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## Senate

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

### PRAYER

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

Let us pray.

Our Father in heaven, because of the abundance of Your mercies, we receive this gift of another day. We don't pray for tomorrow and its needs, but we do intercede for this day which now bathes us in its returning light. Give wisdom and courage to our Senators, as You set Your seal upon their lips. Lord, restrain them from speaking words that needlessly hurt or discourage some pilgrim by their side. As lovers and servants of this land of freedom, make them worthy of the past and equal to the present. Mold them to Your purposes. Fashion them with Your powerful hands. Shape them on the anvil of these days of destiny into instruments fit for Your use.

Lord, we also pause and pray for the families of Capitol Police Officer Jacob Joseph Chestnut and Detective John Michael Gibson, who bravely gave their last full measure of devotion defending the Capitol 11 years ago today.

We pray in Your great Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable MARK R. WARNER led the Pledge of Allegiance, as follows:

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

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The bill clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, July 24, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK R. WARNER, a Senator from the Commonwealth of Virginia, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

Mr. WARNER thereupon assumed the chair as Acting President pro tempore.

### MOMENT OF SILENCE TO HONOR OFFICER CHESTNUT AND DETECTIVE GIBSON

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will observe a moment of silence in honor of Officer Jacob J. Chestnut and Detective John M. Gibson of the United States Capitol Police who fell in the line of duty defending this Capitol on this day in 1998.

(Moment of silence.)

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. Mr. President, there are a select few men and women who come to work every day with one primary job: to protect those of us who are fortunate enough to call the U.S. Capitol Building our office and all who come here from all corners of the country to see for themselves the heart of our democracy.

Special Agent John Gibson and Officer Jacob Chestnut were two such men. Every day for almost two decades they kept us safe. Eleven years ago today, as the Chaplain announced in his prayer, they gave their lives while protecting us. On this day in 1998, a madman came through an entrance on the east side of the building in midafternoon and shot Officer Chestnut at pointblank range. Officer Chestnut died instantly. Agent Gibson confronted the man, shooting him and stopping him. Gibson was himself hit, and he died later that day.

I can clearly remember both these brave men, both of whom were in their 18th year of service as Capitol policemen when they were killed.

I can remember when my wife became ill at a congressional retreat we had in Virginia. It was Agent Gibson who ran to her side. I can remember how he was so focused and had run so far from the Capitol Police headquarters to our room, he was sweating profusely, and how he treated her with kindness and care. Agent Gibson, who was from Massachusetts, would, every morning, race to the back of the sports section when baseball season was on to find the box score for his beloved Boston Red Sox. He was a generous neighbor and loving father to his daughter and two sons.

Officer Chestnut, whom everyone called J.J., was a father of five who loved his job and loved his country. He had served in the Air Force for 20 years. He fought in Vietnam. At the time of the shooting, he was just weeks away from retiring.

Gibson and Chestnut lay in honor in the Capitol Rotunda, just steps from where they were murdered, a distinction Congress has conferred upon only a handful of Americans, including Abraham Lincoln, John Kennedy, and our unknown soldiers. Jacob Chestnut was the first African American to ever be so honored in the Capitol Rotunda.

On this solemn anniversary, we pause to appreciate not just the bravery of two men who saved so many others but each and every Capitol police officer who does his or her job so valiantly every single day of the year.

On behalf of the entire Senate, everyone who works and visits here, I extend my appreciation.

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

Mr. McCONNELL. Mr. President, when we stand in this Capitol dedicated to freedom, we must remember freedom's costs. So I rise to speak

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



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about Jacob Joseph Chestnut and John Michael Gibson.

Officer Chestnut and Detective Gibson, both of the Capitol Police, gave their lives 11 years ago today in defense of the men and women who work in and visit the Capitol.

A plaque in this building commemorates their bravery. Their names have been etched upon the National Law Enforcement Officers Memorial, which stands 1 mile from here. And the headquarters of the U.S. Capitol Police bears their names.

Officer Chestnut, or J.J. to his friends, was a 20-year veteran of the Air Force, and had 18 years of service to the Capitol Police. John Gibson also had 18 years of Capitol Police service, and until that day had never had to draw his weapon.

