than we had in 2000. That is pretty unbelievable.

This proposition is simple. There is a problem. The number of people between the years 2000 and 2009 visiting other countries—overseas travel—has increased by 31 percent. During the same period the number of overseas travelers coming to the United States has decreased nearly 10 percent. So overseas travel is up, but travel to America is down.

There is another important point here. There has been a lot of polling done, and it is clear that to visit America is to have great respect for and love for this country. There is almost no one who comes to this country and tours and travels and visits our country who doesn't leave America with a special understanding of the wonders of this great place. At a time when we want people to understand more about our country, we ought to be inviting them here and saying: Come to America, see what we have to offer.

We ought to be engaged in this process, but we are not. This legislation we are bringing to the floor of the Senate is legislation that will actually increase jobs, we think, by close to 40,000 jobs, according to the estimates. So you will increase 40,000 jobs and, in addition to that, the CBO says this will reduce the Federal budget deficit by nearly \$½ billion. How many pieces of legislation come to the floor of the Senate that will both create jobs and reduce the budget deficit and also give us the opportunity to tell the rest of the world what a wonderful and great place this country is?

That is the reason for this legislation. As we build, one step at a time, opportunities to create additional jobs, this is part of it. The Congressional Budget Office has said that enacting S. 1023 would reduce the budget deficit. I think it will do that and help our country.

The specifics of this legislation will encourage international travel to all parts of this country. I think it will provide economic growth to all parts of our country. This creates a corporation for travel promotion. That is what we create—an independent, nonprofit corporation to be governed by an 11-member board of directors appointed by the Secretary of Commerce, and it creates the Office of Travel Promotion in the Department of Commerce—one that used to exist but no longer does, and it hasn't for a long while.

The purpose of this is to engage in the kind of campaign that exists in most other countries in the world and to say to those traveling around the world: Come here. You are welcome here. We want you here. Come and understand and experience this country called the United States of America.

Let me pay special attention to the work Senator REID has done, and Senator ENSIGN who is a cosponsor and worked on this in the Commerce Committee with me, Senator INOUE, Senator VITTER, and Senator KLOBUCHAR. Let me say that Senator KLOBUCHAR, in the Commerce Committee working on tourism following my chairmanship of the tourism subcommittee, has taken on this issue with gusto and is a very important part of getting this done. My hope is that when we finish this, when the President signs this bill, all of us will understand that at a time when there is so much partisanship, and when it appears to the American people that so little can be agreed upon and that so little gets done—there is all that notion out there—the fact is, this is bipartisan, good for the country, will reduce the budget deficit, and it will increase jobs and put people back to work.

If ever something had all of the things that are necessary to have merit and to be worthy, this legislation surely does that.

My colleague from Minnesota, Senator KLOBUCHAR, as I indicated, has done yeoman's work with me and others to put this together. We hope, of course, those who would come to our country would especially visit North Dakota and Minnesota and stay for a very long period of time—yes, we all have parochial interests—and perhaps North Dakota even more than Minnesota. I might say from my own perspective. I do think it is seldom that we can come to the floor and say here is a piece of legislation that Republicans and Democrats support.

We had one vote on it already. It had 79 votes in support in the Senate. Seldom can we say here is a bill that is bipartisan that does a lot of good things for our country.

Thanks to the majority leader for putting this back on the floor. I congratulate him for his work on it and my colleague Senator KLOBUCHAR as well.

I yield the floor.

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

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent to speak for up to 10 minutes.

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

Ms. KLOBUCHAR. Mr. President, I thank Senator DORGAN for his great leadership. For so long, he has been working on this. I have a feeling this is finally going to get done. It is true and we invite the Presiding Officer to visit North Dakota and Minnesota. I think he thinks the State of New Mexico is pretty cool, but he has never been to Teddy Roosevelt Park in North Dakota.

So often marketing campaigns for our country are done by specific cities such as Las Vegas and New York, which is important. But when you look

at this country, marketing our country as a whole is going to mean something. We are competing against countries the world over that do this all the time. That is why we have seen a 20-percent decrease in international visitors.

When I held a hearing on this issue, along with former Senator Martinez, this past year, there was a story in the Washington Post, in good humor, about all the Senators hawking their own States and the deals you could get—whether it was Senator BEGICH's \$99 cruise in Alaska or the stuff I talked about with Duluth, MN. We were doing that because people need to know about the opportunities in America. Doing it at a Commerce Committee hearing is not going to be anything compared to what France, Indonesia, and other countries are doing. They are bringing in visitors. They spend thousands and thousands of dollars.

We are doing this jobs bill this week, and an important part of that is the travel industry because it employs one out of eight Americans.

What will this bill do? One, as Senator DORGAN mentioned, it will give us the ability to market our country. Second, it will give us the funds we need to better process the visas because it is expected to bring in—and this is the estimate of the nonpartisan organization—1.6 million new international visitors each year. They spend \$4,500 on average when they come here. You can do the math—1.6 million new visitors times \$4,500 every single year. There is some expectation that the bill could generate \$4 billion in new spending and \$321 million in Federal tax revenue. In addition, the bill is estimated to create 41,000 new jobs.

What is the cost to the taxpayer? I have been pushing on deficit reduction, but what is the cost to the taxpayer? Zero. I think that is a great thing about this bill. We are doing something to create jobs. We are doing it at zero cost. As you know, there is a small fee on foreign visitors to our country, like other countries do to our people when they visit—with Canada exempted.

What I found out is that the people who care about this bill are not just in the Halls of Congress and in our major cities. When I was in Grand Marais, International Falls, Bemidji, and the Brainerd Lakes area—home of the statue of Paul Bunion and Babe the Blue Ox—they were excited about this because they have seen a decrease in visitors from Canada. They want to be able to market our country.

We have gotten so far behind. A lot of people living in, say, France are deciding where to go on their summer vacation. They are thinking: Am I going to go to America, where maybe it will take months to process my visa, or am I going to spend my vacation in England, just across the channel or maybe I will go to Mexico. That is what is happening. That is where we have lost 20 percent of the overseas travel.

Look at this chart. There were 48 million more global overseas travelers

in 2008 than in 2000. More people are traveling. We have seen the marketing power across this world. There were 633,000 fewer who have visited the United States than in 2000. So world travel is going up. You can see the big increase globally. But the number of people coming to the United States has gone down. That means less jobs in this country.

Mr. President, I believe we need to be on an equal playing field with the rest of the world. If we want to compete in our goods that we want to produce and send overseas, we also have to compete in the tourism market. In Duluth, MN, it was hard times in the 1980s. It was so bad that they put up a billboard that said:

Will the last person to leave turn off the lights.

They rebuilt because they were smart; the businesses were smart about tourism. They have beautiful Lake Superior right there. When we did a tourism hearing—a field hearing there—they were talking about, obviously, how in many areas of the country, with the recession, business in convention centers had gone down nationally, and someone whispered, “Ours has gone up.” People are looking for different things, and maybe we will have our convention in Duluth, which is a little less expensive. They can look at Lake Superior instead of looking at the Pacific Ocean.

We are proud of this country, and we want other people to visit. We want them to spend their money in America and help create 41,000 new jobs. That is what this bill is about. I am very hopeful that we are going to finally get this bill passed and support the tourism part of our economy, which employs one in eight Americans. Let's keep it strong and going.

I see that Senator DORGAN is back. I thank him so much for his tremendous leadership. I am proud that I got the opportunity to take over the subcommittee that deals with tourism. A lot of the work had been done on this bill.

I yield the floor.

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

Mr. DORGAN. Mr. President, I mentioned that there are incremental ways to create jobs, which is important. Senator REID has taken the lead to bring bills to the floor to do that with, earlier this week, the jobs bill that was passed and, in addition, the Travel Promotion Act.

I want to mention as well that the majority leader indicated he intends to bring the FAA Preauthorization Act to the floor of the Senate, probably during this work period. It is also going to be job creating. I chaired the Aviation Subcommittee in the Senate. It is very important that we reauthorize the FAA and pass the legislation called NextGen, to do the next generation of air traffic control systems. We have an archaic system of ground-based radar

that controls the airplanes in the American skies.

Most people are walking around with cell phones that have a much more sophisticated way of tracking anything—a GPS. Most kids have the opportunity to be able to track—if their friends want them to—the location of their friends at any moment. They can track up to 20 friends.

Teenage kids can track their friends, but we cannot track an airplane in the sky with a GPS. More commercial airliners are not equipped. We don't have the NextGen system that would modernize our air traffic control system and allow them to fly more direct routes from place to place, with less spacing, using less fuel, better for the environment. All of those things will be capable when we modernize the air traffic control system and go from a ground-based system to a GPS system for aviation flights.

That is so very important. It is very job creating.

I appreciate the majority leader saying that needs to be a priority to bring to the floor, get to a conference with the House, and get a bill passed and signed by the President.

There are also safety issues we have to deal with in the FAA Reauthorization Act. Tomorrow I will be chairing a hearing in the Commerce Subcommittee on Aviation on the Colgan crash in Buffalo, NY, the tragedy that occurred on that winter icy evening, in which the Dash 8 crashed and took the lives of so many wonderful people and took the life of the pilot and copilot as well.

There are so many questions about that flight and the circumstances that led to the crash. The National Transportation Safety Board will be testifying tomorrow at my subcommittee. I will not go into all of the issues, but the issue of pilot fatigue, the issue of training—so many different issues—the icing issue that occurred that evening. It will be a very important hearing tomorrow.

The reason I raise it is the safety issue is so important. Yes, we have a system in which we fly people all over this country and the world. We have not had fatal accidents, by and large, in commercial aviation. It has been enormously safe. The most recent accidents have been accidents that have been very substantially investigated. The Colgan crash in Buffalo, NY, has been investigated now at great length, and we will have the results of that and a discussion of that at our subcommittee hearing tomorrow. That will also give us a roadmap of what we might need to address in the FAA reauthorization bill on the safety issues.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. WHITEHOUSE. Mr. President, I wish to speak just briefly about today's vote. Today, this body, in a rare but very welcome moment of at least partial bipartisanship, voted to pass Leader REID's jobs bill. While that bill does not include every provision I would like to see, it is certainly an important step, and I commend my colleagues from both parties for supporting these provisions to put people back to work.

As a Senator from Rhode Island, which currently faces one of the highest unemployment rates in the Nation, at near 13 percent—I know the help contained in this bill, which builds on the programs we passed last year in the Recovery Act, cannot come soon enough. I hope the vote is a watershed.

Over the past few months, I have heard from hundreds of Rhode Islanders who are struggling just to find work. I have heard from Carole in North Providence, RI, who had worked all her life but was laid off 2 years ago from her position as a construction project manager. Carole has a bachelor's degree in business administration and an associate's degree in architecture and she has plenty of experience as a construction project manager. But for 2 years, she has been unable to find any work—talented, hard working, and unemployed.

I also heard from Nathaniel in Coventry, RI, who recently graduated from law school. That is a wonderful achievement and is ordinarily a benchmark that kids pass through on the way to success—certainly to employment. But Nathaniel is carrying \$100,000 in student loans and cannot find a job.

I heard from Brian in Saunderson, an unemployed construction worker who has been unable to find a job for more than a year. He has been receiving unemployment benefits, but he is justifiably concerned that those, too, might soon run out. He loves to work. He doesn't want to be on unemployment. But right now, in this economy, there is no other option for Brian and for his family.

Leader REID's jobs bill—the HIRE Act—will help put Rhode Islanders back to work. The bill provides a payroll tax holiday for businesses to encourage hiring, increased cashflow for small businesses that can be used for investments and payroll expansion, and an expansion of the Build America Bonds program to subsidize and encourage local infrastructure projects. In addition, the HIRE Act extends Federal highway funding through the end of the year, which will make a \$225 million difference for Rhode Island alone in 2010.

This legislation will be a big help for my home State, but it is only a first step toward restoring economic growth. It is certainly not the last step we need to take in this work session. As I said, I hope the vote yesterday and

today is a watershed. Outside in Washington, the heavy snows of February are melting away. Perhaps—just perhaps—the blockade that has stifled the Senate is melting away a little also.

We must now act to extend unemployment insurance and COBRA subsidies to make sure unemployed workers, such as Brian, and their families continue to be able to pay their bills and to maintain their family health insurance coverage. I hope we will soon thereafter turn to new investments in our failing transportation, water, and school infrastructure.

We had a hearing in the Budget Committee this morning with Transportation Secretary LaHood, and he agreed very strongly that where you have decrepit infrastructure—and everyone knows the United States of America has an enormous deficit of decrepit infrastructure—we are going to need to repair that sooner or later.

If we need to repair it sooner or later, why not do it now, while we need the jobs? If we need to repair it sooner or later, repairing it now does not add anything to our Nation's long-term liabilities. Indeed, under the old Yankee principle that a stitch in time saves nine, under the commonsense principle that when you get to maintenance and repair earlier rather than later, it costs less to do the maintenance and repair, there is actually a very strong case to be made that there are net savings from moving the repair of our decrepit infrastructure forward. So it is really a win-win, as Secretary LaHood acknowledged.

I look forward to continuing to work with my colleagues as we go forward past today's watershed votes and into the following votes to help restore our economy and meet the needs of Carole and Nathaniel and Brian and millions of Americans who are unemployed and need help now.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

AFRICA

Mr. DURBIN. Last week I joined my colleague Senator SHERROD BROWN of Ohio on a trip to East Africa. It was an important trip that took us to Tanzania, the Democratic Republic of Congo, Ethiopia, and Sudan. We went in to observe American development assistance, to look at programs that help the victims of HIV and AIDS, tuberculosis, malaria, child and maternal mortality, victims of sexual violence, clean water, sanitation issues, democracy, governments, refugees.

In a matter of 6 days of traveling on the continent of Africa, Senator BROWN and I did not have much time to ourselves, but we were not planning any. We spent a lot of time meeting with people, meeting with government officials, meeting with individuals who are part of the current political environment of Africa, but also many of their lives are touched by programs in which the United States is involved.

I could not help but notice as I traveled the extraordinarily dedicated Americans who are in our Foreign Service. Many of them are posted in places around the world that are not glamorous by any means. Their jobs are hard and sometimes dangerous, and they go to work every day without complaint. We need to tip our hats to them as Americans. Let me add in there Peace Corps volunteers, many who work for the nongovernment organizations, the NGOs. Many Americans serve our best interests around the world every day without fanfare or praise.

We went to Tanzania. In Mwanza in Tanzania, we encountered a group of young Baylor University doctors who are doing part of their residency at a regional hospital, one that serves a population of several million people. Can you imagine one hospital serving that many people? That is what the people are up against in Africa.

We met a representative from Abbot Labs from my home State of Illinois who was there helping to build a modern laboratory and train local staff for the hospital.

In a small rural village several hours down a dusty, bumpy road from the nearest city, we witnessed a program by the nongovernmental organization CARE that helped build a rudimentary but critically important health clinic.

It is hard to describe this to an American, what an African would call a health clinic. It is, in fact, a building without windows but with openings for air to flow through. It is a building that is so basic it does not have running water or electricity. But it is, in fact, a building where 168 babies were born last year.

When you see this and meet the people who are delivering the babies, you realize that in many parts of Africa health care is very basic. The man who runs this clinic has about a year or two of education beyond high school. The woman who serves him is one who is gifted with not only personal skills but a lot of human experience in delivering babies.

What happens if there is a complication in the middle of this village in the middle of nowhere with no means of communication? Well, they try to get the message to the man who runs the ambulance. The ambulance in Mwanza is a tricycle, a tricycle with a flat bed on the back. They take a woman who is needing a Caesarean section, for example, put her on the back of this tricycle and take her off for a 4-hour trip to the closest hospital. That is maternal and

childcare in Africa, in Tanzania. We are trying to help through the organization CARE that I mentioned earlier.

With their help, they have not only brought them the money necessary for their ambulance, this tricycle, they have helped the local residents develop a savings and loan where their modest earnings they make by selling agricultural produce are banked away for a better day. They are allowed to borrow small units of money for buying sewing machines, which can dramatically change a life in these poor villages, or livestock or to help to pay for their kids to go to school.

In Tanzania as a whole, the PEPFAR program, which is the United States bilateral program for HIV/AIDS, tuberculosis and malaria, and the Global Fund Program, a much larger undertaking from many other countries, have made real progress in HIV, TB, and malaria.

We also visited Ethiopia, a country I have been looking forward to seeing. It has the distinction in Africa of being the only country in Africa that was never colonized. There was a period, a short period of occupation by the Italians. But they have been a kingdom under their own control, except for that period of time since the early parts of the third and fourth century and maybe even before that. They are very proud of their own language, their own customs, their own history. They have tremendous international efforts underway to help the Ethiopian people, who are basically poor, struggling people. They are struggling against the economics of a poor nation, as well as HIV, AIDS, tuberculosis. They are resettling refugees from the war-torn neighboring state of Somalia. They are trying to build a health system.

One program, in particular, was provided by a nongovernmental organization called AMREF in the Kechene slum area of the capital of Addis Ababa. Senator BROWN and I went to this area. It is a slum with 380 people living there, that has basically had to carry in water for years because there was no running water. But because of an AMREF project, they were able to build 22 water kiosks in the country and one in this slum area. It seems like something so simple, but it has changed their lives. They now have a source of safe drinking water. Very near the small little lean-tos they live in, they have two showers for 380 people that they share and can use where they had none before. They have basic sanitation and toilet facilities, which they did not have at all.

We were greeted by two beautiful little girls who gave us flowers and invited us to a coffee ceremony.

They couldn't help but beam with pride as we took a look at the source of water and sanitation that did not exist before. So many thousands of people in Africa spend hours every day carrying water back and forth. Young girls are often denied the opportunity to go to school because they have work to do.

They have to carry water. Something as basic as water that we take for granted becomes a centerpiece in their lives every single day. Improvements are being made in Ethiopia and other places. I returned to Goma in the Democratic Republic of Congo. It is in the eastern section of that country. The capital, Kinshasa, is far west and removed not only physically but politically from many of the things happening in eastern Congo.

I try to describe Goma to those who haven't been there. It is almost impossible. Imagine one of the poorest places on Earth, where people are literally starving, where they are facing the scourge of disease, where malaria is the biggest killer of children. Imagine HIV/AIDS and the problems they face with that. Then superimpose over that the misfortune of an ongoing war that has been taking place in the eastern part of the Democratic Republic of Congo for years. There is an ongoing debate about how many people have been killed in this war. The debate ranges from the low number of about 2½ million to the high number of 6 million, and they debate very violently about whether it is 6 or 2½ million. Regardless of which number, it is an outrage. It is a genocide which is occurring in this section of Africa with little or no attention from anyone.

What has caused this? Their neighbor is Rwanda. If you recall, in Rwanda, I believe the year was 1994, a terrible genocide killed 800,000 people in the span of a matter of days. Those who were accused of the genocidal acts, many of them escaped into the neighboring country of Congo and set up their armed militias. They continued their violence. Not only is Goma an area the surrounding towns and villages fought over, it also happens to be an area that is dominated by a volcano which erupted in 2002 and killed hundreds of people and destroyed thousands of basic shelters. It is also an area filled with minerals and timber, gold, diamonds, basic minerals needed for the cell phones we take for granted every single day. There is money to be made, even if you just take out your shovel and dig into the hillside and find some of these for sale. It is a rich area in mineral resources.

It is also rich in other resources. Dian Fossey has her operation there for the silverback gorillas, which many of us have seen on television. They are caught in the middle of the crossfire of the civil war. I came back to Goma. I had been there several years ago. I was surprised at how many people said they remembered I had been there and never thought I would return because few people do; it is such a hard, difficult place. We visited a hospital there called Heal Africa. We were greeted by a lady with a British accent. As I came in, she said: Welcome back. I thought she made a mistake. She thinks I am somebody else. It turns out that, in fact, I had visited her hospital 5 years ago. It had changed so much, I didn't recognize it, but she was still there.

Her name is Lynne Lucy. Her husband Joe is a Congolese surgeon and they married years ago and decided to start a hospital for the poorest people in that part of Congo. They focus on children with club feet and cleft palates. They focus on trauma victims, setting fractures, victims of fires, and other accidents that occur. Their major area of focus is on the women who are the victims of the civil war. One of the most horrible things about this war isn't only that people die, but they have now built in hideous torture techniques as part of this civil war. Women are raped and gang raped and children are mutilated in hideous, awful ways. They bring them into this hospital and try to rebuild their bodies and rebuild their lives. God bless them for doing it, Joe and Lynne Lucy.

When I was there last, I worried because they only had a handful of doctors. This time I walked into a classroom filled with doctors. Standing in front of them was a doctor from the University of Wisconsin, right smack-dab in a part of the Midwest of which I am proud to be a part, training these doctors on how to treat these poor people. There is evidence of the caring and compassionate people of the United States all around the world. In this sad situation in Goma, certainly it is needed.

We have a 20,000-member U.N. peacekeeping force known as MONUC that has been in the area for more than 10 years trying to bring peace. Unfortunately, rebel groups continue campaigns of brutal violence. Known war criminals such as Jean Bosco Ntaganda continue to play a role in the violence, despite being wanted for awful war crimes. The Congolese military has tried to root out several groups but has embraced others. It is hard to figure out the good and bad people in this conflict. But you can certainly figure out the victims because you see them everywhere.

We went to what is known as an internally displaced persons camp just south of Goma. I find it hard to imagine how people live there. There are 1,800 people living there. Imagine that they are living on volcanic rock. It is hard to walk on it even with shoes because it is jagged and hurts your feet. They live on it. They pitch tents on it. They walk their kids to school on it. We went to a little health clinic there and a baby was handed to me that was a heartbreaking situation, clearly malnourished, who had just been brought in for a few days. They were trying to rescue its life. Many of the children there struggle with basic health needs. They have a school which is better than most would find in their home villages and some security. But each of them told me: We don't have enough food. You look at their sources of water, they are limited. It is a tough situation. These people are there because they were caught in the crossfire of a war that continues. They didn't do

anything wrong. Some of them are trying to rebuild their lives and stay safe in a very difficult situation.

Finally, we had a chance to visit Sudan. I wished to go there because I have stood on the floor so many times and given speeches about Darfur and the genocide that occurred there. In addition to that troubled part of Sudan, there has been an ongoing battle between north and south Sudan which appears to have resolved itself peacefully with an election that will be held in the near future for the national legislature and then early next year to decide if south Sudan will be a separate country. There are about 8 million people living in south Sudan. We traveled on the only road in south Sudan. We met with the man who is Vice President of Sudan now and would be President, I believe, of the new south Sudan, Mr. Salva Kiir. He is a former rebel who fought in the bush for years, surrounded by Governors in south Sudan who went through the same experience. In just a few months, they may need to build a nation. It is a daunting task.

I worry about it because when there is a power vacuum and a failed state in Africa, people move in on it and use it for exploitive and terrorist purposes.

We then went to Khartoum, which is a legendary city in Africa, and met with representatives of the government there, talking about many of the issues they face and the status of Darfur today which, thank God, is more peaceful than in years gone by. One of the more interesting conversations we had in Khartoum was with one of the Ministers. I brought up the issue of global warming, wondering if this man in the middle of Africa, near the Equator, felt there was a need for us to be concerned about global warming.

He said: I can take you 300 meters from where we are meeting now. I will show you the Nile River, and I will show you the impact of global warming. We could walk out into stretches of land that used to be islands in the middle of the river. You can walk there now because the river is so low. Many people in that part of Africa depend on the Nile for irrigation. We believe in global warming.

If you want to know one of the causes of the genocide in Darfur, it was because that area is becoming a desert, and people are fighting over what is left of land that can be cultivated. I think about debates we have had on the floor of the Senate. In fact, there are Senators who proudly say there is no such thing as global warming. I wish they could have been with me in Khartoum and spoken to this man about evidence he is seeing in that far-away place about changing climate and changes in lifestyle, genocide, and war that have followed global warming. It is not just an environmental issue. It is a security issue.