Both men left behind their wives, children, beloved family members, and friends. Both men were part of an elite team. Capitol Police officers, with their unique mission, are charged with protecting not only our lives but our very system of government.

My friend, the majority leader, a former Capitol Police officer himself, knows both the honor and the danger that comes with the job. And so as we honor Officer Chestnut and Detective Gibson today, we also honor every man and woman of the Capitol Police who have bravely volunteered for this hazardous but important duty.

So today the Senate honors J.J. Chestnut and John Gibson. We are grateful for their heroic sacrifice, and we remember their families, whom we embrace as we would our own.

Mr. President, I yield the floor.

#### RESERVATION OF LEADER TIME

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

#### MORNING BUSINESS

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

#### RECOGNITION OF THE MAJORITY LEADER

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

#### SCHEDULE

Mr. REID. Mr. President, we are now in a period of morning business, with Senators allowed to speak for up to 10 minutes each. There will be no rollcall votes during today's session.

The ACTING PRESIDENT pro tempore. The Senator from Oregon.

Mr. WYDEN. I ask unanimous consent to speak in morning business for up to 15 minutes.

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

#### HEALTH CARE REFORM

Mr. WYDEN. Mr. President, I came to the floor this morning to take a few minutes to reflect on this week's developments on the issue of health care reform. For me, the week began with an inspiring essay by the man who has led the crusade for fixing American health care for more than 40 years, the man who continues to lead this body in our efforts to fix health care. I am referring to the wonderful essay by Senator KENNEDY. I encourage all Senators to read his article because, as usual, Senator KENNEDY lays out the challenge ahead. He says on the front page of the magazine, "We're Almost There." That might be a little much for some folks, given the developments of the week, but as usual, there is a lot of validity in what Senator KENNEDY has written in *Newsweek* magazine.

There is widespread agreement on some very significant areas of health care policy. For example, we have bipartisan support in the Senate for fundamentally changing the inhumane model of private health insurance.

Today, private health insurance is essentially about cherry-picking. It is about going out and finding the healthy people and sending the sick people over to government programs more fragile than they are. There is widespread agreement that needs to be changed. For example, 15 Senators are on legislation that would make it illegal to discriminate against those with preexisting illnesses. That is a fundamental change, a dramatic change in the way the insurance industry does business. Democrats, Republicans, both major committees—the committee Senator KENNEDY chairs, the committee led by my chairman, MAX BAUCUS—Democrats and Republicans support fundamental changes in the way private health insurance operates. If someone had told me 3 years ago that there would be such strong bipartisan support for fundamentally altering the model of how private health insurance is sold in our country, I probably would have asked them what hallucinogenic substance they were smoking. But it is an indication, as Senator KENNEDY writes in his article, that we have made a lot of progress.

Suffice to say, as Senator KENNEDY notes again, there is a lot of heavy lifting to do. In particular, if we go to the President's Web site, the three areas he is focused on are lowering costs, increasing choices, and maintaining quality. Those are the three areas the President has focused on, very correctly. Those are the three areas on which our President has made clear he is going to spend his political capital. This is what he is going to use his bully pulpit for. This is what he is going to put in these killer hours for. Having met with him recently, I can

tell my colleagues that President Barack Obama is making that kind of effort with his political capital, using the bully pulpit, and putting in the hours to get the job done.

With respect to lowering people's premiums and lowering costs, one of the areas the Congressional Budget Office has said will generate real savings in the next few years is increasing individual choice, giving all Americans the opportunity, as we have in the Congress, to choose from a variety of plans—big plans, where we spread cost and risk, where they can't discriminate. When an individual makes a wise selection from one of those plans, the individual puts that money in their pocket. That is what the budget office folks have said they will score as real savings for the system, for people's individual premiums in the next few years.

The challenge for our committees is that in many respects, these bills don't give all Americans free choice. They don't give all Americans the choice the Senator from Virginia has—I note the presence of the distinguished leader from Kentucky—these bills don't give all Americans the kinds of choices we have as Senators. Choice and the requirement that companies compete for people's business is what competition is all about. It is what holding premiums down is all about.