There are frequent debates about the value of U.S. foreign assistance. When Americans are asked, how much do we spend in foreign aid, the most common

response is, about 25 percent of the Federal budget. The fact is, it is just over 1 percent in foreign aid around the world. We spend far less as a percentage of our gross domestic product than many nations. But the work we do is so absolutely essential for maintaining life, fighting disease, for making certain that young people have a fighting chance.

President Obama recognizes that. I hope we can have bipartisan support to continue our help with foreign aid, even in this difficult time.

The last issue I will discuss on this trip Senator BROWN and I took is one I will save for a separate presentation. But without fail, in every African nation, I would ask them the same question: What is the presence of China in your nation? Without fail, they would say: It is interesting you would ask.

The Chinese are moving into Africa in a way we should not ignore. They are providing capital assistance and loans to countries all over Africa, which can provide them with minerals and resources for their economy and, ultimately, with markets for their products. Leaders in Africa, such as the President of Ethiopia, say to me: When the West walked away from Africa, China stepped in.

The Chinese have a strategy and a goal. If we don't become sensitive to it and what it will mean to the next generation of people living in each of those countries, we will pay a heavy price. We have to understand that these people now may be in underdeveloped countries and struggling, but tomorrow they will have a middle class, and they will be purchasing goods and services. They will remember that their highways and stadiums and schools were built with loans from the Chinese. Incidentally, those loans come with strings attached. When the Chinese loan money to a country such as Ethiopia, it is so a Chinese construction company can build the project using Chinese engineers, technicians, and workers. So they are providing work projects with the money they are loaning to each country and being repaid in local resources such as oil and minerals.

We can't ignore this reality. It is happening all over the world. The Chinese have a plan. I am not sure America has a plan. We should.

HANDLING OF TERRORIST SUSPECTS

Mr. President, in recent weeks, my Republican colleagues have directed a barrage of criticism at President Obama for his handling of terrorist cases, and I wish to respond.

Let's start with the recent case of Umar Faruk Abdulmutallab, the man who tried to explode a bomb on a plane around Christmas when it was landing in Detroit. My colleagues on the other side have been very critical of the FBI's decision to give Miranda warnings to Abdulmutallab.

The Republican minority leader recently said, referring to Abdulmutallab:

He was given a 50 minute interrogation, probably Larry King has interrogated people longer and better than that. After which he was assigned a lawyer who told him to shut up.

That is what the minority leader said. But here are the facts. Experienced counterterrorism agents from the FBI interrogated Abdulmutallab when he arrived in Detroit. According to the Justice Department, during this initial interrogation, the FBI "obtained intelligence that has already proved useful in the fight against Al Qaeda." After the interrogation, Abdulmutallab refused to cooperate further with the FBI. Only then, after his refusal, did the FBI give him a Miranda warning. What the FBI did in this case was nothing new. During the Bush administration, the FBI also gave Miranda warnings to terrorists detained in the United States.

I respect Senator MCCONNELL, but I say, respectfully, that he got his facts wrong as stated on the floor of the Senate. Frankly, this unfounded criticism of the FBI and their techniques should be corrected. That is why I stand here today.

Attorney General Eric Holder recently sent a detailed, 5-page letter to Senator MCCONNELL explaining what actually happened in this case.

I ask unanimous consent that it be printed in the RECORD.

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

OFFICE OF THE ATTORNEY GENERAL,
Washington, DC, February 3, 2010.

Hon. MITCH MCCONNELL,
U.S. Senate,
Washington, DC.

DEAR SENATOR MCCONNELL: I am writing in reply to your letter of January 26, 2010, inquiring about the decision to charge Umar Faruk Abdulmutallab with federal crimes in connection with the attempted bombing of Northwest Airlines Flight 253 near Detroit on December 25, 2009, rather than detaining him under the law of war. An identical response is being sent to the other Senators who joined in your letter.

The decision to charge Mr. Abdulmutallab in federal court, and the methods used to interrogate him, are fully consistent with the long-established and publicly known policies and practices of the Department of Justice, the FBI, and the United States Government as a whole, as implemented for many years by Administrations of both parties. Those policies and practices, which were not criticized when employed by previous Administrations, have been and remain extremely effective in protecting national security. They are among the many powerful weapons this country can and should use to win the war against al-Qaeda.

I am confident that, as a result of the hard work of the FBI and our career federal prosecutors, we will be able to successfully prosecute Mr. Abdulmutallab under the federal criminal law. I am equally confident that the decision to address Mr. Abdulmutallab's actions through our criminal justice system has not, and will not, compromise our ability to obtain information needed to detect and prevent future attacks. There are many examples of successful terrorism investigations

and prosecutions, both before and after September 11, 2001, in which both of these important objectives have been achieved—all in a manner consistent with our law and our national security interests. Mr. Abdulmutallab was questioned by experienced counterterrorism agents from the FBI in the hours immediately after the failed bombing attempt and provided intelligence, and more recently, he has provided additional intelligence to the FBI that we are actively using to help protect our country. We will continue to share the information we develop with others in the intelligence community and actively follow up on that information around the world.

1. Detention. I made the decision to charge Mr. Abdulmutallab with federal crimes, and to seek his detention in connection with those charges, with the knowledge of, and with no objection from, all other relevant departments of the government. On the evening of December 25 and again on the morning of December 26, the FBI informed its partners in the Intelligence Community that Abdulmutallab would be charged criminally, and no agency objected to this course of action. In the days following December 25—including during a meeting with the President and other senior members of his national security team on January 5—high-level discussions ensued within the Administration in which the possibility of detaining Mr. Abdulmutallab under the law of war was explicitly discussed. No agency supported the use of law of war detention for Abdulmutallab, and no agency has since advised the Department of Justice that an alternative course of action should have been, or should now be, pursued.

Since the September 11, 2001 attacks, the practice of the U.S. government, followed by prior and current Administrations without a single exception, has been to arrest and detain under federal criminal law all terrorist suspects who are apprehended inside the United States. The prior Administration adopted policies expressly endorsing this approach. Under a policy directive issued by President Bush in 2003, for example, “the Attorney General has lead responsibility for criminal investigations of terrorist acts or terrorist threats by individuals or groups inside the United States, or directed at United States citizens or institutions abroad, where such acts are within the Federal criminal jurisdiction or the United States, as well as for related intelligence collection activities within the United States.” Homeland Security Presidential Directive 5 (HSPD-5, February 28, 2003). The directive goes on to provide that “[f]ollowing a terrorist threat or an actual incident that falls within the criminal jurisdiction of the United States, the full capabilities of the United States shall be dedicated, consistent with United States law and with activities of other Federal departments and agencies to protect our national security, to assisting the Attorney General to identify the perpetrators and bring them to justice.”

In keeping with this policy, the Bush Administration used the criminal justice system to convict more than 300 individuals on terrorism-related charges. For example, Richard Reid, a British citizen, was arrested in December 2001 for attempting to ignite a shoe bomb while on a flight from Paris to Miami carrying 184 passengers and 14 crewmembers. He was advised of his right to remain silent and to consult with an attorney within five minutes of being removed from the aircraft (and was read or reminded of these rights a total of four times within 48 hours), pled guilty in October 2002, and is now serving a life sentence in federal prison. In 2003, Iyman Faris, a U.S. citizen from Pakistan, pled guilty to conspiracy and pro-

viding material support to al-Qaeda for providing the terrorist organization with information about possible U.S. targets for attack. Among other things, he was tasked by al-Qaeda operatives overseas to assess the Brooklyn Bridge in New York City as a possible post-9/11 target of destruction. After initially providing significant information and assistance to law enforcement personnel, he was sentenced to 20 years in prison. In 2002, the “Lackawanna Six” were charged with conspiring, providing, and attempting to provide material support to al-Qaeda based upon their pre-9/11 travel to Afghanistan to train in the Al Farooq camp operated by al-Qaeda. They pled guilty, agreed to cooperate, and were sentenced to terms ranging from seven to ten years in prison. There are many other examples of successful terrorism prosecutions—ranging from Zacarias Moussaoui (convicted in 2006 in connection with the 9/11 attacks and sentenced to life in prison) to Ahmed Omar Abu Ali (convicted in 2005 of conspiracy to assassinate the President and other charges and sentenced to life in prison) to Ahmed Ressay (convicted in 2001 for the Millennium plot to bomb the Los Angeles airport and sentenced to 22 years, a sentence recently reversed as too lenient and remanded for resentencing)—which I am happy to provide upon request.

In fact, two (and only two) persons apprehended in this country in recent times have been held under the law of war. Jose Padilla was arrested on a federal material witness warrant in 2002, and was transferred to law of war custody approximately one month later, after his court-appointed counsel moved to vacate the warrant. Ali Saleh Kahlah Al-Marri was also initially arrested on a material witness warrant in 2001, was indicted on federal criminal charges (unrelated to terrorism) in 2002, and then transferred to law of war custody approximately eighteen months later. In both of these cases, the transfer to law of war custody raised serious statutory and constitutional questions in the courts concerning the lawfulness of the government’s actions and spawned lengthy litigation. In Mr. Padilla’s case, the United States Court of Appeals for the Second Circuit found that the President did not have the authority to detain him under the law of war. In Mr. Al-Marri’s case, the United States Court of Appeals for the Fourth Circuit reversed a prior panel decision and found in a fractured en banc opinion that the President did have authority to detain Mr. Al-Marri, but that he had not been afforded sufficient process to challenge his designation as an enemy combatant. Ultimately, both Al-Marri (in 2009) and Padilla (in 2006) were returned to law enforcement custody, convicted of terrorism charges and sentenced to prison.

When Flight 253 landed in Detroit, the men and women of the FBI and the Department of Justice did precisely what they are trained to do, what their policies require them to do, and what this nation expects them to do. In the face of the emergency, they acted quickly and decisively to ensure the detention and incapacitation of the individual identified as the would-be bomber. They did so by following the established practice and policy of prior and current Administrations, and detained Mr. Abdulmutallab for violations of federal criminal law.

2. Interrogation. The interrogation of Abdulmutallab was handled in accordance with FBI policy that has governed interrogation of every suspected terrorist apprehended in the United States for many years. Across many Administrations, both before and after 9/11, the consistent, well-known, lawful, and publicly-stated policy of the FBI has been to provide Miranda warnings prior to any custodial interrogation conducted inside the

United States. The FBI’s current Miranda policy, adopted during the prior Administration, provides explicitly that “[w]ithin the United States, Miranda warnings are required to be given prior to custodial interviews. . . .” In both terrorism and non-terrorism cases, the widespread experience of law enforcement agencies, including the FBI, is that many defendants will talk and cooperate with law enforcement agents after being informed of their right to remain silent and to consult with an attorney. Examples include L’Houssaine Kherchtou, who was advised of his Miranda rights, cooperated with the government and provided critical intelligence on al-Qaeda, including their interest in using piloted planes as suicide bombers, and Nuradin Abdi, who provided significant information after being repeatedly advised of his Miranda rights over a two-week period. During an international terrorism investigation regarding Operation Crevice, law enforcement agents gained valuable intelligence regarding al-Qaeda military commanders and suspects involved in bombing plots in the U.K. from a defendant who agreed to cooperate after being advised of, and waiving his Miranda rights. Other terrorism subjects cooperate voluntarily with law enforcement without the need to provide Miranda warnings because of the non-custodial nature of the interview or cooperate after their arrest and agree to debriefings in the presence of their attorneys. Many of these subjects have provided vital intelligence on al-Qaeda, including several members of the Lackawanna Six, described above, who were arrested and provided information about the Al Farooq training camp in Afghanistan; and Mohammad Warsame, who voluntarily submitted to interviews with the FBI and provided intelligence on his contacts with al-Qaeda in Afghanistan. There are other examples which I am happy to provide upon request. There are currently other terrorism suspects who have cooperated and are providing valuable intelligence information whose identities cannot be publicly disclosed.

The initial questioning of Abdulmutallab was conducted without Miranda warnings under a public safety exception that has been recognized by the courts. Subsequent questioning was conducted with Miranda warnings, as required by FBI policy, after consultation between FBI agents in the field and at FBI Headquarters, and career prosecutors in the U.S. Attorney’s Office and at the Department of Justice. Neither advising Abdulmutallab of his Miranda rights nor granting him access to counsel prevents us from obtaining intelligence from him, however. On the contrary, history shows that the federal justice system is an extremely effective tool for gathering intelligence. The Department of Justice has a long track record of using the prosecution and sentencing process as a lever to obtain valuable intelligence, and we are actively deploying those tools in this case as well.

Some have argued that had Abdulmutallab been declared an enemy combatant, the government could have held him indefinitely without providing him access to an attorney. But the government’s legal authority to do so is far from clear. In fact, when the Bush administration attempted to deny Jose Padilla access to an attorney, a federal judge in New York rejected that position, ruling that Padilla must be allowed to meet with his lawyer. Notably, the judge in that case was Michael Mukasey, my predecessor as Attorney General. In fact, there is no court-approved system currently in place in which suspected terrorists captured inside the United States can be detained and held without access to an attorney; nor is there any known mechanism to persuade an uncooperative individual to talk to the government

that has been proven more effective than the criminal justice system. Moreover, while in some cases defense counsel may advise their clients to remain silent, there are situations in which they properly and wisely encourage cooperation because it is in their client's best interest, given the substantial sentences they might face.

3. The Criminal Justice System as a National Security Tool. As President Obama has made clear repeatedly, we are at war against a dangerous, intelligent, and adaptable enemy. Our goal in this war, as in all others, is to win. Victory means defeating the enemy without damaging the fundamental principles on which our nation was founded. To do that, we must use every weapon at our disposal. Those weapons include direct military action, military justice, intelligence, diplomacy, and civilian law enforcement. Each of these weapons has virtues and strengths, and we use each of them in the appropriate situations.

Over the past year, we have used the criminal justice system to disrupt a number of plots, including one in New York and Colorado that might have been the deadliest attack on our country since September 11, 2001, had it been successful. The backbone of that effort is the combined work of thousands of FBI agents, state and local police officers, career prosecutors, and intelligence officials around the world who go to work every day to help prevent terrorist attacks. I am immensely proud of their efforts. At the same time, we have worked in concert with our partners in the military and the Intelligence Community to support their tremendous work to defeat the terrorists and with our partners overseas who have great faith in our criminal justice system.

The criminal justice system has proven to be one of the most effective weapons available to our government for both incapacitating terrorists and collecting intelligence from them. Removing this highly effective weapon from our arsenal would be as foolish as taking our military and intelligence options off the table against al-Qaeda, and as dangerous. In fact, only by using all of our instruments of national power in concert can we be truly effective. As Attorney General, I am guided not by partisanship or political considerations, but by a commitment to using the most effective course of action in each case, depending on the facts of each case, to protect the American people, defeat our enemies, and ensure the rule of law.

Sincerely,

ERIC H. HOLDER, Jr.

Mr. DURBIN. Here is what General Holder said:

Across many administrations, both before and after 9/11, the consistent, well-known, lawful, and publicly stated policy of the FBI has been to provide Miranda warnings prior to any custodial interrogation conducted inside the United States.

In fact, the Bush administration adopted new policies for the FBI that said "Within the United States, Miranda warnings are required to be given prior to custodial interviews." That was a requirement from the Bush administration. Senator MCCONNELL and others have tried to politicize this issue when the facts tell us otherwise.

Let's take one example from the Bush administration. Richard Reid, the shoe bomber, tried to detonate an explosive in his shoe on a flight from Paris to Miami in December 2001.

This was very similar to the attempted attack by Abdulmutallab, another foreign terrorist who also tried

to detonate a bomb on a plane. So how does the Bush administration's handling of the shoe bomber, Mr. Reid, compare with the Obama administration's handling of Abdulmutallab? The Bush administration detained and charged Reid as a criminal. They gave Reid a Miranda warning within 5 minutes of being removed from the airplane and they reminded him of his Miranda rights four times within the first 48 hours he was detained.

Has America heard that side of the story, as we have heard all these criticisms about Miranda warnings for Abdulmutallab?

The Republicans have been very critical of the Obama administration for giving a Miranda warning to this Detroit, attempted, would-be bomber 9 hours after he was first detained, after a 50-minute interrogation. But they did not criticize their own Republican President when his administration gave a Miranda warning to the shoe bomber 5 minutes after he was detained, and before he was interrogated at all.

How do they square this? How can they be so critical of President Obama when a similar parallel case was treated so differently under the Republican President?

In mid-January, Abdulmutallab began talking again to FBI interrogators and providing valuable intelligence—after the Miranda warnings. FBI Director Robert Mueller described it this way:

... over a period of time, we have been successful in obtaining intelligence, not just on day one, but on day two, day three, day four, and day five, down the road.

According to another law enforcement official:

The information has been active, useful, and we have been following up. The intelligence is not stale.

How did this happen? The Obama administration convinced Abdulmutallab's family to come to the United States. Then he started talking. And his family persuaded him to cooperate.

This is a very different approach than we saw in the previous administration, when detainees who refused to talk were subjected to torture techniques such as waterboarding.

Real life is not like the TV show "24." On TV, when Jack Bauer tortures someone, the suspect immediately admits everything he knows. Here is what we learned during the Bush administration. In real life, when people are tortured, they will say anything to make the pain stop. So they often provide false information, not valuable intelligence.

Richard Clarke was the senior counterterrorism adviser to President Clinton and President George W. Bush. Here is what he said recently about the Obama administration's approach:

The FBI is good at getting people to talk ... they have been much more successful than the previous attempts of torturing people and trying to convince them to give information that way.

Would Abdulmutallab's family have traveled to the United States and persuaded him to cooperate if they thought he was being tortured here? I do not think so. A senior Obama administration official said:

One of the principal reasons why his family came back is that they had complete trust in the U.S. system of justice and believed that [their son] would be treated fairly and appropriately.

You do not hear that much. There is a belief that if you do not waterboard a person or torture them, you are not going to get information. Exactly the opposite happened here. This man was treated respectfully through our system of justice. He was not given special favors. He was treated like the criminal who I believe he is, and yet he was treated in such a manner that his family was willing to come to the United States and beg him to cooperate with our government, which he did at the end of the day.

So how do my Republican colleagues respond to this development? Did they commend the Obama administration for successfully bringing his family over and getting more information? No. They now claim the intelligence from him was worthless. They have no basis for saying that, but they do anyway.

During the previous administration, Republicans argued that detainees held at Guantanamo were still providing valuable intelligence for years after they were arrested. Now they are saying that days and weeks after Abdulmutallab was arrested his intelligence was worthless. They cannot have it both ways.

My colleagues on the other side of the aisle argue that Abdulmutallab should be held in military detention as an enemy combatant. But terrorists arrested in the United States have always been held under our criminal laws. Here is what Attorney General Eric Holder said in his letter to Senator MCCONNELL:

Since the September 11, 2001 attacks, the practice of the U.S. government, followed by prior and current administrations without a single exception, has been to arrest and detain under federal criminal law all terrorist suspects who are apprehended inside the United States.

Without exception. That was the standard under the Bush administration.

The Bush administration did move two terror suspects out of the criminal justice system after they were arrested. One of them was Jose Padilla. He was designated as an enemy combatant and transferred to military detention. But then what happened? In a court filing, the Bush administration admitted that Padilla had not talked to his interrogators for 7 months. They said:

There are numerous examples of situations where interrogators have been unable to obtain valuable intelligence from a subject until months—or even years, after the interrogation process began.

Two important points about the Padilla case: My Republican colleagues

criticize the Obama administration for holding Abdulmutallab under our criminal laws. But Padilla was held in military detention and the Bush administration acknowledged that he did not talk to his interrogators for at least 7 months. Second, Republicans argue that intelligence from Abdulmutallab, after several weeks in detention, was stale and worthless, but the Bush administration argued that information gathered from Padilla after months—or even years—was still valuable.

There is no consistency in the position they have taken on the other side of the aisle.

In the end, the Bush administration changed course on Padilla. They transferred him back to the criminal justice system for prosecution. He was convicted. He is now serving a long sentence in a Federal supermax prison—convicted in our criminal courts.

What about the shoe bomber? Richard Reid was also prosecuted and convicted in the criminal justice system. He is now serving a life sentence without parole in a Federal supermax prison, where he will never again threaten an American life.

My Republican colleagues did not complain when the Bush administration prosecuted Reid and Padilla in criminal courts. But now they argue terrorists such as Abdulmutallab and Khalid Shaikh Mohammed should be tried in military commissions only because Federal courts are not well suited to prosecute terrorists.

Well, let's look at the numbers. Since 9/11, 195 terrorists have successfully been prosecuted and convicted in our Federal court system. Besides Reid and Padilla, here are just a few of the terrorists who have been convicted in our Federal court system and are now serving long prison sentences: Ramzi Yousef, the mastermind of the 1993 World Trade Center bombing; Omar Abdel Rahman, the so-called Blind Sheikh; and the 20th 9/11 hijacker, Zacarias Moussaoui, who was tried across the river in Virginia and now sits in a prison cell in Florence, CO.

Compare this with the track record of military commissions. Some would have us believe that military commissions have been so much more effective in going after terrorists. So let's look at the record. Mr. President, 195 terrorists have been successfully prosecuted and convicted in our criminal courts. How about military commissions? Since 9/11, only three individuals have been convicted by military commissions—that is 195 to 3—and two of those individuals spent less than a year in prison and are now living freely in their home countries of Australia and Yemen.

GEN Colin Powell, the former head of the Joint Chiefs of Staff and Secretary of State under President Bush, supports prosecuting terrorists in Federal courts. Here is what he said about military commissions last week:

The suggestion that somehow a military commission is the way to go isn't borne out by the history of the military commissions.

What would GEN Colin Powell know about the history of military commissions? A heck of a lot, having given his life to the U.S. military in dedication to his country. His opinion means a lot to me.

Military commissions are unproven venues, which ultimately may serve us well in some circumstances, but to say they are all good and courts are all bad is to ignore the obvious and ignore the evidence.

Just 2 days ago, there was more compelling evidence about the effectiveness of Federal courts. Attorney General Holder announced that Najibullah Zazi has pleaded guilty to plotting to bomb the New York subway system. Zazi, who planned the bombing with al-Qaida while he was in Pakistan, could be sentenced to life in prison without parole—convicted in the Federal criminal courts.

Here is what Attorney General Holder said about the subway bombing plot:

This is one of the most serious terrorist threats to our nation since September 11th, 2001 . . . This attempted attack on our homeland was real, it was in motion, and it would have been deadly. . . . In this case as in so many others, the criminal justice system has proved to be an invaluable weapon for disrupting plots and incapacitating terrorists.

I hope all my colleagues—Democrats and Republicans—will join me in commending the Obama administration for their success in disrupting this dangerous plot and bringing Zazi to justice. I sincerely hope this case will cause some of the critics of trying terrorists in Federal courts pause to at least reflect on the obvious. This was a successful prosecution—another one, 195 of them since 9/11.

There is a great irony here. For 8 long years, during the Bush-Cheney administration, Republicans used to argue that we should not criticize the administration's national security policies. Time and again, they told us it was inappropriate—maybe even un-American, some of them said—for Congress to ask basic questions about the Bush administration's policies on issues like Iraq, Guantanamo, torture, warrantless wiretapping. Time and again, we were reminded there is only one Commander-in-Chief. But now Republicans feel it is fair game to second-guess every decision President Obama makes in the area of combating terrorism.