I have developed legislation called the free choice proposal. It protects the employer-based system on which we know well over 150 million Americans rely. It also gives us a chance to improve on it. It creates more options for employers and for employees to hold costs down. For employers, our free choice proposal gives them more leverage with their insurance company so they can tell their insurer: I have done business with you for a lot of years. You better give me a better deal or I will take my business somewhere else.

It also says to an employer—hypothetically, in Virginia, Oregon—if you want to take all of your employees to what is called the insurance exchange, kind of a farmers market arrangement, the employer would have the ability to take their workers to the exchange, and the employer could get a discount for doing that against strengthening the employer's role in the effort to hold down cost.

For the worker, what it means is, for example, in Virginia or Oregon, if your employer's share of your health care coverage is, say, \$13,000 and you can find a plan on the insurance exchange for \$12,000, the \$1,000 goes into your pocket. Again, you get a financial reward for shopping. Members of Congress get to shop. I would like to see everybody get to shop, everybody have those individual choices.

It is also good for the system because right now, really since the 1940s, since the middle of the last century, the individual has been disconnected from the health care system. The individual does not get many choices. Eighty-five

percent of the employers who offer health care coverage do not offer choice—not because they are evil. They would love to do it. They cannot afford it. The administrative costs are too crushing.

So, again, if we get employers and employees into these larger systems, where they will have clout in the marketplace, there will be the ability for everybody to choose, not just folks who are unemployed or uninsured or small business, but give everybody, over the next few years, the ability to have these choices and be in a position to help drive more competition and more accountability and hold down their premiums in the private sector.

We can do that on a bipartisan basis. We have 15 Senators of both political parties on legislation that does it now. It could fit with the structure of several of the bills that are being considered. We can do this, as Senator KENNEDY suggests in his wonderful essay, on a bipartisan basis. Both Democrats and Republicans have a good point.

I believe my party is right on the issue that you cannot fix this system unless you cover everybody. The reason that is the case is, you cannot build a market unless you cover everybody. Unless you cover everybody, there is too much cost shifting. The people who are uninsured shift their bills to the insured.

But my colleagues on the other side of the aisle—the distinguished leader from Kentucky and I have had this conversation on a number of occasions—they have valid points too. The Congress ought to be very careful about freezing innovation, about restricting private choice, about setting up price controls.

There is the sweet spot for a bipartisan bill: Democrats with good ideas, as Senator KENNEDY lays out in his wonderful essay, about expanding coverage; Republicans bringing creative ideas to the table about innovation and choice. Both sides have some valid points. That is what Senator KENNEDY is saying in his wonderful essay.

I see the leader on the floor. I hope colleagues will go to our Web site. That is where we lay out this free choice proposal. I think it is consistent with the idea of not blowing up the employer-based system but not saying we cannot improve on it. It gives new tools to both employers and employees to hold down costs. It ensures that all Americans will have choices, not just some.

I submit to colleagues, if folks in Virginia and Kentucky and Oregon come away from this and say that only some people got choices, that is not going to go down very well. Let's do what the President says on his Web site and give all Americans choices—choices such as we have in Congress from these big insurance pools, where you cannot discriminate and you have some leverage in terms of holding costs down.

It has certainly been a tumultuous week on this health care issue. But I

hope colleagues, this weekend, will pick up a copy of Newsweek and read the inspiring essay by Senator KENNEDY, who has led our body for more than 40 years—led the country—on this issue, and continues to lead us because there is a lot for us to build on now to finally end this injustice that we have not been able to fix our system so we hold costs down and all Americans get good, quality, affordable coverage. We can do it. We can do it this year, on the President's timetable, by working together.

Mr. President, with that, I yield the floor.

#### RECOGNITION OF THE MINORITY LEADER

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

#### CONGRATULATING SENATOR WYDEN

Mr. McCONNELL. Mr. President, I wish to take a moment to congratulate the senior Senator from Oregon for his extraordinary contribution to this most important topic. He has been open. He has been convinced of the need for bipartisanship and has been entirely constructive throughout this process, and we look forward to continuing our conversations in the weeks and months to come.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania.

#### HEALTH CARE REFORM

Mr. CASEY. Mr. President, I rise this morning to speak on an issue that so many of us, not only here in Washington in the Senate and in the Congress, generally, but across the country have been concerned about, talking about, debating; and it is the issue, of course, of health care.