I think we have a right, an obligation, as Senators, to ask questions of all Presidents regardless of party. But I think we also have an obligation for fairness and balance, as one of the notorious networks says. In this case, I think if you look at the evidence in a fair and balanced fashion, you can see we are in a situation where the approach of using Federal criminal courts has worked. It has worked because we know we have the very best in the FBI and the Department of Justice, and they have a track record of success. We

have an obligation to get the facts right when we either defend or criticize the President.

I am also concerned about the tone of some of the criticism we have heard. We can surely disagree with this administration, but when I hear the President's critics suggest that he is soft on terrorism and he does not care about defending our country, that goes over the line, as far as I am concerned.

Recently, Senator MCCONNELL gave a speech to the Heritage Foundation, a conservative think tank on Capitol Hill, and he said the Obama administration "has a pre-9/11 mindset" and "has a blind spot when it comes to prosecuting this war." I think those statements go too far.

GEN Colin Powell has a different opinion, different than Senator MCCONNELL. Here is what he said last weekend:

To suggest that somehow we have become much less safe because of the actions of the administration, I don't think that's borne out by the facts.

What is the motivation for this criticism of the President? Well, as Senator MCCONNELL said to the Heritage Foundation:

You can campaign on these issues anywhere in America.

I guess he is right. I guess there is always room for fear, and peddling fear is something that is going to appeal to a lot of people. It is right that we be mindful of the threat of terrorism and we do everything in our power to stop it from ever occurring again. But living and quivering in fear, is that what America should be all about?

Richard Clarke, the senior counterterrorism adviser to Presidents Clinton and Bush, said:

Recent months have seen the party out of power picking fights over the conduct of our efforts against Al Qaeda, often with total disregard to the facts and frequently blowing issues totally out of proportion, while ignoring the more important challenges we face in defeating terrorists.

Mr. President, 9 years after 9/11, al-Qaida still is a serious threat to America. We know that terrorists are plotting to attack us even as we speak. President Obama knows it as well. He understands as Commander in Chief that he has a special commitment to the American people to keep us safe. Congress is a political body and this is an election year, but this issue is too important to become a political football. Democrats and Republicans should be united in supporting all of the efforts of all of the good men and women, including the President, in trying to fight terrorism and keep America safe.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

UNANIMOUS CONSENT REQUEST—
H.R. 1586

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to Calendar No. 36, H.R. 1586, and that the Reid substitute amendment, which is at the desk, be considered read; that the Republican leader, or his designee, be recognized to offer a substitute amendment, and that there be 60 minutes for debate with respect to that amendment, with the time equally divided and controlled between the leaders or their designees; that upon the use or yielding back of time, and if a budget point of order is made against the amendment, a motion to waive the relevant point of order be considered made, and the Senate then vote on a motion to waive the point of order; that if the waiver is successful, the amendment be agreed to and the Reid substitute, as amended, be agreed to; that if the waiver fails, the amendment be withdrawn; further, that there be 30 minutes for debate with respect to the Reid substitute amendment, with the time equally divided and controlled between the leaders or their designees; that upon the use or yielding back of time, and if a budget point of order is made against the amendment, a motion to waive the relevant point of order be considered made, and the Senate then vote on the motion to waive the point of order; that if the waiver is successful, the Senate proceed to vote on adoption of the Reid substitute amendment; further, that no further amendments or debate be in order; that upon disposition of the Reid substitute amendment, the bill, as amended, be read the third time; and following the reading by the clerk of the budgetary effects of pay-go legislation with respect to H.R. 1586, the Senate proceed to vote on passage of the bill, as amended; that upon passage the title amendment, which is at the desk, be considered and agreed to.

The PRESIDING OFFICER. Is there objection?

Mr. BUNNING. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Mr. President, as usual, prior to coming to call off the quorum, I had a visit with my friend from Kentucky, who is someone for whom I have the greatest respect. I am going to miss him so much, as I have said publicly and privately. In the days of my youth, I, of course, wanted to be the baseball player that he turned out to be. But that is another story. I didn't want to pitch. I wanted to be something else—a catcher or a shortstop.

Mr. President, I regret that my friend has objected to this modest request. Earlier today, I was advised by the Republican leadership that they needed to have an amendment to be offered on this bill. As noted above, we

agreed to that request. The items that we are proposing to extend in my substitute amendment include unemployment insurance, COBRA, flood insurance, highway funding, small business loans, and small business provisions of the American Recovery Act, the Satellite Home View Act, SGR—the so-called doctor fix—and poverty guidelines. All of these provisions will expire on Sunday, February 28. That is this coming Sunday.

Agencies have been already sending out notices to unemployed workers—agencies such as a number of transportation departments around the country have sent out notices that their work had come to a stop, so they would not be getting benefits.

It is critical that these programs continue so that Americans who are already struggling can continue to get this modest relief. Therefore, I regret the objection of my friend from Kentucky. I hope we can work through this objection and continue these important programs.

Mr. President, we have been told by the Congressional Budget Office that the No. 1 stimulative to our struggling economy is to give people who are out of work, and have been out of work for a long time, unemployment benefits. That money goes right into the economy—whether it is in Anchorage, Las Vegas, or Louisville.

COBRA—there are people who are losing their jobs and they need the ability to buy insurance. Statutorily now they can do that, but this is going to expire. Highway funding—I have already talked about that. It is just a real shame, and I am sorry that we can't get this done by February 28. But we can't. This month would give us the time we need to complete our work.

As far as unemployment benefits, notices have already gone out to thousands of Americans that their benefits are going to be terminated—these unemployed workers. They are already crushed with all the problems they have, and now they are not going to have unemployment benefits. That is simply not right.

I say to my friend again, I regret that we weren't able to work this out today. I hope there is something we can do to work through this objection. We need to continue these important programs.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. BUNNING. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 36, H.R. 1586; that the amendment at the desk, which is the text of the Reid substitute, with an offset, be agreed to; the bill, as amended, be read the third time and passed; and the motion to reconsider be laid on the table.

Mr. REID. Mr. President, reserving the right to object, with the provisions that we are seeking to be extended, there are some of them that cost money.

They all cost a little bit, but there are three items here that cost more

than any of the others; that is, unemployment compensation, COBRA, and the SGR. If there were ever an emergency—ever—in this body, certainly it would be unemployment compensation and COBRA moneys.

I came to the floor earlier this year—it could have been late last year; time flies—to try to get a permanent fix, as we call it, for the SGR for 10 years. That did not get enough votes. That is unfortunate. And this is really unfortunate. This SGR, the Medicare payments that will be allowed to doctors, is for more than doctors; it is for doctors who will take Medicare patients. Many doctors in America today will not take Medicare patients. If we do not get this extended, a lot more will not take Medicare patients.

Our Medicaid programs throughout America are in deep trouble. I met Monday with 12 Governors. Everyone said they were in desperate shape for a lot of reasons, but one of the reasons is what has happened to Medicaid. Not only is it important to the doctors—and that is important—it is more important to the patients, and many programs to reimburse medical professionals—doctors—are based on what we have for Medicare reimbursement. If we do not get Medicare reimbursement, it is a cyclical thing that winds up tearing down the whole system.

I say to my friend that I hope someone can come up with an idea during the night that would allow us to get this done. We are going to take up this bill, all these items permanently next week or at least most of it is for a year or so. That will give us time to complete all this business. Even though we passed the so-called jobs bill which extended the highway bill for a year, the House cannot get it done that quickly. They can move more quickly than we can, but they cannot move that quickly.

Again, I hope we can work something out in the next 12 hours or so. Therefore, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Kentucky.

Mr. REID. Mr. President, I was going to propound a unanimous consent request.

Mr. BUNNING. Go ahead.

MEDICARE PHYSICIAN PAYMENT
REFORM ACT OF 2009

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to Calendar No. 252, H.R. 3961.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

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

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, there is a substitute amendment at the desk, and I ask unanimous consent that the amendment be considered and agreed to and that the bill, as amended, be read a third time.

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

The amendment (No. 3331) was agreed to, as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. EXTENSION OF SUNSETS.

(a) USA PATRIOT IMPROVEMENT AND REAUTHORIZATION ACT OF 2005.—Section 102(b)(1) of the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109-177; 50 U.S.C. 1805 note, 50 U.S.C. 1861 note, and 50 U.S.C. 1862 note) is amended by striking “February 28, 2010” and inserting “February 28, 2011”.

(b) INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.—Section 6001(b)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458; 118 Stat. 3742; 50 U.S.C. 1801 note) is amended by striking “February 28, 2010” and inserting “February 28, 2011”.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill, as amended, was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill, as amended, pass?

The bill (H.R. 3961), as amended, was passed.

Mr. REID. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. Mr. President, I ask unanimous consent that the title amendment, which is at the desk, be considered and agreed to and that the motion to reconsider be laid upon the table.

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

The amendment (No. 3332) was agreed to, as follows:

(Purpose: To amend the title)

Amend the title so as to read: “An Act to extend expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and Intelligence Reform and Terrorism Prevention Act of 2004 until February 28, 2011.”.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. BUNNING. Mr. President, I would like to go back past the original bill we just passed for the extension for a year and explain what my amendment did to the original text the leader was propounding. I paid for it, and I paid for it out of stimulus money.

We passed in this body just last week a pay-go that is extended to all the bills that come through this body. We passed a bill earlier this week on which we did not do pay-go. We did not pay for it—at least \$10 billion of it. The

cost of these extensions is another \$10 billion. That means that \$20 billion goes directly to the debt of this country.

We just extended the debt limit to over \$14 trillion. The reason I offered the offset that the leader objected to was so that my 40 grandkids don't have to pay the bill. We cannot keep shifting our spending to our kids and our grandkids.

Believe me, I want to extend those provisions just as badly as the leader does, but we need to pay for them. That is the reason I offered my substitute to his original text.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, let me say this: The bill we passed today is fully paid for. There is no deficit spending whatsoever. In fact, everything was paid for. Every part of that was paid for. In passing that bill, there is not a cent of red ink.

It is my understanding that with this short extension we have tried to get done today, my friend from Kentucky believes it should be paid for by taking money out of the stimulus funds—

Mr. BUNNING. Unspent stimulus funds.

Mr. REID. Yes—and pay for it that way. It is my understanding that we are willing to have a vote on that. I say to my friend, I am pretty sure that is what your leader and I spoke about. I would be happy to have a vote on that.

Mr. BUNNING. Mr. President, I ask for time to speak.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. BUNNING. I have been here 24 years, I say to the Senator from Nevada.

Mr. REID. We came together.

Mr. BUNNING. And I have been fooled by some things and some things have gone past me and I woke up after it had already passed me. This is not one of those things that was going to do that. Of course, we can have a vote on it, and, of course, it can be defeated, and then, of course, we can pass the bill without the money. I am not willing to risk that \$10 billion being added to the deficit. I was not ready to risk voting on a bill I knew would not get the amount of votes necessary to pay for it. If the majority leader would have included it in his UC, I would have had no problems. But he did not include it in his UC. So that was the reason I asked to pay for it.

Mr. REID. Mr. President, I don't want to delay this any longer than necessary. I don't know how we could be more fair. I have not talked with my Democratic Senators, but I think there may be some Senators on this side of the aisle who agree with Senator BUNNING. That is why we are here.

Right now, we are in a very difficult predicament. I think it would be too bad if people whose unemployment insurance is being terminated—all we are asking for is a few weeks, and then after the extension it will give us time

to have this body and the other body make a decision by voting on it. We are asking for a short extension. My personal belief is that the extension of unemployment insurance is truly an emergency, as I indicated earlier, as I feel about COBRA.

I understand where my friend is coming from. I have never been a part of trying to fool him in any way intentionally. As I understand it, we are willing to vote on this legislation. If we are not able to work that out, I don't know what can be more democratic than that. We are all elected to make our choices here. I would be happy, as I told the distinguished Senator from Kentucky, if he came up with some way we could proceed on this issue, to give every consideration to any proposal he would make.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

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

EXTENSION OF UNEMPLOYMENT BENEFITS

Mr. DURBIN. Mr. President, the last item of business considered on the Senate floor was an effort to extend several provisions of law that will expire either late Saturday night or Sunday. One of these provisions is the extension of unemployment benefits. It is well known across America that we have many people out of work. A lot of them have reached the point where their unemployment benefits are about to expire. I have met with many of those people in my State—in Springfield, in Chicago—and heard their stories, and they are sadly very similar. Many of them have exhausted whatever savings they had to try to keep their homes and their families together. They are literally living on unemployment insurance benefits.

Come Saturday or Sunday, thousands of people in my State and literally more than 1 million Americans will see their unemployment benefits stop; 65,000 people in Illinois will lose their unemployment insurance benefits if we do not extend this; 1.2 million Americans nationwide will lose their unemployment benefits.

It is all right for us to debate. It is certainly our job to offer amendments if we believe something should be

amended. But at the end of the day I think we have to be sensitive and conscious of the fact that a lot of people will start to suffer in ways that most of us cannot imagine. When they lose their unemployment benefits and their savings are exhausted, they are about to lose their homes. I have seen that happen, and it is going to continue to happen.

Let's do the right thing. Let's find a way through this difficulty. Let's try to find a reasonable way to resolve it. Let's not leave here and go to the comfort and happiness of our families with these people disadvantaged.

IRANIAN INFLUENCE IN IRAQ

Mr. KYL. Mr. President, last week, Clifford May, the president of the Foundation for the Defense of Democracies, wrote in the *National Review* that the U.S. should renew its focus on the Iranian regime's influence in Iraq. He warned that the success of the surge in Iraq, which both the President and Vice President opposed when they served in this body, could be transformed into a "bipartisan failure" if we don't increase pressure on the Iranian regime.

Mr. President, I ask unanimous consent to have printed in the *RECORD* the article to which I just referred.

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

[From the *National Review*]

WHO'S LOSING IRAQ?

AND COULD IRAN BE WINNING?

(By Clifford D. May)

"I am very optimistic about—about Iraq. I mean, this could be one of the great achievements of this administration."

Vice President Joseph Biden's comments to CNN's Larry King sparked a brouhaha for an obvious reason: When they were senators, Biden and Barack Obama opposed the "surge" that averted America's defeat in Iraq. It takeschutzpah for them to now claim credit for the fruits of that strategy.

But a less obvious and more significant point is being missed: Iraq may, in the end, turn out to be nobody's achievement. It may turn out to be a military success transformed by politicians and diplomats into a bipartisan failure. Recent developments in Iraq are ominous. The Obama administration is not addressing them effectively. And conservative critics of the Obama administration are strangely silent.

Robert Dreyfus is a journalist of the left with whom I seldom agree; he writes for *The Nation*, a publication of the far left that usually makes my eyes roll. But in his *Nation* blog, Dreyfus correctly notes that as the campaign gets underway for Iraq's March 7 elections, close to 500 candidates have been banned for alleged ties to the Baath Party by the Justice and Accountability Council, "an unelected panel headed by an Iran-linked terrorist, Ali al-Lami."

Among those barred are "the No. 2 and No. 3 candidates in the main opposition bloc, the Iraqi Nationalist Movement, which is led by former Prime Minister Iyad Allawi [a secular Shia]. Already, two members of Allawi's party have been assassinated while campaigning. . . . Allawi, who many observers say had a credible chance of winning enough

votes to lead a governing coalition after the election, has suspended his campaign. . . . Many Sunni leaders are talking about a boycott."

The most serious concern here is not that Iraqi democracy is fledgling and flawed—we knew that. What's troubling is the fact that Iran's militant jihadi rulers are apparently manipulating the process—with impunity.

Most Iraqis do not want their country to be controlled by Iran. Most do not want it to become an Iranian satrapy like Syria, Iraq's neighbor to the west. Most Iraqis do not want to live as Iranians have been living—under the thumb of oppressive theocrats and thuggish Revolutionary Guards.

But Iraqis know that American troops—the "strongest tribe"—are leaving. The bullies in Tehran, by contrast, may be staying right where they are. Iran's rulers can give you money and weapons. Or they and their treacherous agents in Iraq can have you eliminated.

The fact that Ali al-Lami is playing a central role in determining who can and who cannot run for election is—or should be—alarms. In 2008, he was detained by American forces in connection with an Iranian-backed "Special Groups" militia believed to have bombed a municipal building, killing two State Department employees along with six Iraqis. A "senior U.S. military intelligence official" told the Associated Press there were "multiple and corroborating reports" pointing to al-Lami's involvement.

Abdul Rahman al-Rashed, the general manager of al-Arabiya television, writing in the international Arabic daily *Asharq Alawsat*, recently called al-Lami "the man to fear in Iraq. . . . He shows his claws at anyone who dares oppose him and he accuses his opponents of Baathism," including even Gen. David Petraeus "who has fought the Baathists the most and if it weren't for him, al-Lami would not be able to reach his home in one piece. Al-Lami accused Petraeus of Baathism (nobody has ever spoken such nonsense) and said that if General Petraeus was Iraqi he would have been charged under the Debaathification law."

In an interview with the *Times* (U.K.), Petraeus pointedly noted that al-Lami's panel has been linked with Iran's Revolutionary Guard. And on Tuesday, Gen. Ray Odierno, the senior U.S. commander in Iraq, identified al-Lami as one of two Iraqi politicians "clearly . . . influenced by Iran."

The "surge" implemented by Petraeus, Odierno, and their troops was largely responsible for the defeat of al-Qaeda in Iraq—the battlefield Osama bin Laden considered more consequential than any other. But Iran's proxy militias fought U.S. troops, too. And many Americans were killed by explosive devices manufactured in Iran and sent to Iraq for that purpose.

Yet Iran's contribution to the bloodshed in Iraq was consistently downplayed. To highlight it would have led to the question: "So what are you going to do about it?" And the Bush administration did not want to do anything about it—just as the Clinton administration did not want to do anything about Iran's role in the slaughter of American servicemen at Khobar Towers in 1996, just as the Reagan administration did not want to do anything about Iran's dispatching of Hezbollah suicide-bombers to kill Americans in Beirut in 1983, and just as the Carter administration did not want to do anything about the seizure of the American Embassy in Tehran in 1979.

Ayatollah Ruhollah Khomeini, the father of Iran's 1979 Islamic Revolution, concluded: "America cannot do a damn thing!" The phrase has been repeated by Iranian rulers ever since.

President Obama ought to break with this pattern of fecklessness. He should show Iran

that there are consequences for facilitating the deaths of Americans, for sponsoring terrorism, for building nuclear weapons, for ruthlessly oppressing Iranians at home, and for undermining the election process in Iraq. At the very least, Obama should slow down the pace of American troop withdrawals in Iraq and impose serious sanctions—the kind envisioned by the legislation recently passed by both the House and the Senate.

But Biden said nothing about sanctions to Larry King. Instead he told him (and any Iranians who might be listening): "You're going to see 90,000 American troops come marching home by the end of the summer." The vice president added: "You're going to see a stable government in Iraq that is actually moving toward a representative government. I spent—I've been there 17 times now. I go about every two months—three months. I know every one of the major players in all the segments of that society. It's impressed me. I've been impressed how they have been deciding to use the political process rather than guns to settle their differences."

True: Biden has been a frequent flier to Iraq, where he has argued against the banning of candidates who displease Tehran. Also true: He might as well have been talking to a wall.

Iraq remains what it has been: a pivotal nation in the heart of the Middle East. Biden may think he and his administration have achieved something there. Obama may see Iraq as a distraction from the war against "the real enemy" in Afghanistan. Conservatives may view Iraq as a success Obama inherited from the Bush administration—and therefore no longer their problem.

All these views are wrong. It would be a cruel irony—not to mention a terrible defeat—if the sacrifices Americans have made were, in the end, to produce an Iraq dominated by Iranian Supreme Leader Ali Khamenei and President Mahmoud Ahmadinijad, enemies of Iraq, freedom, and democracy—enemies sworn to bringing about a "world without America."

Why don't Biden and Obama recognize that? And why are their critics not more vocal about the fact that they do not?

VOTE EXPLANATION

Mr. MCCAIN. Mr. President, today I missed rollcall vote No. 24, the motion to waive the Budget Act with respect to the motion to concur in the House amendment to the Senate amendment to H.R. 2847, with the Reid amendment No. 3310. I was regrettably detained due to the fact that I was serving as the ranking member at a Senate Armed Services Committee hearing. If I had been present, I would have voted to sustain the point of order.

ADDITIONAL STATEMENTS

RECOGNIZING BULL MOOSE MUSIC

● Ms. SNOWE. Mr. President, each day we read too many stories of small businesses unable to weather the current economic storm. Countless small firms both in Maine and across the Nation have been unable to compete with large chain stores and have been literally priced out of the market. Thankfully, today I wish to tell an inspirational success story and recognize a local retailer in my home State of Maine that

has met the challenges of this difficult economic climate head on and continues to grow and thrive.

Bull Moose is a small retail chain originally founded in Brunswick, ME. The company initially focused on providing its customers solely with music but has now branched out into many forms of entertainment and media, including movies, games, and books. Its founder and president, Brett Wickard, characterizes Bull Moose as selling “inexpensive fun stuff.” Twenty years ago, when Mr. Wickard was a college student at Brunswick’s Bowdoin College, the local record store closed down. Now many of us would have just found another place to buy cassettes or records, but this young Bowdoin entrepreneur had a different idea. With just \$7,000 of his own money and a small loan, Brett Wickard launched Bull Moose Music in the summer of 1989, and a truly homegrown business success story began. Mr. Wickard arranged his course schedule around his new store hours and had friends work in the store while he was in class.

The Bull Moose business plan began by looking up record distributors in the Yellow Pages and ordering one album by every artist and band that had released at least two albums. The thought process was if you made a second album, you must be a good band. In the first summer, Bull Moose Music had sales of barely \$100 a day, and Brett was forced to use his credit card as a tool to survive. But with dedication and perseverance, Bull Moose has grown from these humble beginnings in Brunswick to include 10 stores in both Maine and New Hampshire with over 100 employees. To keep up with the added demand, the company has now produced its own software to analyze which albums and artists it should carry based on the purchasing history of each of the store’s customers. Mr. Wickard actually designed the Bull Moose purchasing software as his senior project while still a Bowdoin student—quite an upgrade from scouring the Yellow Pages!

Bull Moose recently celebrated its 20th anniversary and is on track to have its best year ever despite the current recession. Nevertheless, it continues to face the challenges confronting many small businesses. Beyond the severity of the economic downturn, large chain stores make it increasingly difficult to compete, and digital downloads of music have reduced the number of customers buying music in stores. As a result of these overwhelming roadblocks, many small businesses have been forced to cut staff and eliminate bonuses. In contrast, Bull Moose has tripled Christmas bonuses and continues to hire more staff, including a location in Bangor, ME, that has tripled in size. Mr. Wickard credits Bull Moose’s commitment to customer service and convenience to their unprecedented success and growth.

It is indeed refreshing to see a superb small business overcome the many ob-

stacles it faces in today’s market. Stories such as this should renew our focus to help small entrepreneurs succeed because as small businesses like Bull Moose continue to grow, they provide a substantial positive impact on the health of the local community and our overall economy. My home State of Maine has benefited greatly from Bull Moose’s success, and I wish Mr. Wickard and everyone at Bull Moose continued success for years to come.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

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

MESSAGES FROM THE HOUSE

At 9:37 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3695. An act to authorize funding for, and increase accessibility to, the National Missing and Unidentified Persons System, to facilitate data sharing between such system and the National Crime Information Center database of the Federal Bureau of Investigation, to provide incentive grants to help facilitate reporting to such systems, and for other purposes.

At 12:51 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2314. An act 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.

ENROLLED BILL SIGNED

At 2:35 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

4532. An act to provide for permanent extension of the attorney fee withholding procedures under title II of the Social Security Act to title XVI of such Act, and to provide for permanent extension of such procedures under titles II and XVI of such Act to qualified non-attorney representatives.

The enrolled bill was subsequently signed by the President pro tempore (Mr. BYRD).