We have a long way to go over the next couple weeks and months. I know there is a lot of coverage and debate about timing and what is going to happen this week or next week or by the August break. But I believe we are going to get this done, and I think it is important we have a good debate about it.

I think too often in this debate we have focused on conflict and controversy as opposed to looking at some substantive parts of this legislation. I start this morning, as I have so many times when I have been discussing this issue over the last couple months, with a constituent, one person, but I think a person who speaks for many people across Pennsylvania and across the country. Her name is Trisha Urban.

She sent me a letter back in February that I have noted before. This letter, I think, tells us an awful lot about all we need to know about what is wrong with our health care system right now. Despite all the positive fea-

tures of it—great hospitals and medical personnel and people we can be justifiably proud of and boast about—there are problems with our health care system.

Trisha Urban, when she sent this letter in February, was recounting what had happened in her life just a few weeks before. She talked about her husband Andrew, who had to change positions in life, change jobs because he was completing an internship. She said:

Because of pre-existing conditions, neither my husband's health issues nor my pregnancy—

She referred earlier to the fact she was pregnant at the time of the letter—

... neither my husband's health issues nor my pregnancy would be covered under private insurance.

She said:

I worked 4 part-time jobs and was not eligible for any health benefits.

She says later in the letter that they lost their health insurance coverage, and they had close to \$100,000 worth of medical bills. Then she says:

Concerned with the upcoming financial responsibility of the birth of our daughter and the burden of current medical expenses, my husband missed his last doctor's appointment less than one month ago.

And this is how the story ends for this family. She talks about—just a few weeks before this letter—what happened to her. She says:

My water had broke the night before, we were anxiously awaiting the birth of our first child. A half-hour later, 2 ambulances were in my driveway. As the paramedics were assessing the health of my baby and me, the paramedics from the other ambulance told me that my husband could not be revived.

That is her story—a story of not having the kind of health care coverage that she and her husband and her new baby should have—the story of her husband missing his last doctor's appointment because of financial burdens and, of course, the tragic part of that story, which is the loss of her husband, the same day her daughter was born.

I do not think every story we have told about our constituents ends the same way. But the blessing here of this story, of this letter, is this: Trisha Urban could have said: Do you know what? I have a terrible burden and I can't handle this, and I am not going to try to talk to anyone about it. I am going to carry this burden myself. And she could go off and not be heard from again.

But she took the time to write to me. This is how she ends the letter. She does not just tell her tragic story and just say: Can you help me? And: I am in trouble. She thinks beyond herself. She thinks of an issue that is affecting so many Americans, and she says this:

I am a working class American and do not have the money or the insight to legally fight the health insurance company. We had no life insurance. I will probably lose my home, my car and everything we worked so

hard to accumulate in our life will be gone in an instant.

If my story is heard, if legislation can be changed to help other uninsured Americans in a similar situation, I am willing to pay the price of losing everything.

That is what Trisha Urban says to us. I would note that in this Senate Chamber, you can go to every single desk—100 Senators, including myself—every single desk, and if you were to ask a Member of the Senate: Do you have health care coverage? They would say: Of course. I am a Federal employee, and I get to choose a lot of options. You could say the same of people who work in the House and in the White House and in executive branch agencies. So individual Senators are taken care of pretty well.

So when Trisha Urban says to us in a letter: “I am willing to pay the price of losing everything,” when she says that, I believe she is not just saying it to tell us what is on her mind, what is in her heart in the aftermath of the tragedy, I believe that line and her letter and her whole story are emblematic of the stories of Americans across the country. I believe all those sentiments and all those details of her life present a challenge to us.

I am willing to pay the price of losing everything, she says to us.

The question is—or I should say one of the important questions is—over the next couple of weeks and months, as we debate this issue, what are we willing to lose? What are individual Members of the Senate willing to do and willing to lose to get this done? I believe part of that is having a constructive and thorough and far-reaching debate about not just the issues but what is in the legislation. I will spend some time on that this morning and I will for the next couple of weeks.