MEASURES REFERRED

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

H.R. 3695. An act to authorize funding for, and increase accessibility to, the National Missing and Unidentified Persons System, to facilitate data sharing between such system and the National Crime Information Center database of the Federal Bureau of Investigation, to provide incentive grants to help facilitate reporting to such systems, and for other purposes; to the Committee on the Judiciary.

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-4796. 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 “Laminarin; Exemption from the Requirement of a Tolerance” (FRL No. 8812-1) received during adjournment of the Senate in the Office of the President of the Senate on February 19, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4797. 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 “Trichoderma gamsii strain ICC 080; Exemption from the Requirement of a Tolerance” (FRL No. 8799-4) received during adjournment of the Senate in the Office of the President of the Senate on February 19, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4798. 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 “Nicosulfuron; Pesticide Tolerances for Emergency Exemptions” (FRL No. 8812-5) received during adjournment of the Senate in the Office of the President of the Senate on February 19, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4799. A communication from the Administrator of the National Organic Program, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “National Organic Program; Access to Pasture (Livestock)” ((Docket No. AMS-TM-06-0198)(RIN0581-AC57)) received in the Office of the President of the Senate on February 23, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4800. A communication from the Administrator of the Research and Promotion Branch, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Processed Raspberry Promotion, Research, and Information Order; Referendum Procedures” ((Docket Nos. AMS-FV-07-0077; FV-07-705-FR)(RIN0581-AC79)) received in the Office of the President of the Senate on February 23, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4801. A communication from the Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Grapes Grown in a Designated Area of

Southeastern California and Imported Table Grapes; Change in Regulatory Periods" (Docket Nos. AMS-FV-06-0184; FV03-925-1 FIR) received in the Office of the President of the Senate on February 23, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4802. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "Child Welfare Outcomes 2003-2006: Report to Congress"; to the Committee on Finance.

EC-4803. 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 Ruling: 2010 Prevailing State Assumed Interest Rates" (Rev. Rul. 2010-7) received in the Office of the President of the Senate on February 23, 2010; to the Committee on Finance.

EC-4804. 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 "Applicable Federal Rates—March 2010" (Rev. Rul. 2010-8) received in the Office of the President of the Senate on February 23, 2010; to the Committee on Finance.

EC-4805. 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 "Correction to Composite Loss Discount Factor for Nonproportional Assumed Property Reinsurance in Revenue Procedure 2009-55" (Ann. 2010-11) received in the Office of the President of the Senate on February 23, 2010; to the Committee on Finance.

EC-4806. 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 "Notice: Qualified Zone Academy Bond Allocations for 2010" (Notice 2010-22) received in the Office of the President of the Senate on February 23, 2010; to the Committee on Finance.

EC-4807. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Whistleblower Protections for Contractor Employees" (DFARS Case 2008-D012) received in the Office of the President of the Senate on February 22, 2010; to the Committee on Armed Services.

EC-4808. A communication from the Secretary of Defense, transmitting a report on the approved retirement of Lieutenant General Emerson N. Gardner, Jr., United States Marine Corps, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC-4809. A communication from the Deputy Secretary of Defense, Department of Defense, transmitting, pursuant to law, a report relative to Taiwan's Air Defense Force; to the Committee on Armed Services.

EC-4810. A communication from the Secretary of Energy, transmitting, pursuant to law, the Department of Energy's Fiscal Year 2009 Competitive Sourcing Activity Report; to the Committee on Energy and Natural Resources.

EC-4811. A communication from the Executive Director, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Annual Update of Filing Fees" (RIN1902-AD90) received in the Office of the President of the Senate on February 22, 2010; to the Committee on Energy and Natural Resources.

EC-4812. A communication from the Regulatory Specialist, Office of the Comptroller of the Currency, Department of the Treas-

ury, transmitting, pursuant to law, the report of a rule entitled "Risk-Based Capital Guidelines; Capital Adequacy Guidelines; Capital Maintenance; Regulatory Capital; Impact of Modifications to Generally Accepted Accounting Principles; Consolidation of Asset-Backed Commercial Paper Programs; and Other Related Issues" (RIN1557-AD26) received during adjournment of the Senate in the Office of the President of the Senate on February 19, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-4813. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, a report entitled "Final Clarification for Chemical Identification Describing Activated Phosphors for TSCA Inventory Purposes"; to the Committee on Environment and Public Works.

EC-4814. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Indiana; Volatile Organic Compound Emission Control Measures for Lake and Porter Counties in Indiana" (FRL No. 9107-2) received during adjournment of the Senate in the Office of the President of the Senate on February 19, 2010; to the Committee on Environment and Public Works.

EC-4815. 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; Virginia Revisions to the Definition of Volatile Organic Compound and Other Terms" (FRL No. 9116-1) received during adjournment of the Senate in the Office of the President of the Senate on February 19, 2010; to the Committee on Environment and Public Works.

EC-4816. 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; Virginia; Opacity Source Surveillance Methods" (FRL No. 9115-9) received during adjournment of the Senate in the Office of the President of the Senate on February 19, 2010; to the Committee on Environment and Public Works.

EC-4817. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants for Reciprocating Internal Combustion Engines" (FRL No. 9115-7) received during adjournment of the Senate in the Office of the President of the Senate on February 19, 2010; to the Committee on Environment and Public Works.

EC-4818. A communication from the Administrator of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, a report entitled "National Airspace System Capital Investment Plan FY 2011 through 2015"; to the Committee on Commerce, Science, and Transportation.

EC-4819. A communication from the Assistant General Counsel for Regulatory Affairs, Consumer Product Safety Commission, transmitting, pursuant to law, the report of a rule entitled "Guidelines and Requirements for Mandatory Recall Notices" (16 CFR Part 1115) received during adjournment

of the Senate in the Office of the President of the Senate on February 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4820. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-306, "Department of Small and Local Business Development Amendment Act of 2009"; to the Committee on Homeland Security and Governmental Affairs.

EC-4821. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-307, "Pre-k Acceleration and Clarification Temporary Amendment Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-4822. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-308, "Old Morgan School Place, N.W. Renaming Temporary Amendment Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-4823. A communication from the Associate General Counsel for General Law, Department of Homeland Security, transmitting, pursuant to law, a report relative to a vacancy in the position of Commissioner, U.S. Customs and Border Protection, received in the Office of the President of the Senate on February 2, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-4824. A communication from the Associate General Counsel for General Law, Department of Homeland Security, transmitting, pursuant to law, a report relative to a vacancy in the position of Deputy Administrator, Federal Emergency Management Agency, received in the Office of the President of the Senate on February 2, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-4825. A communication from the Secretary of the Department of the Interior, transmitting, a report relative to the management of individual Indian trust accounts; to the Committee on Indian Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. KERRY, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Res. 404. A resolution supporting full implementation of the Comprehensive Peace Agreement and other efforts to promote peace and stability in Sudan, and for other purposes.

S. Res. 414. A resolution expressing the Sense of the Senate on the recovery, rehabilitation, and rebuilding of Haiti following the humanitarian crisis caused by the January 12, 2010, earthquake in Haiti.

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of nominations were submitted:

By Mr. KERRY for the Committee on Foreign Relations.

*Donald E. Booth, of Virginia, 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 the Federal Democratic Republic of Ethiopia.

Nominee: Donald Ernest Booth.

Post: Ambassador to Ethiopia.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: None.
2. Spouse: Anita S. Booth: None.
3. Children and Spouses: Alison L. Booth, none; Peter R. Booth, none; David I. Booth, none.
4. Parents: John E. Booth (deceased), none; Eileen R. Booth (deceased), none.
5. Grandparents: Ernest Ford (deceased), none; Lena Ford (deceased), none; Edward Booth (deceased), none; Margaret Booth (deceased), none.
6. Brothers and Spouses: John L. Booth, none; Tibby Booth, none.
7. Sisters and Spouses: Camilla Noyes, none; George Noyes, none.

*Scott H. DeLisi, of Minnesota, 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 the Federal Democratic Republic of Nepal.

Nominee: Scott H. DeLisi.
Post: Kathmandu, Nepal.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

- Self: \$112.58, Oct. '08, Obama Presidential Campaign 2008.
- Spouse: Leija C. DeLisi: \$80.00, Oct. '08, Obama Presidential Campaign 2008.
- Children and spouses: Daughter/Son-in-law: Tjama & Joe Saitta, \$75.00, Oct. '08, Obama Presidential Campaign 2008; Son: Anthony DeLisi, \$120.00; Son: Joe DeLisi, None.
- Parents: Glorie A. DeLisi, \$75.00, Oct. '08, Obama Presidential Campaign 2008; Joseph DeLisi (deceased).
- Grandparents: Agostino and Antonella DeLisi (deceased), none; Elmer and Katherine Minea (deceased).
- Brothers and spouses: Andrew and Ida DeLisi, none; Daniel (deceased) and Jill DeLisi.
- Sisters and Spouses: Sister: Deborah Hannigan, \$2,200.00, Oct. '08, Obama Presidential Campaign 2008; Brother-in-law: James Hannigan, \$500.00; Christine and Edmond Perz, none; Martha and David Bogie, none.

*Beatrice Wilkinson Welters, of Virginia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Trinidad and Tobago.

Nominee: Beatrice Welters.
Post: Trinidad and Tobago.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Name, amount, date, and campaign:

1. Beatrice Welters: \$1,900, Nov 2009, People for Carl Andrews; \$2,300, 1/7/09, Hillary For President Debt Relief; \$4,600, 11/12/08, Reelect Ed Towns—Primary/General 2010; \$5,000, 9/17/08, Committee for Change; \$5,000, 9/16/08, Committee for Change; \$3,000, 8/25/08, Friends of Byron Dorgan; \$5,000, 7/8/08, Democratic Congressional Campaign Committee; \$28,500, 6/30/08, Democrat for White House Victory

Fund; \$1,000, 2/29/08, Judy Feder for Congress; \$2,000, 12/25/07, Loesback for Congress; \$2,000, 11/16/07, Ken Salazar for Senate; \$2,300, 8/24/07, Barack Obama for America; \$2,000, 7/18/07, Citizens for Arlen Specter; \$2,300, 6/25/07, Barack Obama for America; \$2,100, 10/26/06, Steele for Maryland; \$2,100, 10/20/06, Harold Ford Jr. for Tennessee; \$4,000, 8/30/06, People for Carl Andrews; \$4,000, 8/29/06, Rangel for Congress; \$2,000, 7/5/06, Committee to Re-Elect Ed Towns; \$2,000, 3/22/06, Chris Owens for Congress; \$5,000, 9/27/05, Hope Fund; \$2,500, 2/14/05, ROYB Fund.

2. Anthony Welters: \$1,900, Nov 2009, People for Carl Andrews; \$2,300, 1/7/09, Hillary For President Debt Relief; \$5,000, Jan-Dec/2008, United for Health PAC; \$4,600, 11/13/08, Reelect Ed Towns—Primary/General 2010; \$5,000, 11/13/08, Effective Leadership PAC; \$2,300, 10/31/08, Pat Murphy for Congress; \$2,300, 10/23/08, Citizens for Bobby Rush; \$2,300, 9/19/08, Sanford Bishop for Congress; \$5,000, 9/16/08, Committee for Change; \$4,600, 9/8/08, Friends of Byron Dorgan; \$1,000, 7/9/08, Nelson for Senate; \$28,500, 6/30/08, Democrat for White House Victory Fund; \$2,300, 5/14/08, Committee to Re-Elect Ed Towns; \$2,300, 3/8/08, Myers for Congress Committee; \$2,300, 2/26/08, Rudy Giuliani Presidential Campaign; \$5,000, Jan-Dec/2007, United for Health PAC; \$2,300, 8/24/07, Barack Obama for America; \$2,300, 8/16/07, Thompson for President; \$2,000, 7/18/07, Citizens for Arlen Specter; \$2,300, 6/25/07, Barack Obama for America; \$1,000, 5/28/07, Committee to Re-Elect Ed Towns; \$4,200, 4/23/07, Giffords For Congress; \$4,600, 4/18/07, Thompson for President; \$4,600, 4/12/07, Rudy Giuliani Presidential Campaign; \$5,000, Jan-Dec/2006, United for Health PAC; \$2,100, 10/26/06, Steele for Maryland; \$4,200, 10/23/06, Harold Ford Jr. for Tennessee; \$2,100, 10/20/06, Harold Ford Jr. for Tennessee; \$3,000, 10/17/06, MIKER Fund; \$175, 10/5/06, Kean for Senate; \$4,000, 8/29/06, Rangel for Congress; \$4,000, 8/29/06, People for Carl Andrews; \$1,000, 7/7/06, Committee to Re-Elect Ed Towns; \$2,000, 3/22/06, Chris Owens for Congress; \$5,000, Jan-Dec/2005, United for Health PAC; \$2,500, 12/22/05, Reynolds for Congress; \$2,000, 12/21/05, Snowe for Senate; \$5,000, 9/27/05, Hope Fund; \$2,000, 3/12/05, Committee to Re-Elect Ed Towns; \$2,000, 7/12/05, Reynolds for Congress; \$1,000, 7/12/05, Sweeney for Congress; \$4,000, 6/30/05, Citizens for Bobby Rush; \$4,200, 4/18/05, Mark Kennedy for Senate; \$2,500, 3/7/05, ROYB Fund.

3. Andrew Welters: \$2,500, 4/29/09, Friends of Byron Dorgan; \$5,000, 9/24/08, Committee for Change; \$2,300, 8/28/08, Hillary Clinton for President; \$2,300, 6/30/08, Barack Obama for America; \$28,500, 6/18/08, Democrat for White House Victory Fund; \$4,600, 10/17/07, Hillary Clinton for President; \$2,300, 9/12/07, Barack Obama for America.

4. Bryant Welters: \$2,500, 4/29/09, Friends of Byron Dorgan; \$5,000, 9/24/08, Committee for Change; \$2,300, 8/28/08, Hillary Clinton for President; \$2,300, 6/30/08, Barack Obama for America; \$28,500, 6/18/08, Democrat for White House Victory Fund; \$4,600, 10/17/07, Hillary Clinton for President; \$2,300, 9/12/07, Barack Obama for America; \$2,100, 10/24/06, Harold Ford for Tennessee.

*David Adelman, of Georgia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Singapore.

Nominee: David I. Adelman.

Post:

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. David I. Adelman, \$250, 2/29/08, Friends of John Barrow; \$2,300, 3/18/07, Obama for America; \$250, 7/14/08, John Lewis/Congress; \$500, 9/4/08, Martin for Senate Inc.; \$2,300, 10/13/08, Obama Victory Fund; \$250, 12/6/05, Friends of John Barrow; \$500, 2/9/06, Forward Together PAC (Sen. Mark Warner); \$250, 7/20/06, Committee to Elect Hank Johnson; \$250, 5/3/06, Evan Bayh Committee.

2. Spouse: Caroline A. Aronovitz: None.

3. Oscar Adelman, Minor: None; Leah Adelman, Minor: None; Avery Adelman, Minor: None.

4. Parents: Nelson Adelman (Father), None; Donna Adelman (Mother), None.

5. Grandparents: Sue Dahab, None.

6. Brother: Mark Adelman, None; Sister-in-Law: Becky Adelman, None.

7. Sisters and Spouses: NA.

*Harry K. Thomas, Jr., of New York, 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 the Republic of the Philippines.

Nominee: Harry K. Thomas Jr.

Post: Manila.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: 150, 10/08, Obama for America.
2. Spouse: None.
3. Children and Spouses: Ericka Smith-Thomas (spouse); Casey Thomas (daughter).
4. Parents: Harry K. Thomas Sr. (deceased) Hildonia M. Thomas, None.
5. Grandparents: Charles McClary, Merie McClary, Frank Thomas, Mary Thomas (all deceased), None.
6. Sisters and Spouses: Nelda Canada, Daniel Canada: 200, 7/08, Obama for America; 50, 6/8, DNC.

*Allan J. Katz, of Florida, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Portuguese Republic.

Nominee: Allan J. Katz.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: \$2,300, 12/17/07, Obama for America; \$1,274, 3/3/08, A Lot of People for Dave Obey; \$500, 8/22/08, Linda Ketner for Congress; \$500, 10/30/08, Joe Garcia for Congress; \$2,000, 12/23/05, Bill Nelson for US Senate; \$300, 6/11/04, Akerman Senterfitt PAC; \$300, 6/24/04, Akerman Senterfitt PAC; \$300, 7/15/04, Akerman Senterfitt PAC; \$250, 3/20/08, Suzanne Kosms for Congress; \$500, 12/25/07, David Loeb sack for Congress; \$53.83, 7/31/08, Obama for America; (53.83), 9/30/08, returned—Obama for America; \$2,246, 7/31/08, Obama for America; (\$2,246), 12/31/08, returned—Obama for America; \$2,300, 7/31/08, Obama for America; \$1,000, 9/5/02, Florida Leadership PAC; \$350, 5/9/01, Grassley Committee Inc.; \$250, 3/31/00, Patsy Kurth for congress; \$1,000, 2/12/02, Friends of Max Cleland; \$500, 7/11/03, Bob Graham for President; \$250, 6/27/01, Citizens for Mark Shriver; \$500, 12/23/03, Wasserman-Schultz for Congress; \$250, 9/30/03, Dean for President; \$873, 3/8/01, A Lot of People for Dave Obey; \$1,000, 10/1/99, Bill Nelson for US Senate; \$500, 4/26/06, Friends of Hillary; \$2,000, 4/19/04, John Kerry for President; \$1,000, 3/16/00, Carnahan for Senate

Committee; \$1,000, 3/16/98, Friends of Bob Graham Committee; \$250, 4/11/03, Harold Ford Jr for Tennessee; \$300, 8/29/00, DNC Services Corporation; \$250, 3/17/06, McCaskill for Missouri; \$1,000, 11/1/99, Bill Bradley for President; \$500, 10/21/98, Victory in New York; \$500, 10/20/98, Schumer '98.

Spouse: Nancy E. Cohn: \$500, 4/22/05 Ron Klein for Congress; \$1,000, 6/30/08, Suzanne Kosmas for Congress; \$2,300, 3/31/07, Obama for America; \$2,300, 7/31/08, Obama for America; \$250, 1/18/04, Campaign for Florida's Future; \$1,000, 10/27/04, Campaign for Florida's Future; \$1,200, 12/19/03, Howard Dean for America; \$1,000, 3/28/02, Katy Sorenson for Congress (\$826.00 was returned); \$1,000, 12/29/99, Bill Bradley for President.

3. Children and Spouses: Ethan Katz, Son: Several small contributions, all of which were less than \$100 for which he did not keep records: Bradley for President, 1999; McCain for President, 2000; Dean for America, 2003-04; Obama for America, 2007-2008. Hagit Katz, Daughter-in-law: no contributions. Matthew Katz, Son: no contributions.

4. Parents: Deceased: no contributions.

5. Grandparents: Deceased: no contributions.

Brothers and Spouses: N/A: no contributions.

7. Sisters and Spouses: Joanne Katz: \$250, 10/14/04, DNC Services Corporation; \$382, 8/21/04, America Coming Together. In addition, several small contributions, all of which were less than \$100 for which she did not keep records: Obama for America, 2007-08; Democratic National Committee, 2008; Carnahan for Senate, 2009. Michelle Bartlett: no contributions.

*Ian C. Kelly, of Maryland, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be U.S. Representative to the Organization for Security and Cooperation in Europe, with the rank of Ambassador.

Nominee: Ian C. Kelly.

The following is a list of all members of my immediate family and their spouses. I have each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date and donee:

1. Self: none.

2. Spouse: none.

3. Children and Spouses: Annalisa, William, John, and Joseph: none.

4. Parents: Stella Kelly and William Kelly: \$25, 5/16/09, IL RNC; \$50, 9/22/08, RNC; \$15, 7/18/09, RNC; \$50, 7/30/08, RNC; \$11, 10/06/07, RNC; \$25, 6/11/08, RNC; \$25, 2/12/08, McCain for Pres; \$25, 1/1/08, McCain; \$25, 10/31/07, McCain; \$25, 9/1/07, RNC; \$20, 5/14/07, Rep. Maj. Fund; \$25, 7/16/06, RNC; \$25, 4/18/06, RNC.

5. Grandparents: (Deceased): n/a.

6. Brothers and Spouses: n/a.

7. Sisters and Spouses: Kathryn Rutherford and Abigail Holman: none.

*Walter Crawford Jones, of Maryland, to be United States Director of the African Development Bank for a term of five years.

*Ian Hody Solomon, of Maryland, to be United States Executive Director of the International Bank for Reconstruction and Development for a term of two years.

*Leocadia Irine Zak, of the District of Columbia, to be Director of the Trade and Development Agency.

*Brooke D. Anderson, of California, to be Alternate Representative of the United States of America for Special Political Affairs in the United Nations, with the rank of Ambassador.

*Brooke D. Anderson, of California, to be an Alternate Representative of the United

States of America to the Sessions of the General Assembly of the United Nations during her tenure of service as Alternate Representative of the United States of America for Special Political Affairs in the United Nations.

*Rosemary Anne DiCarlo, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be the Deputy Representative of the United States of America to the United Nations, with the rank and status of Ambassador Extraordinary and Plenipotentiary, and the Deputy Representative of the United States of America in the Security Council of the United Nations.

*Rosemary Anne DiCarlo, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Representative of the United States of America to the Sessions of the General Assembly of the United Nations, during her tenure of service as Deputy Representative of the United States of America to the United Nations.

*Douglas A. Rediker, of Massachusetts, to be United States Alternate Executive Director of the International Monetary Fund for a term of two years.

*Judith Ann Stewart Stock, of Virginia, to be an Assistant Secretary of State (Educational and Cultural Affairs).

Mr. KERRY. Mr. President, for the Committee on Foreign Relations I report favorably the following nomination lists which were printed in the RECORD on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

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

*Foreign Service nomination of Earl W. Gast.

*Foreign Service nominations beginning with Suzanne E. Heinen and ending with Bernadette Borris, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on November 17, 2009.

*Foreign Service nominations beginning with Sean J. McIntosh and ending with William Qian Yu, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on December 11, 2009.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

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

S. 3028. A bill to amend title XVIII of the Social Security Act to eliminate the 190-day lifetime limit on inpatient psychiatric hospital services under the Medicare program; to the Committee on Finance.

By Mr. KERRY (for himself and Mr. LUGAR):

S. 3029. A bill to establish an employment-based immigrant visa for alien entrepreneurs who have received significant capital from investors to establish a business in the

United States; to the Committee on the Judiciary.

By Mrs. GILLIBRAND:

S. 3030. A bill to amend the Public Works and Economic Development Act of 1965 to eliminate cost-sharing requirements in connection with economic adjustment grants made to assist communities that have suffered economic injury as a result of military base closures and realignments, defense contractor reductions in force, and Department of Energy defense-related funding reductions; to the Committee on Environment and Public Works.

By Mr. LEAHY (for himself and Mr. GRASSLEY):

S. 3031. A bill to authorize Drug Free Communities enhancement grants to address major emerging drug issues or local drug crises; to the Committee on the Judiciary.

By Mr. BARRASSO:

S. 3032. A bill to prohibit the enforcement of a climate change interpretive guidance issued by the Securities and Exchange Commission, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. DURBIN (for himself, Mr. BROWN of Ohio, Mr. HARKIN, and Mr. FRANKEN):

S. 3033. A bill to amend title 11, United States Code, to improve protections for employees and retirees in business bankruptcies; to the Committee on the Judiciary.

By Mr. SCHUMER (for himself, Mr. MENENDEZ, Mr. LAUTENBERG, and Mr. WARNER):

S. 3034. A bill to require the Secretary of the Treasury to strike medals in commemoration of the 10th anniversary of the September 11, 2001, terrorist attacks on the United States and the establishment of the National September 11 Memorial & Museum at the World Trade Center; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BAUCUS (for himself and Mr. TESTER):

S. 3035. A bill to require a report on the establishment of a Polytrauma Rehabilitation Center or Polytrauma Network Site of the Department of Veterans Affairs in the northern Rockies or Dakotas, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. BAYH (for himself, Ms. COLLINS, and Mr. LEMIEUX):

S. 3036. A bill to establish the Office of the National Alzheimer's Project; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. MCCASKILL (for herself, Mr. FEINGOLD, and Mr. LEAHY):

S. 3037. A bill to increase oversight of private security contractors and establish the proper ratio of United States Government security personnel to private security contractors at United States missions where the armed forces are engaged in combat operations; to the Committee on Foreign Relations.

By Mr. DODD (for himself and Mr. UDALL of New Mexico):

S.J. Res. 28. A joint resolution proposing an amendment to the Constitution of the United States relating to contributions and expenditures intended to affect elections; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Ms. LANDRIEU (for herself, Mrs. LINCOLN, Mr. CHAMBLISS, Mrs.

SHAHEEN, Ms. MURKOWSKI, Mr. BARRASSO, Mr. BYRD, Mr. ISAKSON, and Mr. BENNETT):

S. Res. 421. A resolution supporting the goals and ideals of "National Guard Youth Challenge Day"; considered and agreed to.

ADDITIONAL COSPONSORS

S. 315

At the request of Mr. FEINGOLD, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 315, a bill to amend title 38, United States Code, to improve the outreach activities of the Department of Veterans Affairs, and for other purposes.

S. 369

At the request of Mr. KOHL, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 369, a bill to prohibit brand name drug companies from compensating generic drug companies to delay the entry of a generic drug into the market.

S. 408

At the request of Mr. INOUE, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 408, a bill to amend the Public Health Service Act to provide a means for continued improvement in emergency medical services for children.

S. 422

At the request of Ms. STABENOW, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 422, a bill to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the prevention, diagnosis, and treatment of heart disease, stroke, and other cardiovascular diseases in women.

S. 493

At the request of Mr. CASEY, the names of the Senator from Florida (Mr. LEMIEUX) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 493, a bill to amend the Internal Revenue Code of 1986 to provide for the establishment of ABLE accounts for the care of family members with disabilities, and for other purposes.

S. 504

At the request of Mr. ROBERTS, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 504, a bill to redesignate the Department of the Navy as the Department of the Navy and Marine Corps.

S. 678

At the request of Mr. LEAHY, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 678, a bill to reauthorize and improve the Juvenile Justice and Delinquency Prevention Act of 1974, and for other purposes.

S. 700

At the request of Mr. BINGAMAN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 700, a bill to amend title II of

the Social Security Act to phase out the 24-month waiting period for disabled individuals to become eligible for Medicare benefits, to eliminate the waiting period for individuals with life-threatening conditions, and for other purposes.

S. 753

At the request of Mr. SCHUMER, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 753, a bill to prohibit the manufacture, sale, or distribution in commerce of children's food and beverage containers composed of bisphenol A, and for other purposes.

S. 886

At the request of Mr. NELSON of Florida, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 886, a bill to establish a program to provide guarantees for debt issued by State catastrophe insurance programs to assist in the financial recovery from natural catastrophes.

S. 1221

At the request of Mr. SPECTER, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 1221, a bill to amend title XVIII of the Social Security Act to ensure more appropriate payment amounts for drugs and biologicals under part B of the Medicare Program by excluding customary prompt pay discounts extended to wholesalers from the manufacturer's average sales price.

S. 1321

At the request of Mr. UDALL of Colorado, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 1321, a bill to amend the Internal Revenue Code of 1986 to provide a credit for property labeled under the Environmental Protection Agency Water Sense program.

S. 1504

At the request of Mr. SPECTER, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 1504, a bill to provide that Federal courts shall not dismiss complaints under rule 12(b)(6) or (e) of the Federal Rules of Civil Procedure, except under the standards set forth by the Supreme Court of the United States in *Conley v. Gibson*, 355 U.S. 41 (1957).

S. 1603

At the request of Mr. BROWN of Ohio, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1603, a bill to amend section 484B of the Higher Education Act of 1965 to provide for tuition reimbursement and loan forgiveness to students who withdraw from an institution of higher education to serve in the uniformed services, and for other purposes.

S. 1668

At the request of Mr. BENNET, the name of the Senator from Nebraska (Mr. JOHANNIS) was added as a cosponsor of S. 1668, a bill to amend title 38, United States Code, to provide for the inclusion of certain active duty service

in the reserve components as qualifying service for purposes of Post-9/11 Educational Assistance Program, and for other purposes.

S. 2760

At the request of Mr. UDALL of New Mexico, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 2760, a bill to amend title 38, United States Code, to provide for an increase in the annual amount authorized to be appropriated to the Secretary of Veterans Affairs to carry out comprehensive service programs for homeless veterans.

S. 2776

At the request of Mr. ALEXANDER, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 2776, a bill to amend the Energy Policy Act of 2005 to create the right business environment for doubling production of clean nuclear energy and other clean energy and to create mini-Manhattan projects for clean energy research and development.

S. 2796

At the request of Mr. ENZI, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 2796, a bill to extend the authority of the Secretary of Education to purchase guaranteed student loans for an additional year, and for other purposes.

S. 2919

At the request of Mr. UDALL of Colorado, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 2919, a bill to amend the Federal Credit Union Act to advance the ability of credit unions to promote small business growth and economic development opportunities, and for other purposes.

S. 2986

At the request of Ms. LANDRIEU, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 2986, a bill to authorize the Administrator of the Small Business Administration to waive interest for certain loans relating to damage caused by Hurricane Katrina, Hurricane Rita, Hurricane Gustav, or Hurricane Ike.

S. 2995

At the request of Mr. CARPER, the names of the Senator from New York (Mrs. GILLIBRAND) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. 2995, a bill to amend the Clean Air Act to establish a national uniform multiple air pollutant regulatory program for the electric generating sector.

S. RES. 414

At the request of Mr. KERRY, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. Res. 414, a resolution expressing the Sense of the Senate on the recovery, rehabilitation, and rebuilding of Haiti following the humanitarian crisis caused by the January 12, 2010, earthquake in Haiti.

STATEMENTS ON INTRODUCED
BILLS AND JOINT RESOLUTIONS

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

S. 3028. A bill to amend title XVIII of the Social Security Act to eliminate the 190-day lifetime limit on inpatient psychiatric hospital services under the Medicare program; to the Committee on Finance.

Mr. KERRY. Mr. President, our country has recently taken great steps forward to support the principles of mental health parity. In 2008, Congress has enacted two important pieces of legislation to end discrimination against people suffering from mental illnesses.

Congress passed the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008, MHPAEA, to prohibit the establishment of discriminatory benefit caps or cost-sharing requirements for mental health and substance use disorders. That same year Congress also passed the Medicare Improvements for Patients and Protections Act, MIPPA, which included legislation introduced by Senator SNOWE, and myself, the Medicare Mental Health Copayment Equity Act. This legislation prevented Medicare beneficiaries from being charged higher copayments for outpatient mental health services than for all other outpatient physician services.

Unfortunately, even with the passage of MIPPA, a serious mental health inequity remains in Medicare. Medicare beneficiaries are currently limited to only 190-days of inpatient psychiatric hospital care in their lifetime. This lifetime limit directly impacts Medicare beneficiaries' access to psychiatric hospitals, although it does not apply to psychiatric units in general hospitals. This arbitrary cap on benefits is discriminatory to the mentally ill as there is no such lifetime limit for any other Medicare specialty inpatient hospital service. The 190-day lifetime limit is problematic for patients being treated in psychiatric hospitals as they may easily exceed the 190-days if they have a chronic mental illness.

That is why Senator SNOWE and I are working together once again to address the last remaining mental health parity issue in Medicare. Today, we are introducing the Medicare Mental Health Inpatient Equity Act. Our legislation would eliminate the Medicare 190-day lifetime limit for inpatient psychiatric hospital care. It would equalize Medicare mental health coverage with private health insurance coverage, expand beneficiary choice of inpatient psychiatric care providers, increase access for the seriously ill, and improve continuity of care.

This legislation is supported by 46 national organizations that represent hospital associations, seniors' organizations and the mental health community. I would like to thank a number of organizations who have been integral to the development of the Medicare Mental Health Inpatient Equity Act and who have endorsed our legislation

today, including the AARP, the American Hospital Association, the National Association of Psychiatric Health Systems, and the American Psychological Association.

Congress has now acted to address mental health parity issues for group health plans and for outpatient Medicare services. It is time to end this outmoded law and ensure that beneficiaries with mental illnesses have access to a range of appropriate settings for their care. I look forward to working with my colleagues in the Senate to achieve mental health parity in Medicare.

By Mr. LEAHY (for himself and Mr. GRASSLEY):

S. 3031. A bill to authorize Drug Free Communities enhancement grants to address major emerging drug issues or local drug crises; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, today, I am pleased to join with Senator GRASSLEY to introduce the Drug Free Communities Enhancement Act of 2010, a bill to authorize additional Drug Free Communities grants to help address major emerging drug issues and local drug crises. It is crucial that communities around the country have the leadership and resources needed to respond to serious drug problems in a comprehensive and coordinated manner. Drug Free Community, DFC, coalitions have been proven to significantly lower substance abuse rates in our communities nationwide.

This legislation will allow current and former DFCs to apply for grants of up to \$75,000 per year to implement comprehensive, community-wide strategies to address emerging local drug issues or drug crises. The funds may also be used for DFC members to obtain specialized training and technical assistance to improve the operation of their coalitions. These grants, which must be matched dollar for dollar, would be available to DFCs for up to 4 years.

The DFC program encourages local citizens to become directly involved in solving their community's drug issues through grassroots community organizing and data-driven planning and implementation. Research shows that effective prevention hinges on the extent to which the entire community works comprehensively and collaboratively to implement education, prevention, enforcement, treatment, and recovery initiatives. The DFC program strategically invests Federal anti-drug resources at the community level with those who have the most power to reduce the demand for drugs—namely parents, teachers, business leaders, the media, religious leaders, law enforcement officials, youth, and others. Drug Free Communities grantees execute collaborative strategies to address their communities' unique substance use and abuse issues. This is the optimal way to ensure that the entire community benefits from prevention.

In Vermont, we have felt the presence of drug abuse and drug-related crime in our communities. The myth persists that drug abuse and drug-related crime are only big-city problems, but rural America is also coping with these issues. I have twice brought the Judiciary Committee to Vermont to examine these problems and gain perspectives to help shape solutions, and I hope to hold another field hearing in Vermont soon. I know well that law enforcement alone is not the solution for our communities. I have long advocated an approach with equal attention to law enforcement, prevention and education, and treatment.

Perhaps the most important component in dealing with this crucial problem is collaboration. Community anti-drug coalitions have a unique ability to build on pre-existing relationships among parents, teachers, students, and law enforcement, which make them a critical component in reducing drug use. I have consistently supported funding for these coalitions and was pleased that last year 14 Vermont coalitions were awarded Drug Free Community grants totaling \$1.2 million.

Last week, I spoke with a number of Vermonters representing these community partnerships and heard about the innovative frameworks they have implemented to combat drug abuse in their communities, thanks in large part to DFC grants. This bill will enable many of them to secure supplemental funding to continue the important work they do every day. Indeed, communities nationwide who are facing serious drug issues will benefit from these enhancement grants.

The community coalition model has proven extremely effective, and has achieved impressive outcomes. We see significant results when we have people working together at the local, state, and Federal levels, and in the law enforcement, prevention, and treatment fields. We have seen that success in Vermont and throughout the country, but there is more work to be done. Drug abuse and drug-related crime is a persistent problem in America, in major metropolitan areas and rural communities alike. I hope all Senators will support this bipartisan bill so that communities nationwide can sustain effective community coalitions to reduce youth drug use.

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. 3031

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 "Drug Free Communities Enhancement Act of 2010".

SEC. 2. FINDINGS.

Congress finds the following:

(1) The epidemiology of drug use indicates that emerging drug trends increase over a

short period of time and tend to cluster in discrete geographic areas. Historical evidence shows that emerging local drug issues and crises can be stopped or mitigated before they spread to other areas, if they are identified quickly and addressed in a comprehensive multi-sector manner.

(2) Federal investments in drug prevention should not be solely based on national data and trends, but must be flexible enough to address emerging local problems and local drug crises before they become national trends.

(3) Successful drug prevention must be based on local data and involve multiple community sectors in planning and implementing specifically targeted strategies that respond to the unique drug problems of the community.

(4) Data and outcomes show that effective community coalitions can markedly reduce local drug use rates for drugs such as marijuana and inhalants among school-aged youth.

(5) Community coalitions are singularly situated to deal with emerging drug issues and local drug crises, such as methamphetamine, cheese (a mixture of black tar heroin and Tylenol PM), and prescription and non-prescription drug abuse because the community coalitions are organized, data driven, and take a comprehensive, multi-sector approach to solving and addressing locally identified drug problems.

(6) Providing enhancement grants to coalitions to address emerging local drug issues or local drug crises is a cost effective way to deal with these drug issues. This approach builds on existing infrastructures with proven results that include all of the relevant community sectors needed to comprehensively address specific emerging drug issues and crises, and guards against using Federal funding to create duplicative community based infrastructures for substance abuse prevention.

SEC. 3. COMMUNITY-BASED COALITION ENHANCEMENT GRANTS TO ADDRESS EMERGING DRUG ISSUES OR LOCAL DRUG CRISES.

(a) DEFINITIONS.—In this section—

(1) the term “Director” means the Director of the Office of National Drug Control Policy;

(2) the term “drug” means—

(A) a substance listed on schedule I, II, III, IV, or V of section 202 of the Controlled Substances Act (21 U.S.C. 812(c));

(B) inhalants;

(C) if used in a manner that is illegal, a prescription or over the counter drug or medicine; and

(D) another mind altering substance with the potential for abuse, as determined by the Director, not listed on a schedule of section 202(c) of the Controlled Substance Act (21 U.S.C. 812(c));

(3) the term “emerging local drug issue” means, with respect to the area served by an eligible entity, a sudden increase in the use or abuse of a particular drug in the community, as documented by local data;

(4) the term “local drug crisis” means, with respect to the area served by an eligible entity, the use of a specific drug in the area at levels that are significantly higher than the national average, over a sustained period of time, as documented by local data;

(5) the term “eligible entity” means an organization that—

(A) is receiving or has received a grant under chapter 2 of title I of the National Narcotics Leadership Act of 1988 (21 U.S.C. 1521 et seq.) (commonly known as the Drug-Free Communities Act of 1997); and

(B) has documented, using local data—

(i) for an emerging local drug issue—

(I) rates of drug use and abuse above the national average, as determined by the Director (including appropriate consideration of the Monitoring of the Future Survey published by the Department of Health and Human Services), for comparable time periods; or

(II) if national data is not available, at the discretion of the Director, high rates of drug use or abuse based solely on valid local data; or

(ii) for a local drug crisis—

(I) rates of use and abuse for a specific drug at levels that are significantly higher than the national average, as determined by the Director (including appropriate consideration of the Monitoring of the Future Survey published by the Department of Health and Human Services and the National Survey on Drug Use and Health by the Substance Abuse and Mental Health Service Administration); and

(II) rates of use and abuse for a specific drug that continue over a sustained period of time, as determined by the Director.

(b) AUTHORIZATION OF PROGRAM.—The Director may make enhancement grants to eligible entities to implement comprehensive community-wide strategies that address emerging local drug issues or local drug crises within the area served by the eligible entity.

(c) APPLICATION.—

(1) IN GENERAL.—An eligible entity desiring an enhancement grant under this section shall submit an application to the Director at such time, in such manner, and accompanied by such information as the Director may require.

(2) CRITERIA.—As part of an application for a grant under this section, the Director shall require an eligible entity to submit a detailed, comprehensive, multi-sector plan for addressing the emerging local drug issue or local drug crises within the area served by the eligible entity.

(d) USES OF FUNDS.—A grant under this section shall be used to—

(1) implement comprehensive, community-wide prevention strategies to address an emerging local drug issue or drug crises in the area served by an eligible entity, in accordance with the plan submitted under subsection (c)(2); and

(2) obtain specialized training and technical assistance from the entity receiving a grant under section 4 of Public Law 107–82 (21 U.S.C. 1521 note).

(e) GRANT AMOUNTS.—

(1) IN GENERAL.—The total amount of grant funds awarded to an eligible entity for a fiscal year may not exceed the amount of non-Federal funds raised by the eligible entity, including in-kind contributions, for that fiscal year.

(2) GRANT AWARDS.—A grant under this section shall—

(A) be made for a period of not more than 4 years; and

(B) be for not more than \$75,000 per year.

(f) SUPPLEMENT NOT SUPPLANT.—Grant funds provided under this section shall be used to supplement, not supplant, Federal and non-Federal funds available for carrying out the activities described in this section.

(g) EVALUATION.—A grant under this section shall be subject to the same evaluation requirements and procedures as the evaluation requirements and procedures imposed on the recipient of a grant under chapter 2 of title I of the National Narcotics Leadership Act of 1988 (21 U.S.C. 1521 et seq.) (commonly known as the Drug-Free Communities Act of 1997).

(h) ADMINISTRATIVE EXPENSES.—Not more than 5 percent of the amount appropriated to carry out this section for any fiscal year may be used by the Director for administrative expenses.

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated \$5,000,000 for each of fiscal years 2011 through 2015 to carry out this section.

Mr. GRASSLEY. Mr. President, in 1997 then-Senator BIDEN and I sponsored legislation to create the Drug Free Communities, DFC, grant program. At the time, I believed, as I still do today, that one of the most effective ways the Federal Government can prevent drug abuse from flourishing is by supporting local community efforts to identify, prevent and eradicate the sources of abuse. Since the passage of the Drug Free Communities Act, hundreds of community anti-drug coalitions have received Federal grants to further their efforts to halt the spread of drug abuse in their communities.

Despite the successes of the DFC program, drug abuse continues to challenge our communities. More often than not, a community can rise up to meet this challenge head on and confront the abuse before it spreads. However, drug abuse is one challenge that can emerge in rapid fashion. In difficult economic times when States and communities struggle to stay within their budgets without eliminating vital services, it is important that community anti-drug coalitions do not suffer from a lack of resources. This is why I am pleased to join my colleague, Senator LEAHY, in introducing the Drug Free Communities Enhancement Act, DFCEA, of 2010.

This legislation builds off the successful DFC grant program by allowing community coalitions to form a strategy that best fits their community to confront a sudden or emerging drug threat without Federal interference. The DFCEA authorizes \$5 million to the Office of National Drug Control Policy to award supplemental grants of up to \$75,000 to current and past DFC grantees to address an emerging drug issue or crisis. The grantee would be eligible to receive these supplemental grants for up to a 4 year period if they document, using local data, rates of drug abuse higher than the national average.

In my home State of Iowa, communities face unique challenges in confronting drug abuse. In Polk County, the home of the State capitol of Des Moines, 37 percent of 11th graders admitted to using marijuana in the 2008 Iowa Youth Survey. This is significantly higher than the statewide average of 27 percent from the same survey. This number is also 4 percent higher than the national average according to the 2009 Monitoring the Future survey of 12th graders. In Black Hawk County, the home of Waterloo and Cedar Falls, 8 percent of 11th graders admitted to using over-the-counter cold medicines to get high according to the Iowa Youth Survey. This is higher than the 6 percent of the Nation's 12th graders who admitted to cold medicine abuse in the Monitoring the Future survey. Communities like these would benefit under the DFCEA, because they would

be able to apply for a supplemental grant to put a strategy into action to reduce these use rates.

Community coalitions represent the front lines in the fight against drug abuse. The DFCEA will help to ensure that community coalitions will remain strong and vibrant no matter the economic or drug trend situation in the community. Drug abuse flourishes when the problem is ignored. If we are to overcome the challenges of drug abuse we must stand untied in the effort. I urge my colleagues to join us as we continue this fight to keep our communities drug free.

By Mr. DURBIN (for himself, Mr. BROWN of Ohio, Mr. HARKIN, and Mr. FRANKEN):

S. 3033. A bill to amend title 11, United States Code, to improve protections for employees and retirees in business bankruptcies; to the Committee on the Judiciary.

Mr. DURBIN. 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. 3033

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Protecting Employees and Retirees in Business Bankruptcies Act of 2010”.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Findings.

TITLE I—IMPROVING RECOVERIES FOR EMPLOYEES AND RETIREES

Sec. 101. Increased wage priority.

Sec. 102. Claim for stock value losses in defined contribution plans.

Sec. 103. Priority for severance pay.

Sec. 104. Financial returns for employees and retirees.

Sec. 105. Priority for WARN Act damages.

TITLE II—REDUCING EMPLOYEES’ AND RETIREES’ LOSSES

Sec. 201. Rejection of collective bargaining agreements.

Sec. 202. Payment of insurance benefits to retired employees.

Sec. 203. Protection of employee benefits in a sale of assets.

Sec. 204. Claim for pension losses.

Sec. 205. Payments by secured lender.

Sec. 206. Preservation of jobs and benefits.

Sec. 207. Termination of exclusivity.

TITLE III—RESTRICTING EXECUTIVE COMPENSATION PROGRAMS

Sec. 301. Executive compensation upon exit from bankruptcy.

Sec. 302. Limitations on executive compensation enhancements.

Sec. 303. Assumption of executive benefit plans.

Sec. 304. Recovery of executive compensation.

Sec. 305. Preferential compensation transfer.

TITLE IV—OTHER PROVISIONS

Sec. 401. Union proof of claim.

Sec. 402. Exception from automatic stay.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) Business bankruptcies have increased sharply over the past year and remain at high levels. These bankruptcies include several of the largest business bankruptcy filings in history. As the use of bankruptcy has expanded, job preservation and retirement security are placed at greater risk.

(2) Laws enacted to improve recoveries for employees and retirees and limit their losses in bankruptcy cases have not kept pace with the increasing and broader use of bankruptcy by businesses in all sectors of the economy. However, while protections for employees and retirees in bankruptcy cases have eroded, management compensation plans devised for those in charge of troubled businesses have become more prevalent and are escaping adequate scrutiny.

(3) Changes in the law regarding these matters are urgently needed as bankruptcy is used to address increasingly more complex and diverse conditions affecting troubled businesses and industries.

TITLE I—IMPROVING RECOVERIES FOR EMPLOYEES AND RETIREES

SEC. 101. INCREASED WAGE PRIORITY.

Section 507(a) of title 11, United States Code, is amended—

(1) in paragraph (4)—

(A) by striking “\$10,000” and inserting “\$20,000”;

(B) by striking “within 180 days”; and

(C) by striking “or the date of the cessation of the debtor’s business, whichever occurs first.”;

(2) in paragraph (5)(A), by striking—

(A) “within 180 days”; and

(B) “or the date of the cessation of the debtor’s business, whichever occurs first”; and

(3) in paragraph (5), by striking subparagraph (B) and inserting the following:

“(B) for each such plan, to the extent of the number of employees covered by each such plan, multiplied by \$20,000.”.

SEC. 102. CLAIM FOR STOCK VALUE LOSSES IN DEFINED CONTRIBUTION PLANS.