As a member of the Health, Education, Labor and Pensions Committee, we have a bill. Sometimes the fact that there is a bill and there is a lot of positive features to it gets lost in Washington. There is a lot of talk about conflict between Democrats and Republicans; there is a lot of talk about controversy or issues that are sometimes easy to debate or cover, but what has been lost in a lot of this debate over the last couple of weeks is what is in the bill. We are going to get to that. We won't get to all of it today, of course.

I believe the bill does a couple of things. First, it ensures that over time we are going to have stable costs. That is one thing American families are looking for, some kind of stability or peace of mind with regard to costs and with regard to other issues as well. So stable costs.

I also believe this legislation and the bill we are going to send to President Obama this fall will also have secure choices. If you like what you have, you like the plan you have, you can keep it. It is not going to change. If you want to make a change, you are going to have options.

Thirdly, it is about the quality of care. I believe the American people have a right to expect that we are going to control costs, that we are going to provide them with secure choices, but that we are also going to provide quality care. Any old health care, in my judgment, isn't good enough.

I believe the bill does all three things: stable costs, secure choices, and quality of care.

One of the threshold questions we have to answer in this debate is—because it is going to be a choice. We are not going to have a choice between 10 options on health care in a general sense or 5 options; we are going to have a basic, fundamental choice, as we do on a lot of issues. It is going to be one or the other, A or B, or A versus B, maybe, and here is the choice. The first question we have to answer is do we want to keep the status quo, do we want to keep perpetuating a system which has costs out of control for families and for businesses, for government, which doesn't offer the kind of quality care across the board—some get it, we know that, and it is good care—but is there enough quality care across the board? I would argue there isn't. Are we going to offer that and say it got too tough and we weren't willing to take some risks with an important bill, we decided to not do anything? That is the status quo. That is what we have now.

The other choice is change and reform. President Obama, fortunately, as a new President of the United States, has chosen to be about the business of reform and change. He has said to us, and I believe the American people have said to us: We cannot stay where we are. We cannot allow a system to perpetuate the problems we have right now. So that is the fundamental choice: the status quo, do nothing; or change and reform, working with President Obama and listening to the voices of the American people, people such as Trisha Urban and so many others.

So when we debate this—the status quo, stay where we are, versus change and reform—we have to begin to examine some of the questions the American people are worried about. They are worried about costs. They are worried about change and legislation not leading to a control of costs, the kind of stability we want.

One of the questions we are not spending much time in Washington debating is: What is the cost of doing nothing? What is the cost of doing nothing? What is the cost of the status quo? Well, fortunately, some people have begun to examine that. One of the examinations of that is a report by Families USA, and the report is entitled “The Clock Is Ticking.” It says: “More Americans Losing Health Coverage.” One of the points it has made—and of course I won't read the whole report—but one of the points it has made in the report is this: Here is what the

status quo means, here is what no change means: 44,230 more people losing health coverage every week. The report also goes on to talk about what it means in individual States; a State such as Pennsylvania where they are projecting over the next couple of years tens and tens and tens of thousands of people losing their coverage. By one estimate in this report, 178,000 more people just in Pennsylvania—just in Pennsylvania—losing their coverage.

I ask unanimous consent that this report, “The Clock Is Ticking,” by Families USA be printed in the RECORD.

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

[From Families USA]

THE CLOCK IS TICKING

MORE AMERICANS LOSING HEALTH COVERAGE

#### INTRODUCTION

In this turbulent economy, Americans are not only losing their jobs and their homes they are also losing their health coverage at an alarming rate. The latest data from the Census Bureau indicate that some 45.7 million Americans lacked health coverage in 2007, and economists believe that the situation has only worsened in the intervening months as the economic downturn has taken its toll.<sup>1</sup>

Health reform is needed now more than ever. As health care costs rise, more and more families are priced out of health coverage. Increasing numbers of employers, especially small businesses, are no longer able to offer their employees affordable coverage, or in some cases, any coverage at all. If current economic trends continue, more and more Americans will lose the health coverage they currently have. National experts have predicted that at least 6.9 million more Americans will lose their health coverage by the end of 2010.<sup>2</sup>

In this report, Families USA provides the first ever state-by-state illustration of the number of people who may lose health coverage between the beginning of 2008 (the period immediately after the last Census Bureau report on the number of uninsured) and the end of 2010 (the close of the current 111th Congress).

#### KEY FINDINGS

With each passing week that meaningful health care reform is not enacted, more families in every state are losing health coverage (see table on page 2):

44,230 more people are losing health coverage each week.

191,670 more people are losing health coverage each month.

2.3 million more people are losing health coverage each year.

Families USA based its state numbers on national estimates published in the peer-reviewed policy journal *Health Affairs* in May 2009. These estimates project that 6.9 million more Americans, primarily people in working families, will lose health coverage by the end of 2010.<sup>3</sup> The *Health Affairs* analysis, which focused on the time period between 2008 and 2010, is based on a model that assumes that, during this time period, there will be no policy changes with respect to the health care system. It further assumes that personal income growth and per capita health spending among insured adults will follow the latest projections from the Congressional Budget Office and the Office of the Actuary at the Centers for Medicare and Medicaid Services (CMS), respectively.

This time period is appropriate for Families USA's analysis because it captures potential losses of coverage between the most

recent Census Bureau calculations of the number of uninsured Americans (which reflect calendar year 2007) and the end of the 111th Congress (December 2010), which has taken up health reform as one of its major legislative goals.

In order to generate state-level numbers, Families USA calculated the share of uninsured, nonelderly individuals residing in each state using the most recent data reported in the Census Bureau's Current Population Survey for 2006–2007. We assumed that state losses in health coverage would parallel this distribution, and we apportioned the national estimate accordingly. The data suggest that the health care crisis is continuing to deepen across the nation, and that the longer Americans are forced to wait for health reform, the more people will lose coverage.

#### DISCUSSION

##### HEALTH INSURANCE PREMIUMS ARE RISING

Over the last decade, health insurance premiums have risen at rates that far outpace inflation. Between 1999 and 2008, the average annual family premium more than doubled, soaring from \$5,791 to \$12,680, an increase of 119 percent.<sup>4</sup> During the same time period, the Consumer Price Index, which measures inflation, rose by only 29.2 percent.<sup>5</sup> In the current economic downturn, working families are already struggling to afford basic necessities like groceries, car payments, gas, and housing costs.<sup>6</sup> Paying for skyrocketing health care premiums is putting additional strain on families that are already financially strapped.

##### HIGHER PREMIUMS LEAD TO LESS HEALTH COVERAGE

These high and continually rising premiums affect families as well as employers, and the combined result is that more and more Americans are losing health coverage. Employers that do continue to offer health coverage are being forced to pass on the rising costs to their employees by imposing higher premiums or copayments or by offering plans that cover fewer benefits. Other employers are choosing not to offer coverage at all because it is simply too expensive. Between 2000 and 2008, the share of firms offering health coverage declined by 6 percentage points, with small businesses being the most likely to drop coverage.<sup>7</sup> Among firms with fewer than 200 employees that do not offer their employees health coverage, a total of 70 percent cited high premiums as either the most important reason (48 percent) or the second most important reason (22 percent) that they do not offer coverage.<sup>8</sup>

Even if families are fortunate enough to have access to health coverage, either through job-based plans or through the individual market, they are still at great financial risk. In 2009, nearly one in four non-elderly Americans with insurance—53.2 million people—will spend more than 10 percent of their pre-tax income on health care.<sup>9</sup> The problem is even worse for an estimated 14.3 million non-elderly Americans with insurance who will spend more than a quarter of their pre-tax income on health care in 2009. This financial burden means that some Americans are literally becoming impoverished in order to pay for health care costs.<sup>10</sup>

When families are pushed to the brink by the current health care crisis, some must

make tough choices between paying for health coverage and paying for other necessities, while others have no choice at all—they are simply forced to go without coverage. A previous Families USA report found that during the two-year period from 2007–2008, an estimated 86.7 million Americans under the age of 65—one in three non-elderly Americans—were uninsured.<sup>11</sup> The majority of these individuals (79.2 percent) were from working families where at least one family member was employed full- or part-time. These individuals either work for an employer that does not offer health coverage, or they cannot afford the coverage that is offered. The data presented in this report show that the number of people who find themselves in this situation is growing in every state (see table on page 2).