Section 101(5) of title 11, United States Code, is amended—

(1) in subparagraph (A), by striking “or” at the end;

(2) in subparagraph (B), by inserting “or” after the semicolon; and

(3) by adding at the end the following:

“(C) right or interest in equity securities of the debtor, or an affiliate of the debtor, held in a defined contribution plan (within the meaning of section 3(34) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(34))) for the benefit of an individual who is not an insider, a senior executive officer, or any of the 20 next most highly compensated employees of the debtor (if 1 or more are not insiders), if such securities were attributable to either employer contributions by the debtor or an affiliate of the debtor, or elective deferrals (within the meaning of section 402(g) of the Internal Revenue Code of 1986), and any earnings thereon, if an employer or plan sponsor who has commenced a case under this title has committed fraud with respect to such plan or has otherwise breached a duty to the participant that has proximately caused the loss of value.”.

SEC. 103. PRIORITY FOR SEVERANCE PAY.

Section 503(b) of title 11, United States Code, is amended—

(1) in paragraph (8), by striking “and” at the end;

(2) in paragraph (9), by striking the period and inserting “; and”; and

(3) by adding at the end the following:

“(10) severance pay owed to employees of the debtor (other than to an insider, other senior management, or a consultant retained to provide services to the debtor), under a

plan, program, or policy generally applicable to employees of the debtor (but not under an individual contract of employment), or owed pursuant to a collective bargaining agreement, for layoff or termination on or after the date of the filing of the petition, which pay shall be deemed earned in full upon such layoff or termination of employment.”.

SEC. 104. FINANCIAL RETURNS FOR EMPLOYEES AND RETIREES.

Section 1129(a) of title 11, United States Code is amended—

(1) by adding at the end the following:

“(17) The plan provides for recovery of damages payable for the rejection of a collective bargaining agreement, or for other financial returns as negotiated by the debtor and the authorized representative under section 1113 (to the extent that such returns are paid under, rather than outside of, a plan).”; and

(2) by striking paragraph (13) and inserting the following:

“(13) With respect to retiree benefits, as that term is defined in section 1114(a), the plan—

“(A) provides for the continuation after its effective date of payment of all retiree benefits at the level established pursuant to subsection (e)(1)(B) or (g) of section 1114 at any time before the date of confirmation of the plan, for the duration of the period for which the debtor has obligated itself to provide such benefits, or if no modifications are made before confirmation of the plan, the continuation of all such retiree benefits maintained or established in whole or in part by the debtor before the date of the filing of the petition; and

“(B) provides for recovery of claims arising from the modification of retiree benefits or for other financial returns, as negotiated by the debtor and the authorized representative (to the extent that such returns are paid under, rather than outside of, a plan).”.

SEC. 105. PRIORITY FOR WARN ACT DAMAGES.

Section 503(b)(1)(A)(ii) of title 11, United States Code is amended to read as follows:

“(ii) wages and benefits awarded pursuant to a judicial proceeding or a proceeding of the National Labor Relations Board as back pay or damages attributable to any period of time occurring after the date of commencement of the case under this title, as a result of a violation of Federal or State law by the debtor, without regard to the time of the occurrence of unlawful conduct on which the award is based or to whether any services were rendered on or after the commencement of the case, including an award by a court under section 2901 of title 29, United States Code, of up to 60 days’ pay and benefits following a layoff that occurred or commenced at a time when such award period includes a period on or after the commencement of the case, if the court determines that payment of wages and benefits by reason of the operation of this clause will not substantially increase the probability of layoff or termination of current employees or of nonpayment of domestic support obligations during the case under this title.”.

TITLE II—REDUCING EMPLOYEES’ AND RETIREES’ LOSSES

SEC. 201. REJECTION OF COLLECTIVE BARGAINING AGREEMENTS.

Section 1113 of title 11, United States Code, is amended by striking subsections (a) through (f) and inserting the following:

“(a) The debtor in possession, or the trustee if one has been appointed under this chapter, other than a trustee in a case covered by subchapter IV of this chapter and by title I of the Railway Labor Act, may reject a collective bargaining agreement only in accordance with this section. Hereinafter in this section, a reference to the trustee includes a reference to the debtor in possession.

“(b) No provision of this title shall be construed to permit the trustee to unilaterally terminate or alter any provision of a collective bargaining agreement before complying with this section. The trustee shall timely pay all monetary obligations arising under the terms of the collective bargaining agreement. Any such payment required to be made before a plan confirmed under section 1129 is effective has the status of an allowed administrative expense under section 503.

“(c)(1) If the trustee seeks modification of a collective bargaining agreement, then the trustee shall provide notice to the labor organization representing the employees covered by the agreement that modifications are being proposed under this section, and shall promptly provide an initial proposal for modifications to the agreement. Thereafter, the trustee shall confer in good faith with the labor organization, at reasonable times and for a reasonable period in light of the complexity of the case, in attempting to reach mutually acceptable modifications of such agreement.

“(2) The initial proposal and subsequent proposals by the trustee for modification of a collective bargaining agreement shall be based upon a business plan for the reorganization of the debtor, and shall reflect the most complete and reliable information available. The trustee shall provide to the labor organization all information that is relevant for negotiations. The court may enter a protective order to prevent the disclosure of information if disclosure could compromise the debtor's position with respect to its competitors in the industry, subject to the needs of the labor organization to evaluate the trustee's proposals and any application for rejection of the agreement or for interim relief pursuant to this section.

“(3) In consideration of Federal policy encouraging the practice and process of collective bargaining and in recognition of the bargained-for expectations of the employees covered by the agreement, modifications proposed by the trustee—

“(A) shall be proposed only as part of a program of workforce and nonworkforce cost savings devised for the reorganization of the debtor, including savings in management personnel costs;

“(B) shall be limited to modifications designed to achieve a specified aggregate financial contribution for the employees covered by the agreement (taking into consideration any labor cost savings negotiated within the 12-month period before the filing of the petition), and shall be not more than the minimum savings essential to permit the debtor to exit bankruptcy, such that confirmation of a plan of reorganization is not likely to be followed by the liquidation, or the need for further financial reorganization, of the debtor (or any successor to the debtor) in the short term; and

“(C) shall not be disproportionate or overly burden the employees covered by the agreement, either in the amount of the cost savings sought from such employees or the nature of the modifications.

“(d)(1) If, after a period of negotiations, the trustee and the labor organization have not reached an agreement over mutually satisfactory modifications, and further negotiations are not likely to produce mutually satisfactory modifications, the trustee may file a motion seeking rejection of the collective bargaining agreement after notice and a hearing. Absent agreement of the parties, no such hearing shall be held before the expiration of the 21-day period beginning on the date on which notice of the hearing is provided to the labor organization representing the employees covered by the agreement. Only the debtor and the labor organization may appear and be heard at such hearing. An

application for rejection shall seek rejection effective upon the entry of an order granting the relief.

“(2) In consideration of Federal policy encouraging the practice and process of collective bargaining and in recognition of the bargained-for expectations of the employees covered by the agreement, the court may grant a motion seeking rejection of a collective bargaining agreement only if, based on clear and convincing evidence—

“(A) the court finds that the trustee has complied with the requirements of subsection (c);

“(B) the court has considered alternative proposals by the labor organization and has concluded that such proposals do not meet the requirements of paragraph (3)(B) of subsection (c);

“(C) the court finds that further negotiations regarding the trustee's proposal or an alternative proposal by the labor organization are not likely to produce an agreement;

“(D) the court finds that implementation of the trustee's proposal shall not—

“(i) cause a material diminution in the purchasing power of the employees covered by the agreement;

“(ii) adversely affect the ability of the debtor to retain an experienced and qualified workforce; or

“(iii) impair the debtor's labor relations such that the ability to achieve a feasible reorganization would be compromised; and

“(E) the court concludes that rejection of the agreement and immediate implementation of the trustee's proposal is essential to permit the debtor to exit bankruptcy, such that confirmation of a plan of reorganization is not likely to be followed by liquidation, or the need for further financial reorganization, of the debtor (or any successor to the debtor) in the short term.

“(3) If the trustee has implemented a program of incentive pay, bonuses, or other financial returns for insiders, senior executive officers, or the 20 next most highly compensated employees or consultants providing services to the debtor during the bankruptcy, or such a program was implemented within 180 days before the date of the filing of the petition, the court shall presume that the trustee has failed to satisfy the requirements of subsection (c)(3)(C).

“(4) In no case shall the court enter an order rejecting a collective bargaining agreement that would result in modifications to a level lower than the level proposed by the trustee in the proposal found by the court to have complied with the requirements of this section.

“(5) At any time after the date on which an order rejecting a collective bargaining agreement is entered, or in the case of an agreement entered into between the trustee and the labor organization providing mutually satisfactory modifications, at any time after such agreement has been entered into, the labor organization may apply to the court for an order seeking an increase in the level of wages or benefits, or relief from working conditions, based upon changed circumstances. The court shall grant the request only if the increase or other relief is not inconsistent with the standard set forth in paragraph (2)(E).

“(e) During a period in which a collective bargaining agreement at issue under this section continues in effect, and if essential to the continuation of the debtor's business or in order to avoid irreparable damage to the estate, the court, after notice and a hearing, may authorize the trustee to implement interim changes in the terms, conditions, wages, benefits, or work rules provided by the collective bargaining agreement. Any hearing under this subsection shall be scheduled in accordance with the needs of the

trustee. The implementation of such interim changes shall not render the application for rejection moot.

“(f) Rejection of a collective bargaining agreement constitutes a breach of the agreement, and shall be effective no earlier than the entry of an order granting such relief. Notwithstanding the foregoing, solely for purposes of determining and allowing a claim arising from the rejection of a collective bargaining agreement, rejection shall be treated as rejection of an executory contract under section 365(g) and shall be allowed or disallowed in accordance with section 502(g)(1). No claim for rejection damages shall be limited by section 502(b)(7). Economic self-help by a labor organization shall be permitted upon a court order granting a motion to reject a collective bargaining agreement under subsection (d) or pursuant to subsection (e), and no provision of this title or of any other provision of Federal or State law may be construed to the contrary.

“(g) The trustee shall provide for the reasonable fees and costs incurred by a labor organization under this section, upon request and after notice and a hearing.

“(h) A collective bargaining agreement that is assumed shall be assumed in accordance with section 365.”

SEC. 202. PAYMENT OF INSURANCE BENEFITS TO RETIRED EMPLOYEES.

Section 1114 of title 11, United States Code, is amended—

(1) in subsection (a), by inserting “, whether or not the debtor asserts a right to unilaterally modify such payments under such plan, fund, or program” before the period at the end;

(2) in subsection (b)(2), by inserting after “section” the following: “, and a labor organization serving as the authorized representative under subsection (c)(1).”;

(3) in subsection (f), by striking “(f)” and all that follows through paragraph (2) and inserting the following:

“(f)(1) If a trustee seeks modification of retiree benefits, then the trustee shall provide a notice to the authorized representative that modifications are being proposed pursuant to this section, and shall promptly provide an initial proposal. Thereafter, the trustee shall confer in good faith with the authorized representative at reasonable times and for a reasonable period in light of the complexity of the case in attempting to reach mutually satisfactory modifications.

“(2) The initial proposal and subsequent proposals by the trustee shall be based upon a business plan for the reorganization of the debtor and shall reflect the most complete and reliable information available. The trustee shall provide to the authorized representative all information that is relevant for the negotiations. The court may enter a protective order to prevent the disclosure of information if disclosure could compromise the debtor's position with respect to its competitors in the industry, subject to the needs of the authorized representative to evaluate the trustee's proposals and an application pursuant to subsection (g) or (h).

“(3) Modifications proposed by the trustee—

“(A) shall be proposed only as part of a program of workforce and nonworkforce cost savings devised for the reorganization of the debtor, including savings in management personnel costs;

“(B) shall be limited to modifications that are designed to achieve a specified aggregate financial contribution for the retiree group represented by the authorized representative (taking into consideration any cost savings implemented within the 12-month period before the date of filing of the petition with respect to the retiree group), and shall be no more than the minimum savings essential to

permit the debtor to exit bankruptcy, such that confirmation of a plan of reorganization is not likely to be followed by the liquidation, or the need for further financial reorganization, of the debtor (or any successor to the debtor) in the short term; and

“(C) shall not be disproportionate or overly burden the retiree group, either in the amount of the cost savings sought from such group or the nature of the modifications.”;

(4) in subsection (g)—

(A) by striking “(g)” and all that follows through the semicolon at the end of paragraph (3) and inserting the following:

“(g)(1) If, after a period of negotiations, the trustee and the authorized representative have not reached agreement over mutually satisfactory modifications and further negotiations are not likely to produce mutually satisfactory modifications, then the trustee may file a motion seeking modifications in the payment of retiree benefits after notice and a hearing. Absent agreement of the parties, no such hearing shall be held before the expiration of the 21-day period beginning on the date on which notice of the hearing is provided to the authorized representative. Only the debtor and the authorized representative may appear and be heard at such hearing.

“(2) The court may grant a motion to modify the payment of retiree benefits only if, based on clear and convincing evidence—

“(A) the court finds that the trustee has complied with the requirements of subsection (f);

“(B) the court has considered alternative proposals by the authorized representative and has determined that such proposals do not meet the requirements of subsection (f)(3)(B);

“(C) the court finds that further negotiations regarding the trustee’s proposal or an alternative proposal by the authorized representative are not likely to produce a mutually satisfactory agreement;

“(D) the court finds that implementation of the proposal shall not cause irreparable harm to the affected retirees; and

“(E) the court concludes that an order granting the motion and immediate implementation of the trustee’s proposal is essential to permit the debtor to exit bankruptcy, such that confirmation of a plan of reorganization is not likely to be followed by liquidation, or the need for further financial reorganization, of the debtor (or a successor to the debtor) in the short term.

“(3) If a trustee has implemented a program of incentive pay, bonuses, or other financial returns for insiders, senior executive officers, or the 20 next most highly-compensated employees or consultants providing services to the debtor during the bankruptcy, or such a program was implemented within 180 days before the date of the filing of the petition, the court shall presume that the trustee has failed to satisfy the requirements of subparagraph (f)(3)(C).”; and

(B) by striking “except that in no case” and inserting the following:

“(4) In no case”; and

(5) by striking subsection (k) and redesignating subsections (l) and (m) as subsections (k) and (l), respectively.

SEC. 203. PROTECTION OF EMPLOYEE BENEFITS IN A SALE OF ASSETS.

Section 363(b) of title 11, United States Code, is amended by adding at the end the following:

“(3) In approving a sale under this subsection, the court shall consider the extent to which a bidder has offered to maintain existing jobs, preserve terms and conditions of employment, and assume or match pension and retiree health benefit obligations in determining whether an offer constitutes the highest or best offer for such property.”.

SEC. 204. CLAIM FOR PENSION LOSSES.

Section 502 of title 11, United States Code, is amended by adding at the end the following:

“(1) The court shall allow a claim asserted by an active or retired participant, or by a labor organization representing such participants, in a defined benefit plan terminated under section 4041 or 4042 of the Employee Retirement Income Security Act of 1974, for any shortfall in pension benefits accrued as of the effective date of the termination of such pension plan as a result of the termination of the plan and limitations upon the payment of benefits imposed pursuant to section 4022 of such Act, notwithstanding any claim asserted and collected by the Pension Benefit Guaranty Corporation with respect to such termination.

“(m) The court shall allow a claim of a kind described in section 101(5)(C) by an active or retired participant in a defined contribution plan (within the meaning of section 3(34) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(34)), or by a labor organization representing such participants. The amount of such claim shall be measured by the market value of the stock at the time of contribution to, or purchase by, the plan and the value as of the commencement of the case.”.

SEC. 205. PAYMENTS BY SECURED LENDER.

Section 506(c) of title 11, United States Code, is amended by adding at the end the following: “If employees have not received wages, accrued vacation, severance, or other benefits owed under the policies and practices of the debtor, or pursuant to the terms of a collective bargaining agreement, for services rendered on and after the date of the commencement of the case, then such unpaid obligations shall be deemed necessary costs and expenses of preserving, or disposing of, property securing an allowed secured claim and shall be recovered even if the trustee has otherwise waived the provisions of this subsection under an agreement with the holder of the allowed secured claim or a successor or predecessor in interest.”.

SEC. 206. PRESERVATION OF JOBS AND BENEFITS.

Title 11, United States Code, is amended—

(1) by inserting before section 1101 the following:

“SEC. 1100. STATEMENT OF PURPOSE.

“A debtor commencing a case under this chapter shall have as its principal purpose the reorganization of its business to preserve going concern value to the maximum extent possible through the productive use of its assets and the preservation of jobs that will sustain productive economic activity.”;

(2) in section 1129(a), as amended by section 104, by adding at the end the following:

“(18) The debtor has demonstrated that the reorganization preserves going concern value to the maximum extent possible through the productive use of the debtor’s assets and preserves jobs that sustain productive economic activity.”;

(3) in section 1129(c), by striking the last sentence and inserting the following: “If the requirements of subsections (a) and (b) are met with respect to more than 1 plan, the court shall, in determining which plan to confirm—

“(1) consider the extent to which each plan would preserve going concern value through the productive use of the debtor’s assets and the preservation of jobs that sustain productive economic activity; and

“(2) confirm the plan that better serves such interests.

A plan that incorporates the terms of a settlement with a labor organization representing employees of the debtor shall presumptively constitute the plan that satisfies this subsection.”; and

(4) in the table of sections for chapter 11, by inserting the following before the item relating to section 1101:

“1100. Statement of purpose.”.

SEC. 207. TERMINATION OF EXCLUSIVITY.

Section 1121(d) of title 11, United States Code, is amended by adding at the end the following:

“(3) For purposes of this subsection, cause for reducing the 120-day period or the 180-day period includes the following:

“(A) The filing of a motion pursuant to section 1113 seeking rejection of a collective bargaining agreement if a plan based upon an alternative proposal by the labor organization is reasonably likely to be confirmed within a reasonable time.

“(B) The proposed filing of a plan by a proponent other than the debtor, which incorporates the terms of a settlement with a labor organization if such plan is reasonably likely to be confirmed within a reasonable time.”.

TITLE III—RESTRICTING EXECUTIVE COMPENSATION PROGRAMS

SEC. 301. EXECUTIVE COMPENSATION UPON EXIT FROM BANKRUPTCY.

Section 1129(a) of title 11, United States Code, is amended—

(1) in paragraph (4), by adding at the end the following: “Except for compensation subject to review under paragraph (5), payments or other distributions under the plan to or for the benefit of insiders, senior executive officers, and any of the 20 next most highly compensated employees or consultants providing services to the debtor, shall not be approved except as part of a program of payments or distributions generally applicable to employees of the debtor, and only to the extent that the court determines that such payments are not excessive or disproportionate compared to distributions to the debtor’s nonmanagement workforce.”; and

(2) in paragraph (5)—

(A) in subparagraph (A)(ii), by striking “and” at the end; and

(B) in subparagraph (B), by striking the period at the end and inserting the following: “; and

“(C) the compensation disclosed pursuant to subparagraph (B) has been approved by, or is subject to the approval of, the court as reasonable when compared to individuals holding comparable positions at comparable companies in the same industry and not disproportionate in light of economic concessions by the debtor’s nonmanagement workforce during the case.”.

SEC. 302. LIMITATIONS ON EXECUTIVE COMPENSATION ENHANCEMENTS.

Section 503(c) of title 11, United States Code, is amended—

(1) in paragraph (1)—

(A) by inserting “, a senior executive officer, or any of the 20 next most highly compensated employees or consultants” after “an insider”; and

(B) by inserting “or for the payment of performance or incentive compensation, or a bonus of any kind, or other financial returns designed to replace or enhance incentive, stock, or other compensation in effect before the date of the commencement of the case,” after “remain with the debtor’s business.”; and

(C) by inserting “clear and convincing” before “evidence in the record”; and

(2) by amending paragraph (3) to read as follows:

“(3) other transfers or obligations, to or for the benefit of insiders, senior executive officers, managers, or consultants providing services to the debtor, in the absence of a finding by the court, based upon clear and convincing evidence, and without deference to the debtor’s request for such payments,

that such transfers or obligations are essential to the survival of the debtor's business or (in the case of a liquidation of some or all of the debtor's assets) essential to the orderly liquidation and maximization of value of the assets of the debtor, in either case, because of the essential nature of the services provided, and then only to the extent that the court finds such transfers or obligations are reasonable compared to individuals holding comparable positions at comparable companies in the same industry and not disproportionate in light of economic concessions by the debtor's nonmanagement workforce during the case."

SEC. 303. ASSUMPTION OF EXECUTIVE BENEFIT PLANS.

Section 365 of title 11, United States Code, is amended—

(1) in subsection (a), by striking "and (d)" and inserting "(d), (q), and (r)"; and

(2) by adding at the end the following:

"(q) No deferred compensation arrangement for the benefit of insiders, senior executive officers, or any of the 20 next most highly compensated employees of the debtor shall be assumed if a defined benefit plan for employees of the debtor has been terminated pursuant to section 4041 or 4042 of the Employee Retirement Income Security Act of 1974, on or after the date of the commencement of the case or within 180 days before the date of the commencement of the case.

"(r) No plan, fund, program, or contract to provide retiree benefits for insiders, senior executive officers, or any of the 20 next most highly compensated employees of the debtor shall be assumed if the debtor has obtained relief under subsection (g) or (h) of section 1114 to impose reductions in retiree benefits or under subsection (d) or (e) of section 1113 to impose reductions in the health benefits of active employees of the debtor, or reduced or eliminated health benefits for active or retired employees within 180 days before the date of the commencement of the case."

SEC. 304. RECOVERY OF EXECUTIVE COMPENSATION.

Title 11, United States Code, is amended by inserting after section 562 the following:

"SEC. 563. RECOVERY OF EXECUTIVE COMPENSATION.

"(a) If a debtor has obtained relief under subsection (d) of section 1113, or subsection (g) of section 1114, by which the debtor reduces the cost of its obligations under a collective bargaining agreement or a plan, fund, or program for retiree benefits as defined in section 1114(a), the court, in granting relief, shall determine the percentage diminution in the value of the obligations when compared to the debtor's obligations under the collective bargaining agreement, or with respect to retiree benefits, as of the date of the commencement of the case under this title before granting such relief. In making its determination, the court shall include reductions in benefits, if any, as a result of the termination pursuant to section 4041 or 4042 of the Employee Retirement Income Security Act of 1974, of a defined benefit plan administered by the debtor, or for which the debtor is a contributing employer, effective at any time on or after 180 days before the date of the commencement of a case under this title. The court shall not take into account pension benefits paid or payable under of such Act as a result of any such termination.

"(b) If a defined benefit pension plan administered by the debtor, or for which the debtor is a contributing employer, has been terminated pursuant to section 4041 or 4042 of the Employee Retirement Income Security Act of 1974, effective at any time on or after 180 days before the date of the commencement of a case under this title, but a debtor

has not obtained relief under subsection (d) of section 1113, or subsection (g) of section 1114, then the court, upon motion of a party in interest, shall determine the percentage diminution in the value of benefit obligations when compared to the total benefit liabilities before such termination. The court shall not take into account pension benefits paid or payable under title IV of the Employee Retirement Income Security Act of 1974 as a result of any such termination.

"(c) Upon the determination of the percentage diminution in value under subsection (a) or (b), the estate shall have a claim for the return of the same percentage of the compensation paid, directly or indirectly (including any transfer to a self-settled trust or similar device, or to a non-qualified deferred compensation plan under section 409A(d)(1) of the Internal Revenue Code of 1986) to any officer of the debtor serving as member of the board of directors of the debtor within the year before the date of the commencement of the case, and any individual serving as chairman or lead director of the board of directors at the time of the granting of relief under section 1113 or 1114 or, if no such relief has been granted, the termination of the defined benefit plan.

"(d) The trustee or a committee appointed pursuant to section 1102 may commence an action to recover such claims, except that if neither the trustee nor such committee commences an action to recover such claim by the first date set for the hearing on the confirmation of plan under section 1129, any party in interest may apply to the court for authority to recover such claim for the benefit of the estate. The costs of recovery shall be borne by the estate.