##### GROWING UNEMPLOYMENT CONTRIBUTES TO FURTHER COVERAGE LOSSES

Since the data presented in this report are based primarily on working Americans, they do not account directly for the effect that growing unemployment is having on losses of health coverage. Nonetheless, with the economy in recession, rising unemployment is almost certainly fueling additional increases in the number of people who are losing coverage. The Urban Institute estimates that every 1 percent increase in the unemployment rate leads to a 0.59 percent increase in the number of adults under the age of 65 without health coverage.<sup>12</sup> Between January 2008 and June 2009, unemployment swelled by 4.6 percent, so it is safe to assume that states will experience even greater losses of coverage between 2008 and 2010 than can be captured by our Key Findings.<sup>13</sup>

#### CONCLUSION

With each passing week, more Americans are losing their health coverage, and they will continue doing so if current economic patterns hold. Recent polling data show that Americans fear that instability in the availability and affordability of their health coverage will continue if health reform is not enacted.<sup>14</sup> In order to stem the rising tide of uninsured in this country and to provide American families with stable health coverage that they can depend on, Congress should act expeditiously to pass health reform legislation. As this report suggests, the longer Congress waits to enact meaningful health reform, the more American families will lose coverage in each and every state.

#### ENDNOTES

<sup>1</sup>Paul Fronstin, Sources of Health Insurance and Characteristics of the Uninsured: Analysis of the March 2008 CPS Survey (Washington: Employee Benefit Research Institute, September 2008).

<sup>2</sup>Todd P. Gilmer and Richard G. Kronick, “Hard Times and Health Insurance: How Many Americans Will Be Uninsured by 2010?” Health Affairs Web Exclusive (May 28, 2009): w573–w577.

<sup>3</sup>Ibid.

<sup>4</sup>Kaiser Family Foundation and Health Research and Educational Trust, Employer Health Benefits: 2008 Annual Survey (Washington: Kaiser Family Foundation, September 2008).

<sup>5</sup>Consumer Price Index data from the Department of Labor, Bureau of Labor Statistics.

<sup>6</sup>Michael Perry, Julia Cummings, Julia Paradise, and Tanya Schwartz, Snapshots from the Kitchen Tble: Family Budgets and Health Care (Washington: Kaiser Commission on Medicaid and the Uninsured, February 2009).

<sup>7</sup>Kaiser Family Foundation and Health Research and Educational Trust, op. cit.

<sup>8</sup>Ibid.

<sup>9</sup>Kim Bailey, Too Great a Burden: Americans Face Rising Health Care Costs (Washington: Families USA, April 2009).

<sup>10</sup>Michelle M. Doty, Sara R. Collins, Sheila Rustgi, and Jennifer L. Kriss, Seeing Red: The Growing Burden of Medical Debt Faced by U.S. Families (New York: The Commonwealth Fund, August 2008).

<sup>11</sup>Kim Bailey, Americans at Risk: One in Three Uninsured (Washington: Families USA, March 2009).

<sup>12</sup>John Holahan and A. Bowen Garrett, Rising Unemployment, Medicaid, and the Uninsured (Washington: Kaiser Commission on Medicaid and the Uninsured, January 2009).

<sup>13</sup>Unemployment data from the Department of Labor, Bureau of Labor Statistics, available online at [http://data.bls.gov/PDQ/servlet/ServletOutputServlet?data\\_tool=latest\\_numbers&seriesid=LNS14000000](http://data.bls.gov/PDQ/servlet/ServletOutputServlet?data_tool=latest_numbers&seriesid=LNS14000000), accessed on July 8, 2009.

<sup>14</sup>Memo from Jim Kessler and Anne Kim to Interested Parties, Offering Stability to Harry and Louise—A Strategy to Get to Yes on Health Care Reform (Washington: Third Way, July 6, 2009), available online at [http://www.thirdway.org/data/product/file/224/Getting\\_to\\_Yes\\_with\\_Harry\\_and\\_Louise.pdf](http://www.thirdway.org/data/product/file/224/Getting_to_Yes_with_Harry_and_Louise.pdf).