"(e) The court shall not award postpetition compensation under section 503(c) or otherwise to any person subject to subsection (c) if there is a reasonable likelihood that such compensation is intended to reimburse or replace compensation recovered by the estate under this section."

SEC. 305. PREFERENTIAL COMPENSATION TRANSFER.

Section 547 of title 11, United States Code, is amended by adding at the end the following:

"(j) The trustee may avoid a transfer to or for the benefit of an insider (including an obligation incurred for the benefit of an insider under an employment contract) made in anticipation of bankruptcy, or a transfer made in anticipation of bankruptcy to a consultant who is formerly an insider and who is retained to provide services to an entity that becomes a debtor (including an obligation under a contract to provide services to such entity or to a debtor) made or incurred on or within 1 year before the filing of the petition. No provision of subsection (c) shall constitute a defense against the recovery of such transfer. The trustee or a committee appointed pursuant to section 1102 may commence an action to recover such transfer, except that, if neither the trustee nor such committee commences an action to recover such transfer by the time of the commencement of a hearing on the confirmation of a plan under section 1129, any party in interest may apply to the court for authority to recover the claims for the benefit of the estate. The costs of recovery shall be borne by the estate."

TITLE IV—OTHER PROVISIONS

SEC. 401. UNION PROOF OF CLAIM.

Section 501(a) of title 11, United States Code, is amended by inserting ", including a labor organization," after "A creditor".

SEC. 402. EXCEPTION FROM AUTOMATIC STAY.

Section 362(b) of title 11, United States Code, is amended—

(1) in paragraph (27), by striking "and" at the end;

(2) in paragraph (28), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(29) of the commencement or continuation of a grievance, arbitration, or similar dispute resolution proceeding established by a collective bargaining agreement that was or could have been commenced against the debtor before the filing of a case under this title, or the payment or enforcement of an award or settlement under such proceeding."

By Mr. DODD (for himself and Mr. UDALL, of New Mexico):

S.J. Res. 28. A joint resolution proposing an amendment to the Constitution of the United States relating to contributions and expenditures intended to affect elections; to the Committee on the Judiciary.

Mr. DODD. Mr. President, I rise to discuss a constitutional amendment I am introducing today, along with my colleague Senator TOM UDALL, in the wake of the U.S. Supreme Court's recent *Citizens United v. Federal Election Commission* decision. This proposed amendment would simply authorize Congress to regulate the raising and spending of money for Federal political campaigns—including independent expenditures—and allow States to regulate such spending at their level. It would also provide for implementation and enforcement of the amendment through appropriate legislation. I invite my colleagues on both sides of the aisle to join us by cosponsoring the amendment.

Let me begin by noting that I am a firm believer in the sanctity of the First Amendment. I believe we must continue to do all we can to protect the free speech rights of all Americans. I do not suggest changing the language of the First Amendment, which I revere. But I do not believe that money is speech, nor do I believe that corporations should be treated exactly the same as individual Americans when it comes to protected, fundamental speech rights. That is what the Supreme Court has effectively now held.

I recognize that amending the Constitution is a long-term undertaking, and that this effort will not likely bear fruit during my remaining time in this body. Reinhold Niebuhr said that nothing worth doing is completed in our lifetime; I would add much less during a Senate term. I hope that in the wake of this court decision we can begin that comprehensive reform effort; I know that it would be worth doing. The Constitution itself establishes a long and complex process for its own amendment, including approval by Congress and the States, and I am proposing to use that process to save our democratic system of government, and ultimately our republic, from the continued corrosion of special interest influence.

I am introducing the amendment because I believe that constitutional

questions deserve constitutional answers. While I intend to support interim legislative steps to address urgently those issues that can be addressed in the wake of this decision, including increased disclosure requirements, further limitations to prevent foreign corporations' influence on our elections, and other measures, I think the scope of such efforts is limited by the court's sweeping, even radical conclusions in this case.

Make no mistake, as much of the commentary surrounding it suggests, the *Citizens United* case is one of the most radical decisions in the court's long history of campaign finance reform jurisprudence. It overturns 100 years of precedents to come to the unjustified conclusion that corporations deserve the same free speech protections as individual Americans. It opens the door to corporations spending vast amounts of money directly from their treasuries to influence Federal elections, and thereby influence Federal officeholders and policy decisions, in ways much more direct and concentrated than is the case now through corporate and union political action committees. If you are concerned now about the undue special interest influence of big banks, energy companies, health insurance firms, pharmaceutical firms and other special interests on our political process, just wait until these entities can spend millions of dollars directly to elect or defeat officeholders. If you are concerned about the special interest-generated paralysis of our legislative process, wait until you see the results of this decision. As one distinguished Republican election lawyer who opposes the decision recently said, it will be the "wild, wild west."

Perhaps most radical is the court's conclusion that corporations are legal "persons" seemingly deserving of the exact same free speech protections as all Americans. This decision notwithstanding, corporations are not people. A first-year law student will note that corporations are basically a legal fiction, entities created with certain limited legal rights designed to enable them to operate in the business world: to enter into and enforce contracts, to conduct transactions, and the like. They can't vote or think or speak or run for office. They only make political and policy decisions through their officers and shareholders, informed by their lobbyists and others. They should not enjoy the same fundamental free speech protections that individual Americans enjoy in our political discourse, or the ability to spend unlimited funds directly from large corporate treasuries for that purpose. As others have observed, the framers could not have imagined, and would not have wanted, a system in which corporations could pour literally billions of dollars into elections and thereby exercise grossly outsized influence over the fate of our elected representatives. Such a system does not promote free speech; it mocks it.

I have worked for decades to reform our campaign finance laws, with colleagues and former colleagues like Senators Boren, Mitchell, BYRD, Daschle, FEINGOLD, KERRY, MCCAIN, Dole, COCHRAN, and others. Time and again we have developed comprehensive bipartisan efforts, only to have them frustrated by a small minority of Senators, or in one case by a veto exercised by the first President Bush. I have served my party as head of the Democratic National Committee, and so I have seen the problems of our current campaign finance system from a variety of perspectives.

In previous debates I have rehearsed the problems with our current system. They include the exponentially increasing costs of campaigns. The endless time we must spend to travel and make calls to raise money, which is then spent mostly on expensive and increasingly negative TV ads in our states. The ways in which special interests buy access and influence, and how such influence erodes the trust and confidence of Americans in our democracy. These problems are systemic, pervasive and fundamental. They require comprehensive, fundamental reforms. A constitutional amendment would create the conditions for the possibility of real statutory reform that could then be adjusted as we go along, to address new abuses and problems as they arise.

I attended the Supreme Court's oral arguments in this case, and I heard in the pointed questions of the Justices who composed this 5-4 majority the portents of this radical decision. But even then I did not anticipate fully how breathtakingly far the court would reach.

That extended reach was not only unwise and unjustified, it was also unnecessary. This court majority, whose members have so forcefully decried judicial activism, might have taken a less radical approach, and resolved the legal issue before them without drawing such sweeping conclusions. Instead, they chose to ride roughshod over decades of the court's own legal precedents and the principle of *stare decisis*. That is why I believe it is fair to say, as Justice Stevens did in his stinging dissent in this case, that this case was brought by the Justices themselves. I urge my colleagues to read Justice Stevens' detailed, powerful and carefully reasoned dissent. In it, among other things, he observes that the only thing that has really changed since the Supreme Court made its rulings in the *Austin*, 1990, and *McConnell*, 2003, decisions, upholding the corporate campaign spending ban, is the composition of the Supreme Court. Instead of deciding the case based on the narrow issues before them, in a raw display of activist judicial power the majority in this sharply divided court took the rare step of asking for the case to be broadened and re-argued, and then issued this sweeping decision.

With this decision, I believe the court has seriously jeopardized its own integ-

rity, already damaged by its hugely controversial decision in *Bush v. Gore*, and done enormous harm to our democracy—harm which will only become clearer to Americans in the next few years as close Congressional and state races are decided by the spending of corporate interests.

The public reaction to this court decision has been swift and strong, I think because Americans intuitively recognize that it represents an enormous transfer of power away from citizens to wealthy corporations. I saw a poll recently which showed broad opposition to the decision among all Americans—Democrats, Republicans and Independents alike. The poll showed that it was opposed by 66 percent of Democrats, 63 percent of Republicans, and 72 percent of Independents. Americans intuitively recognize the dangers of a decision to allow corporations to spend unlimited funds against candidates. They see this decision's potential to worsen the problem of special interest influence, and to further erode trust and confidence in that process. Though this hasn't been commented on too broadly in the media reports following this decision, I also believe Americans recognize that the next logical step the Supreme Court could take in the wake of this decision is to go beyond this decision which overturns the ban on corporate independent expenditures in campaigns to allow direct corporate contributions to candidates.

This constitutional amendment is a version of one passionately championed for years by Senator Hollings, and updated by Senator SCHUMER in the last Congress. I have decided to reintroduce it at this point in our debate to emphasize that even though I support efforts to do what we can in the interim to reform our campaign finance laws, ultimately we must cut through the underbrush and go directly to the heart of the problem: the Supreme Court's decision in *Buckley vs. Valeo* and other subsequent decisions which conflate money with speech, and this most recent decision in *Citizens United* which lifts the long-time ban on direct corporate spending in campaigns.

In these decisions, the Supreme Court has basically made it impossible for Americans to have what they have repeatedly said they want: reasonable regulations of campaign contributions and expenditures which do not either directly or indirectly limit the ideas that may be expressed in the public realm. I submit that such regulations would actually broaden the public debate on a number of issues by freeing it from the narrow confines dictated by special interest money. With its decisions, the Supreme Court has effectively neutered comprehensive efforts to control the ever-spiraling money chase, and has forced legislation intended to control the cancerous effects of money in politics to be more complicated and convoluted than necessary. The complications we are

forced to resort to, in turn, create new opportunities for abuse.

Even without a constitutional amendment, we can try to make some progress. For example, I think we made some decent progress on the McCain-Feingold legislation, even despite the Court's decisions since 2002 narrowing the reach of that law. But we cannot enact truly comprehensive legislation that will get to the heart of the problem under current court rulings. I wish we could. I have long supported a clean elections system of public financing for Congressional campaigns which would integrate spending limits, citizen financing, and other basic reforms. That is the way I think we should go. There are other approaches. But the fact is—and I am sorry for this—that unless the Supreme Court again reverses itself, we cannot get the comprehensive legislation we really need unless we first adopt an amendment to the Constitution.

This amendment is neutral on what kind of regulation of campaigns would be allowed. It simply authorizes such regulation, and leaves it to Congress and state legislatures to determine what might be appropriate. That is where such decisions should be made on these issues: by the people's representatives in Congress and in state legislatures. That is why I think amending the Constitution and enabling Congress to make those decisions is the first step if we are to make real progress on this front.

Others will argue for a narrower constitutional amendment to focus primarily on the issue of corporate expenditures. That is another way to address the issue, though I believe it would still leave many unanswered questions about Congress' ability to regulate broadly in this area. We should have a full and robust debate about all of the options.

Someday we may adopt this idea, if the situation continues to run out of hand. And we may look back to this court decision in 2010 and mark it as an historic watershed, a catalyst for major change. I sincerely hope that will be true, for the sake of this institution and our democratic process, and for the sake of our country. I commend the amendment to my colleagues' attention, and urge them to consider co-sponsoring it.

Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

There being no objection, the text of the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 28

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission by the Congress:

“ARTICLE—

“SECTION 1. Congress shall have power to regulate the raising and spending of money with respect to Federal elections, including through setting limits on—

“(1) the amount of contributions to candidates for nomination for election to, or for election to, Federal office; and

“(2) the amount of expenditures that may be made by, in support of, or in opposition to such candidates.

“SECTION 2. A State shall have power to regulate the raising and spending of money with respect to State elections, including through setting limits on—

“(1) the amount of contributions to candidates for nomination for election to, or for election to, State office; and

“(2) the amount of expenditures that may be made by, in support of, or in opposition to such candidates.

“SECTION 3. Congress shall have power to implement and enforce this article by appropriate legislation.”.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 421—SUPPORTING THE GOALS AND IDEALS OF “NATIONAL GUARD YOUTH CHALLENGE DAY”

Ms. LANDRIEU (for herself, Mrs. LINCOLN, Mr. CHAMBLISS, Mrs. SHAHEEN, Ms. MURKOWSKI, Mr. BARRASSO, Mr. BYRD, Mr. ISAKSON, and Mr. BENNETT) submitted the following resolution; which was considered and agreed to:

S. RES. 421

Whereas “National Guard Youth Challenge Day” will be celebrated on February 24, 2010;

Whereas high school dropouts need guidance, encouragement, and avenues toward self-sufficiency and success;

Whereas over 1,300,000 students drop out of high school each year, costing this Nation more than \$335,000,000,000 in lost wages, revenues, and productivity over the lifetimes of these individuals;

Whereas the life expectancy for a high school dropout is 9 years less than that of a high school graduate, and a high school dropout can expect to earn about \$19,000 each year, compared to approximately \$28,000 for a high school graduate;

Whereas 54 percent of high school dropouts were jobless during an average month in 2008, with 40 percent having no job for the entire year;

Whereas each annual class of high school dropouts cost this Nation over \$17,000,000,000 in publicly subsidized health care over the course of their lives;

Whereas approximately 90 percent of individuals in prisons throughout the United States are high school dropouts;

Whereas the goal of the National Guard Youth Foundation, a non-profit 501(c)(3) organization, is to improve the education, life skills, and employment potential of high school dropouts in the United States through public awareness, scholarships, higher education assistance, and job development programs;

Whereas the National Guard Youth Challenge Program provides military-based training, supervised work experience, assistance in obtaining a high school diploma or equivalent degree, and development of leadership qualities, as well as promotion of citizenship, fellowship, service to their community, life skills training, health and physical education, positive relationships with adults and peers, and career planning;

Whereas the National Guard Youth Challenge Program represents a successful joint effort between States and the Federal Government;

Whereas since 1993, the National Guard Youth Challenge Program has developed 32 programs in 27 States and Puerto Rico;

Whereas since 1993, over 92,850 young individuals have successfully graduated from the program, with 80 percent earning their high school diploma or GED certificate, 24 percent going to college, 18 percent joining the military, and 57 percent entering the workforce with career jobs;

Whereas the National Guard Youth Challenge Program has successfully helped high school dropouts in this Nation; and

Whereas the National Guard Youth Challenge Program can play a larger role in providing assistance to the youth of the United States: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of “National Guard Youth Challenge Day”; and

(2) calls upon the people of the United States to observe “National Guard Youth Challenge Day” on February 24, 2010, with appropriate ceremonies and respect.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3326. Mr. REID proposed an amendment to the bill H.R. 1299, to make technical corrections to the laws affecting certain administrative authorities of the United States Capitol Police, and for other purposes.

SA 3327. Mr. REID proposed an amendment to amendment SA 3326 proposed by Mr. REID to the bill H.R. 1299, *supra*.

SA 3328. Mr. REID proposed an amendment to the bill H.R. 1299, *supra*.

SA 3329. Mr. REID proposed an amendment to the bill H.R. 1299, *supra*.

SA 3330. Mr. REID proposed an amendment to amendment SA 3329 proposed by Mr. REID to the bill H.R. 1299, *supra*.

SA 3331. Mr. REID proposed an amendment to the bill H.R. 3961, to reform the Medicare SGR payment system for physicians and to reinstitute and update the Pay-As-You-Go requirement of budget neutrality on new tax and mandatory spending legislation, enforced by the threat of annual, automatic sequestration.

SA 3332. Mr. REID proposed an amendment to the bill H.R. 3961, *supra*.

TEXT OF AMENDMENTS

SA 3326. Mr. REID proposed an amendment to the bill H.R. 1299, to make technical corrections to the laws affecting certain administrative authorities of the United States Capitol Police, and for other purposes; as follows:

At the end of the amendment, insert the following:

The provisions of this act shall become effective 5 days after enactment

SA 3327. Mr. REID proposed an amendment to amendment SA 3326 proposed by Mr. REID to the bill H.R. 1299, to make technical corrections to the laws affecting certain administrative authorities of the United States Capitol Police, and for other purposes; as follows:

In the amendment, strike “5” and insert “4”.

SA 3328. Mr. REID proposed an amendment to the bill H.R. 1299, to

make technical corrections to the laws affecting certain administrative authorities of the United States Capitol Police, and for other purposes; as follows:

At the end, insert the following:

The Senate Rules Committee is requested to study the benefit of enacting a travel promotion measure, and the impact of job creation by its enactment.

SA 3329. Mr. REID proposed an amendment to the bill H.R. 1299, to make technical corrections to the laws affecting certain administrative authorities of the United States Capitol Police, and for other purposes; as follows:

At the end, insert the following:

“and include regional statistics of job creation”

SA 3330. Mr. REID proposed an amendment to amendment SA 3329 proposed by Mr. REID to the bill H.R. 1299, to make technical corrections to the laws affecting certain administrative authorities of the United States Capitol Police, and for other purposes; as follows:

At the end, insert the following:

“including specific data on the types of jobs created”.

SA 3331. Mr. REID proposed an amendment to the bill H.R. 3961, to reform the Medicare SGR payment system for physicians and to reinstitute and update the Pay-As-You-Go requirement of budget neutrality on new tax and mandatory spending legislation, enforced by the threat of annual, automatic sequestration; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. EXTENSION OF SUNSETS.

(a) USA PATRIOT IMPROVEMENT AND REAUTHORIZATION ACT OF 2005.—Section 102(b)(1) of the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109-177; 50 U.S.C. 1805 note, 50 U.S.C. 1861 note, and 50 U.S.C. 1862 note) is amended by striking “February 28, 2010” and inserting “February 28, 2011”.

(b) INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.—Section 6001(b)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458; 118 Stat. 3742; 50 U.S.C. 1801 note) is amended by striking “February 28, 2010” and inserting “February 28, 2011”.

SA 3332. Mr. REID proposed an amendment to the bill H.R. 3961, to reform the Medicare SGR payment system for physicians and to reinstitute and update the Pay-As-You-Go requirement of budget neutrality on new tax and mandatory spending legislation, enforced by the threat of annual, automatic sequestration; as follows:

Amend the title so as to read: “An Act to extend expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and Intelligence Reform and Terrorism Prevention Act of 2004 until February 28, 2011.”.

NOTICE OF INTENT TO SUSPEND THE RULES

Mr. DEMINT. Mr. President, I submit the following notice in writing: In ac-

cordance with Rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend Rule XXII, Paragraph 2, for the purpose of proposing and considering the following amendment to H.R. 1299, including germaneness requirements:

At the appropriate place, insert the following:

SEC. ____ . PROHIBITION ON EXTENSION OR ESTABLISHMENT OF NATIONAL MONUMENTS IN CERTAIN AREAS.

(a) IN GENERAL.—Notwithstanding the Act of June 8, 1906 (commonly known as the “Antiquities Act of 1906”) (16 U.S.C. 431 et seq.), or any other provision of law, no further extension or establishment of national monuments in areas described in subsection (b) may be undertaken.

(b) APPLICABLE AREAS.—Subsection (a) shall apply to—

- (1) the Northwest Sonoran Desert, Arizona;
- (2) the Berryessa Snow Mountains, California;
- (3) the Bodie Hills, California;
- (4) the expansion of the Cascade-Siskiyou National Monument, California;
- (5) the Modoc Plateau, California;
- (6) the Vermillion Basin, Colorado;
- (7) the Northern Montana Prairie, Montana;
- (8) the Heart of the Great Basin, Nevada;
- (9) the Lesser Prairie Chicken Preserve, New Mexico;
- (10) the Otero Mesa, New Mexico;
- (11) the Owyhee Desert, Oregon and Nevada;
- (12) the Cedar Mesa region, Utah;
- (13) the San Rafael Swell, Utah; and
- (14) the San Juan Islands, Washington.

NOTICE OF HEARING

SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Public Lands and Forests.

The hearing will be held on Wednesday, March 10, 2010, at 2:30 p.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the following bills: S. 2895, to restore forest landscapes, protect old growth forests, and manage national forests in the eastside forests of the State of Oregon, and for other purposes; S. 2907, to establish a coordinated avalanche protection program, and for other purposes; S. 2966 and H.R. 4474, to authorize the continued use of certain water diversions located on National Forest System land in the Frank Church-River of No Return Wilderness and the Selway-Bitterroot Wilderness in the State of Idaho, and for other purposes; and S. 2791 and H.R. 3759, to authorize the Secretary of the Interior to grant economy-related contract extensions of a certain timber contracts between the Secretary of the Interior and timber purchasers, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony

for the hearing record should send it to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510-6150, or by email to allison_seyferth@energy.senate.gov.

For further information, please contact Scott Miller at (202) 224-5488 or Allison Seyferth at (202) 224-4905.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on February 24, 2010, at 9:30 a.m.

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

COMMITTEE ON ARMED SERVICES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on February 24, 2010, at 2:30 p.m.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate to conduct a hearing on February 24, at 10 a.m., in room SD-366 of the Dirksen Senate Office Building.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS AND THE SUBCOMMITTEE ON WATER AND WILDLIFE

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works and the Subcommittee on Water and Wildlife be authorized to meet during the session of the Senate on February 24 at 9:30 a.m., in room 406 of the Dirksen Senate Office Building.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate, to conduct a hearing entitled “A Stronger Workforce Investment System for a Stronger Economy” on February 24, 2010. The hearing will commence at 10 a.m. in room 430 of the Dirksen Senate Office Building.

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on February 24, 2010, at 10:30 a.m. to conduct a hearing entitled “The Homeland Security Department’s Budget Submission for Fiscal Year 2011.”

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

COMMITTEE ON THE JUDICIARY

Mr. REID. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on February 24, 2010, at 2 p.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled "Nominations."

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

COMMITTEE ON FOREIGN RELATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on February 24, 2010, at 2:30 p.m., to hold a hearing entitled "Foreign Policy Priorities in the FY11 International Affairs Budget."

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

SUBCOMMITTEE ON HUMAN RIGHTS AND THE LAW

Mr. REID. Mr. President, I ask unanimous consent that the Committee on the Judiciary, Subcommittee on Human Rights and the Law, be authorized to meet during the session of the Senate, on February 24, 2010, at 9 a.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled "In Our Own Backyard: Child Prostitution and Sex Trafficking in the United States."

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

SUBCOMMITTEE ON SCIENCE AND SPACE

Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee on Science and Space of the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on February 24, 2010, at 2:30 p.m. in room 253 of the Russell Senate Office Building.

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

NATIONAL GUARD YOUTH CHALLENGE DAY

Mr. DURBIN. I ask unanimous consent the Senate proceed to the immediate consideration of S. Res. 421, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 421) supporting the goals and ideals of "National Guard Youth Challenge Day."

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the resolution be printed in the RECORD.

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

The resolution (S. Res. 421) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 421

Whereas "National Guard Youth Challenge Day" will be celebrated on February 24, 2010; Whereas high school dropouts need guidance, encouragement, and avenues toward self-sufficiency and success;

Whereas over 1,300,000 students drop out of high school each year, costing this Nation more than \$335,000,000,000 in lost wages, revenues, and productivity over the lifetimes of these individuals;

Whereas the life expectancy for a high school dropout is 9 years less than that of a high school graduate, and a high school dropout can expect to earn about \$19,000 each year, compared to approximately \$28,000 for a high school graduate;

Whereas 54 percent of high school dropouts were jobless during an average month in 2008, with 40 percent having no job for the entire year;

Whereas each annual class of high school dropouts cost this Nation over \$17,000,000,000 in publicly subsidized health care over the course of their lives;

Whereas approximately 90 percent of individuals in prisons throughout the United States are high school dropouts;

Whereas the goal of the National Guard Youth Foundation, a non-profit 501(c)(3) organization, is to improve the education, life skills, and employment potential of high school dropouts in the United States through public awareness, scholarships, higher education assistance, and job development programs;

Whereas the National Guard Youth Challenge Program provides military-based training, supervised work experience, assistance in obtaining a high school diploma or equivalent degree, and development of leadership qualities, as well as promotion of citizenship, fellowship, service to their community, life skills training, health and physical education, positive relationships with adults and peers, and career planning;

Whereas the National Guard Youth Challenge Program represents a successful joint effort between States and the Federal Government;

Whereas since 1993, the National Guard Youth Challenge Program has developed 32 programs in 27 States and Puerto Rico;

Whereas since 1993, over 92,850 young individuals have successfully graduated from the program, with 80 percent earning their high school diploma or GED certificate, 24 percent going to college, 18 percent joining the military, and 57 percent entering the workforce with career jobs;

Whereas the National Guard Youth Challenge Program has successfully helped high school dropouts in this Nation; and

Whereas the National Guard Youth Challenge Program can play a larger role in providing assistance to the youth of the United States: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of "National Guard Youth Challenge Day"; and

(2) calls upon the people of the United States to observe "National Guard Youth Challenge Day" on February 24, 2010, with appropriate ceremonies and respect.

ORDERS FOR THURSDAY, FEBRUARY 25, 2009

Mr. DURBIN. Mr. President, I ask unanimous consent that when the Senate completes its business today it adjourn until 10 a.m. on Thursday, February 25; that following the prayer and

the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of the House message with respect to H.R. 1299.

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

PROGRAM

Mr. DURBIN. Mr. President, tomorrow several Senators will be participating in the bipartisan, bicameral health care summit with President Barack Obama. I am honored to be one of those Senators. As a result, though, there will be no rollcall votes prior to 4 p.m. tomorrow. We will continue to work on an agreement to consider the 30-day tax extenders legislation, which I just referred to in an earlier statement.

As a reminder, Senator REID also filed cloture on the motion to concur with respect to H.R. 1299, which is the legislative vehicle for the Travel Promotion Act. We hope to reach an agreement to have that vote tomorrow.

APPOINTMENTS

The PRESIDING OFFICER. The Chair announces, on behalf of the majority leader, pursuant to Executive Order No. 13531, appointments of the following to the National Commission on Fiscal Responsibility and Reform: the Honorable RICHARD J. DURBIN of Illinois, the Honorable MAX BAUCUS of Montana, the Honorable KENT CONRAD of North Dakota.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. DURBIN. 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 7:19 p.m., adjourned until Thursday, February 25, 2010, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

THE JUDICIARY

ROBERT NEIL CHATIGNY, OF CONNECTICUT, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SECOND CIRCUIT, VICE GUIDO CALABRESI, RETIRED.

GOODWIN LIU, OF CALIFORNIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE NINTH CIRCUIT, VICE A NEW POSITION CREATED BY PUBLIC LAW 110-177, APPROVED JANUARY 7, 2008.

WILLIAM JOSEPH MARTINEZ, OF COLORADO, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF COLORADO, VICE EDWARD W. NOTTINGHAM, RESIGNED.

GARY SCOTT FEINERMAN, OF ILLINOIS, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF ILLINOIS, VICE ROBERT W. GETTLEMAN, RETIRED.

SHARON JOHNSON COLEMAN, OF ILLINOIS, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF ILLINOIS, VICE MARK R. FILIP, RESIGNED.

DEPARTMENT OF JUSTICE

WIFREDO A. FERRER, OF FLORIDA, TO BE UNITED STATES ATTORNEY FOR THE SOUTHERN DISTRICT OF FLORIDA FOR THE TERM OF FOUR YEARS, VICE R. ALEXANDER ACOSTA.

LAURA E. DUFFY, OF CALIFORNIA, TO BE UNITED STATES ATTORNEY FOR THE SOUTHERN DISTRICT OF

CALIFORNIA FOR A TERM OF FOUR YEARS, VICE CAROL CHIEN-HUA LAM.

ALICIA ANNE GARRIDO LIMTIACO, OF GUAM, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF GUAM AND CONCURRENTLY UNITED STATES ATTORNEY FOR THE DISTRICT OF THE NORTHERN MARIANA ISLANDS FOR THE TERM OF FOUR YEARS, VICE LEONARDO M. RAPADAS.

JOHN B. STEVENS, JR., OF TEXAS, TO BE UNITED STATES ATTORNEY FOR THE EASTERN DISTRICT OF TEXAS FOR THE TERM OF FOUR YEARS, VICE REBECCA A. GREGORY.

JOHN DALE FOSTER, OF WEST VIRGINIA, TO BE UNITED STATES MARSHAL FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA FOR THE TERM OF FOUR YEARS, VICE JAMES DUANE DAWSON.

GARY MICHAEL GASKINS, OF WEST VIRGINIA, TO BE UNITED STATES MARSHAL FOR THE NORTHERN DISTRICT OF WEST VIRGINIA FOR THE TERM OF FOUR YEARS, VICE J. C. RAFFETY, RESIGNED.

PAUL WARD, OF NORTH DAKOTA, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF NORTH DAKOTA FOR THE TERM OF FOUR YEARS, VICE DAVID SCOTT CARPENTER.

FOREIGN SERVICE

THE FOLLOWING NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASSES STATED.

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS ONE, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA,

AGENCY FOR INTERNATIONAL DEVELOPMENT

ROBIN J. BRINKLEY HADDEN, OF MARYLAND
SHARON THAMS CARTER, OF FLORIDA
HAVEN G. CRUZ-HUBBARD, OF CALIFORNIA
MARY PAMELA FOSTER, OF MARYLAND
BRUCE GELBAND, OF VIRGINIA
MIKAELA SAWTELLE MEREDITH, OF VIRGINIA
LESLIE ANN PERRY, OF COLORADO
ROY PLUCKNETT, OF VIRGINIA
GARY ROBBINS, OF COLORADO
SARAH WRIGHT, OF THE DISTRICT OF COLUMBIA

DEPARTMENT OF STATE

JOSEPH AMBROSE KENNY, JR., OF MARYLAND
ERIC KHANT, OF FLORIDA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS TWO, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA,

AGENCY FOR INTERNATIONAL DEVELOPMENT

CANDACE HARRING BUZZARD, OF WASHINGTON
JOHN JOSEPH CARDENAS, OF CALIFORNIA
HOLLY FLUTY DEMPSEY, OF WEST VIRGINIA
PETER WILLIAM DUFFY, OF MASSACHUSETTS
MUSTAFA EL HAMZAOU, OF NEW HAMPSHIRE
REBEKAH R. EUBANKS, OF ILLINOIS
CHRISTIAN WILLIAM HOUGEN, OF VIRGINIA
SHERI-NOUANE BERNADETTE JOHNSON, OF NEW YORK
JONATHAN T. KAMIN, OF MARYLAND
KARIN A. KOLSTROM, OF FLORIDA
WILLIAM C. MACLAREN, OF VIRGINIA
VEENA REDDY, OF CALIFORNIA

DEPARTMENT OF STATE

DANIEL G. BROWN, OF MISSOURI
KEVIN A. WEISHAR, OF MISSOURI

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS THREE, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA,

AGENCY FOR INTERNATIONAL DEVELOPMENT

RANDOLPH HENRI AUGUSTIN, OF GEORGIA
SHIRLEY L. BALDWIN, OF VIRGINIA
MICHELLE M. BARRETT, OF MICHIGAN
JAMES A. BERSCHETT, OF WYOMING
DAVID M. BOGRAN SCHREWE, OF TEXAS
AARON S. BROWNELL, OF TEXAS
LESLIE-ANN A. BURNETTE, OF CALIFORNIA
MATTHEW ANDREW BURTON, OF NEW HAMPSHIRE
TAMIKA CAMERON, OF TEXAS
STANLEY A. CANTON, OF MARYLAND
JAMES CHRISTOPHER CARLSON, OF COLORADO
CHRISTINA EVE CHAPPELL, OF PENNSYLVANIA
RANDY CHESTER, OF NEVADA
BLAKE A. CHRYS TAL, OF OREGON
MARY R. COBB, OF OHIO
BARRY COLLINS, OF NEW HAMPSHIRE
ANANTA HANS COOK, OF CALIFORNIA
BRADLEY CRONK, OF FLORIDA
WALTER DOETSCH, OF TEXAS
MYRA YUMIKO EMATA-STOKES, OF CALIFORNIA
LALARUKH FAIZ, OF VIRGINIA
STEPHEN FITZPATRICK, OF NEW HAMPSHIRE
KARLA INEZ FOSSAND, OF MINNESOTA
MELISSA M. FRANCIS, OF FLORIDA
STEPHANIE JAMES GARVEY, OF TEXAS
MICHAEL GLEES, OF CALIFORNIA
GARRET JOHN HARRIS, OF MINNESOTA
ANGELA DAWN HOGG, OF CALIFORNIA
HUSSAIN WAHEED IMAM, OF VIRGINIA
CORY B. JOHNSTON, OF MAINE
TAISHA MUMTAZI JONES, OF THE DISTRICT OF COLUMBIA
MICHAEL G. JUNG, OF WASHINGTON
KAREN D. KLIMOWSKI, OF CALIFORNIA
PATRICK J. KOLLARS, OF SOUTH DAKOTA
THOMAS J. KRESS, OF NEW YORK
RONALD JAY KRYK, OF TEXAS

CHRISTOPHER JAMES LA FARGUE, OF LOUISIANA
PHILIP LAMADE, OF MISSOURI
DWAINE ERIQ LEE, OF CALIFORNIA
ALYSSA WILSON LEGGOE, OF NEW JERSEY
JESSE ADAM LEGGOE, OF NEW JERSEY
GINGER EDWARDS LONGWORTH, OF SOUTH CAROLINA
LESLIE MARBURY, OF GEORGIA
BRUCE FREEMAN MCFARLAND, OF WASHINGTON
ANDREW MCKIM, OF CALIFORNIA
AMY B. MEYER, OF CALIFORNIA
A. AURELIA MICKO, OF FLORIDA
TRACY JEANNE MILLER, OF OREGON
KERRY MONAGHAN, OF TEXAS
DIANE B. MOORE, OF NEW YORK
MONIQUE MOSOLE, OF FLORIDA
JUNIPER M. NEILL, OF ALASKA
CHRISTOPHER D. O'DONNELL, OF FLORIDA
MIRIAM ONIVOGUL, OF GEORGIA
SEAN JOSEPH OSNER, OF TEXAS
GEOFFREY BROOKS PARISH, OF TEXAS
JONATHAN CLAYTON RICHTER, OF FLORIDA
MICHAEL ALLAN RONNING, OF MINNESOTA
MICHELE A. RUSSELL, OF VIRGINIA
CARL ANDREW SEAGRAVE, OF THE DISTRICT OF COLUMBIA
LORRAINE SHERMAN, OF FLORIDA
CYBILL SIGLER, OF TEXAS
ROBERT J. SIMMONS, OF THE DISTRICT OF COLUMBIA
R. CHRISTIAN SMITH, OF NEVADA
POONAM SMITH-SREEN, OF FLORIDA
FRANCISCO RICARDO SOMARRIBA, OF FLORIDA
SANDRA ANNA STAJKA, OF VIRGINIA
JENNIFER J. TIKKA, OF WASHINGTON
DOANH Q. VAN, OF WASHINGTON
CAROLL L. VASQUEZ, OF VIRGINIA
JORGE E. VELASCO, OF MARYLAND
STEPHANIE ANN WILCOCK, OF WASHINGTON
GEORGE ZARYCKY, OF VIRGINIA

DEPARTMENT OF STATE

ANTHONY P. KUJAWA, OF MARYLAND
KRISTI J. MIETZNER, OF VIRGINIA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS FOUR, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA,

DEPARTMENT OF STATE

JEFFREY R. ALLEN, OF THE DISTRICT OF COLUMBIA
TODD ANDERSON, OF KENTUCKY
JAMES D. APPELGATE, OF MICHIGAN
MAHA ANGELINA ARMUSH, OF TEXAS
CHUKA ASIKE, OF TEXAS
WILLIAM D. BAKER, OF TEXAS
RICHARD C. BLACKWOOD, OF VIRGINIA
STEPHANIE ELIZABETH BOSCAINO, OF TEXAS
THOMAS S. BROWN, OF WASHINGTON
CHRISTIANE CARROLL, OF CALIFORNIA
JEFFREY JOHN CARY, OF THE DISTRICT OF COLUMBIA
MICHAEL G. CATHY, OF CALIFORNIA
PERRY YANG CHEN, OF VIRGINIA
CHRISTINA M. CHESHER, OF ARIZONA
MARTHA ANN CRUNKLETON, OF FLORIDA
CHRISTOPHER P. CURRAN, OF NEW HAMPSHIRE
ROBERTO CUSTODIO, OF FLORIDA
GREGORY D'ALESSANDRO, OF MARYLAND
JOYE L. DAVIS-KIRCHNER, OF MISSOURI
ANNE B. DEBEVOISE, OF CALIFORNIA
JAFAR A. DIAB, OF MASSACHUSETTS
CHRISTOPHER R. DILWORTH, OF VIRGINIA
DAVID JOSEPH DRINKARD, OF MISSOURI
MARIALICE BURFORD EPRIAM, OF ILLINOIS
JASON D. EVANS, OF WASHINGTON
KATHLEEN FOX, OF CALIFORNIA
KATHEY-LEE GALVIN, OF OREGON
COREY MATTHEW GONZALEZ, OF THE DISTRICT OF COLUMBIA
GRANT S. GUTHRIE, OF CALIFORNIA
ANANDA K. HAAS, OF ALASKA
ADAM J. HANTMAN, OF MARYLAND
SARA RUTH HARRIGER, OF ALASKA
JAMES HOLTSTNIDER, OF IOWA
AARON D. HONN, OF TEXAS
LUDOVIC L. HOOD, OF THE DISTRICT OF COLUMBIA
ERIKA LOREL HOSKING, OF VIRGINIA
CHARLES L. JARRETT III, OF TENNESSEE
HORMAZD J. KANGA, OF KENTUCKY
DAVID KRISTIAN KVOLS, OF FLORIDA
FELICIA D. LYNCH, OF FLORIDA
MIKA MCBRIDE, OF TEXAS
MATTHEW C. MCNEIL, OF VIRGINIA
KAREN N. MIMS, OF PENNSYLVANIA
JUDITH H. MONSON, OF NEW YORK
ROSHNI MONA NIRODY, OF ALASKA
SHEILA SOPHIA O'DONNELL, OF ILLINOIS
JUAN CARLOS OSPINA, OF FLORIDA
BENJAMIN NELSON REAMES, OF TEXAS
CHARLES WILSON RUARK III, OF GEORGIA
SARAH A. SCHMIDT, OF MAINE
HEIDI E. SMITH, OF MICHIGAN
MARC ALAN SNIDER, OF ILLINOIS
VIRGIL B. STROHMMEYER, OF CALIFORNIA
ADRIENNE BECK TAYLOR, OF VIRGINIA
REBECCA S. PHELPS THURMOND, OF MICHIGAN
ANDRES VALDES, OF FLORIDA
SOVANDARA YIN, OF OREGON
MADELINA M. YOUNG, OF FLORIDA

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE TO BE CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF COMMERCE

VINCE H. SUNEJA, OF VIRGINIA

DEPARTMENT OF STATE

KRISTEN E. AANSTOOS, OF MISSISSIPPI
KATHLEEN ELIZABETH ABNER, OF MARYLAND
HATIM NELSON AHMED, OF VIRGINIA
ZIA AHMED, OF MASSACHUSETTS
ANDREW R. ALBERTS, OF VIRGINIA
SYED MUJTABA ANDRABI, OF WASHINGTON
ALISON MARIE ASHWELL, OF VIRGINIA
MARK DAVID AUBRECHT, OF WASHINGTON
MICHELLE E. AZEVEDO, OF THE DISTRICT OF COLUMBIA
JARI D. BARNETT, OF OKLAHOMA
JACOB BARRETT, OF VIRGINIA
JONATHAN M. BARROW, OF MARYLAND
CARRIE LYNN BASNIGHT, OF KENTUCKY
AMANDA K. BECK, OF CALIFORNIA
MICHELLE NICOLE BENNETT, OF CALIFORNIA
ANDREW BERDY, OF NEW JERSEY
DUSTIN REEVE BICKEL, OF GEORGIA
ASHWIN E. BIJANKI, OF VIRGINIA
NATALIE IRENE BONJOC, OF CALIFORNIA
STEVEN R. BONSALE, OF VIRGINIA
KATHLEEN E. BORGESS, OF VIRGINIA
ARIELA BORGIA, OF VIRGINIA
MICHAEL D. BOVEN, OF MICHIGAN
BENJAMIN KIRK BOWMAN, OF COLORADO
RYAN G. BRADEEN, OF MAINE
DIEDRE T. BRADSHAW, OF VIRGINIA
KATIE C. BRASIC, OF VIRGINIA
STEVEN ARTHUR CONNETT BREMNER, OF MINNESOTA
MARY K. BREZIN, OF COLORADO
MATTHEW MCMAHON BRIGGS, OF THE DISTRICT OF COLUMBIA
CHRISTOPHER M. BRITTON, OF MARYLAND
SARAH A. BUDDS, OF SOUTH CAROLINA
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JENNIFER M. HEATH, OF VIRGINIA
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MICHAEL D. HIGHT, OF VIRGINIA
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JENNIFER HOLMES, OF UTAH
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LEON V. JONES II, OF VIRGINIA
LISA KALAJIAN, OF NEW JERSEY
MARJON E. KAMRANI, OF OHIO
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KATHRYN KANE KEELEY, OF THE DISTRICT OF COLUMBIA
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KRISTINA LAW, OF VIRGINIA
PUI-YUNG LAW, OF VIRGINIA
MICHAEL A. LEON, OF VIRGINIA

STEVEN HOWARD LERDA, OF VIRGINIA
 JOHN T. LEWIS, OF VIRGINIA
 PIERRE ANTOINE LOUIS, OF FLORIDA
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 JEFFREY M. MARTIN, OF RHODE ISLAND
 LEONARD FREDERICK MARTIN, OF MARYLAND
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 BILLY F. MCALLISTER, JR., OF VIRGINIA
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 AMY J. MILLS, OF VIRGINIA
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 ERIC K. MONTAGUE, OF VIRGINIA
 GRANT HANLEY MORROW, OF PENNSYLVANIA
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 PETER D. MUCHA, OF VIRGINIA
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 JUNG OH, OF VIRGINIA
 STEPHANIE NICOLE PADGETT, OF VIRGINIA
 BENJAMIN PARSELL, OF THE DISTRICT OF COLUMBIA
 VIKAS C. PARUCHURI, OF PENNSYLVANIA
 MICHAEL PENNELL, OF TENNESSEE
 SEVERIN J. PEREZ, OF VIRGINIA
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 CHARLES SAUNDERS PORT, OF VIRGINIA
 KERRI R. PROVENCIO, OF VIRGINIA
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 AMY NICOLE REICHERT, OF COLORADO
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 ANNE G. SAUNDERS, OF VIRGINIA
 TAMARA L. SCOTT, OF MARYLAND
 TIMOTHY JAMES SCOVIN, OF THE DISTRICT OF COLUMBIA
 ELIZABETH SELLEN, OF THE DISTRICT OF COLUMBIA
 MICHAEL R. SHAW, OF VIRGINIA

ROGER LANIER SHIELDS, OF VIRGINIA
 CRAIG M. SINGLETON, OF FLORIDA
 THOMAS MICHAEL SLAYTON, OF THE DISTRICT OF COLUMBIA
 JOHN THOMAS WOODRUFF SLOVER, OF COLORADO
 PAULETTE C. SMALL, OF NORTH CAROLINA
 BARRY DANIEL SMITH, OF OREGON
 DON J. SMITH, OF VIRGINIA
 JASON A. SMITH, OF VIRGINIA
 SCOTT M. SMITH, OF VIRGINIA
 WILLIAM CATLETT SOLLEY, OF VIRGINIA
 MICHELLE SOSA, OF CALIFORNIA
 JUDITH C. SPANBERGER, OF MARYLAND
 KENNETH STURROCK, OF FLORIDA
 RUDRANATH SUDAMA, OF MARYLAND
 JANEL LYNN SUTTON, OF COLORADO
 PETER J. SWEENEY, OF NEW JERSEY
 ALPER A. TUNCA, OF THE DISTRICT OF COLUMBIA
 TOMMY VARGAS, OF VIRGINIA
 GARETH JOHN VAUGHAN, OF THE DISTRICT OF COLUMBIA
 ERIC VELA, OF VIRGINIA
 CHRISTOPHER VOLPICELLI, OF VIRGINIA
 JOHN PHILIPS WATERMAN, OF MASSACHUSETTS
 MARK A. WILKINS, OF VIRGINIA
 CHRISTAL G. WINFORD, OF VIRGINIA
 JOANNA K. WOJCIK, OF VIRGINIA
 HSUEH-TING WU, OF CALIFORNIA
 HEATHER LOUISE YORKSTON, OF MARYLAND

NATIONAL BOARD FOR EDUCATION SCIENCES

ADAM GAMORAN, OF WISCONSIN, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL BOARD FOR EDUCATION SCIENCES FOR A TERM EXPIRING NOVEMBER 28, 2011, VICE RICHARD JAMES MILGRAM, TERM EXPIRED.

DEBORAH LOEWENBERG BALL, OF MICHIGAN, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL BOARD FOR EDUCATION SCIENCES FOR A TERM EXPIRING NOVEMBER 28, 2012, VICE CAROLINE M. HOXBY, TERM EXPIRED.

DEPARTMENT OF EDUCATION

EDUARDO M. OCHOA, OF CALIFORNIA, TO BE ASSISTANT SECRETARY FOR POSTSECONDARY EDUCATION, DEPARTMENT OF EDUCATION, VICE DIANE AUER JONES, RESIGNED.

NATIONAL BOARD FOR EDUCATION SCIENCES

MARGARET R. MCLEOD, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF

THE NATIONAL BOARD FOR EDUCATION SCIENCES FOR A TERM EXPIRING NOVEMBER 28, 2012, VICE ELIZABETH ANN BRYAN, TERM EXPIRED.

BRIDGET TERRY LONG, OF MASSACHUSETTS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL BOARD FOR EDUCATION SCIENCES FOR A TERM EXPIRING NOVEMBER 28, 2012, VICE JOSEPH K. TORGESEN, TERM EXPIRED.

CONGRESS OF THE UNITED STATES

STEPHEN T. AYERS, OF MARYLAND, TO BE ARCHITECT OF THE CAPITOL FOR THE TERM OF TEN YEARS, VICE ALAN M. HANTMAN, RESIGNED.

IN THE COAST GUARD

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT AS PERMANENT COMMISSIONED REGULAR OFFICERS IN THE UNITED STATES COAST GUARD IN THE GRADES INDICATED UNDER TITLE 14, U.S. CODE, SECTION 211:

To be lieutenant commander

JOANN F. BURDIAN
 KELLY K. DENNING

To be lieutenant

TORREY H. BERTHEAU
 LAUREN U. FULLAM
 KENNETH R. MORTON
 DAWN N. PREBULA

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 general

LT. GEN. JAMES D. THURMAN

THE FOLLOWING NAMED UNITED STATES ARMY RESERVE OFFICER FOR APPOINTMENT AS THE CHIEF, ARMY RESERVE AND APPOINTMENT TO THE GRADE INDICATED UNDER PROVISIONS OF TITLE 10, U.S.C., SECTIONS 3038 AND 601:

To be lieutenant general

LT. GEN. JACK C. STULTZ, JR.