Mr. CASEY. Mr. President, the cost of doing nothing also has been examined, using those words, by the New America Foundation. This particular report is dated November 2008 and is written by Sarah Axen and Elizabeth Carpenter. The name of this report is exactly those words: “The Cost of Doing Nothing.” The subtitle of the report is “Why the Cost of Failing to Fix Our Health Care System is Greater than the Cost of Reform.” The cost of failing to fix is greater than any other cost.

Mr. President, I ask unanimous consent to have this report printed in the RECORD.

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

[From the New America Foundation, Nov. 2008]

#### THE COST OF DOING NOTHING

WHY THE COST OF FAILING TO FIX OUR HEALTH SYSTEM IS GREATER THAN THE COST OF REFORM  
(By Sarah Axen and Elizabeth Carpenter)

#### PENNSYLVANIA

Pennsylvania's economy lost as much as \$5 billion because of the poor health and shorter lifespan of the uninsured in 2007. This equates to more than \$4,200 per uninsured Pennsylvania resident.

TABLE 1.—ECONOMIC COST OF FAILURE, 2007

(Ranked by high bound and per uninsured)

Low Bound	High Bound	Rank (High Bound)	Per Uninsured Cost	Rank (Per Uninsured)
\$2.68 Billion	\$4.96 Billion	41	\$4,219	24

By 2016, Pennsylvania residents will have to spend nearly \$27,000 or close to 52 percent of median household income to buy health

insurance for themselves and their families. This represents a 93 percent increase over

2008 levels and the sixth highest premium cost in the country.

TABLE 2.—AFFORDABILITY OF PREMIUMS  
[Ranked by level in 2016 and percent change]

	2008	2016	Rank (2016)	Percent Change	Rank (%)
Full Cost of Family ESI .....	\$13,906 .....	\$26,879 .....	46	93.3%	41
Full Cost of Family ESI as a Share of Median Household Income .....	28.1% .....	51.7% .....	38	n/a	n/a

People seeking family health insurance through their employer in Pennsylvania will have to contribute more towards premiums than residents of all but one state. They will

also experience the second greatest percent change in their premium contributions nationwide. By 2016, people in Pennsylvania seeking family coverage through their em-

ployer will have to contribute almost \$9,000 to the cost of the premium.

TABLE 3.—AFFORDABILITY OF PREMIUMS: EMPLOYEE CONTRIBUTIONS  
[Ranked by percent change]

	2008	2016	Percent Change	Rank
Family ESI .....	\$3,510 .....	\$8,830 .....	151.56%	50

The amount Pennsylvania residents will have to pay to see a doctor will grow to \$29 by 2016.

TABLE 4.—BENEFITS: COPAYMENTS AND DEDUCTIBLES  
[Ranked by level in 2016 and percent change]

	2008	2016	Rank (2016)	Percent Change	Rank (%)
Average Copayment .....	\$19 .....	\$29 .....	17	53.6%	38
Average Deductible .....	\$1,223 .....	\$1,889 .....	10	54.5%	21

Mr. CASEY. I will submit for the RECORD only two pages of this; it is a long report. It includes the cover page and then a page on Pennsylvania which I will briefly refer to, and then I wish to talk about how the report implicates and examines the information on the chart I have on my left.

Here is what the report says on page 86 for Pennsylvania. It is true of a lot of States, but unfortunately for Pennsylvania, it is a higher number. I am quoting from part of page 86:

By 2016—

Just 7 years away—

Pennsylvania residents will have to spend nearly \$27,000, or close to 52 percent of median household income to buy health insurance for themselves and their families. This represents a 93 percent increase over 2008 levels and the sixth highest premium cost in the country.

So in Pennsylvania, if we do nothing, if we stay on that road to the status quo, which I believe is the road to ruin when it comes to the budgets of our families and our businesses—if we stay on that road, for Pennsylvania, it means that by 2016, the people of Pennsylvania will be paying 52 percent of their median household income to buy health insurance for themselves and their families. That is what it means. That is what the status quo is. That is where we are headed if we say, Well, we couldn't get the job done here in Washington.

The chart on my left is also a chart that reflects the work of the New America Foundation, “The Cost of Doing Nothing.” These are U.S. numbers between 2008 and 2016. The cost of premiums now, as of 2008, is \$13,244, going up to \$24,291; in just 8 years, an

83.4 percent increase. That is the status quo. That is where we are headed. That is where we are going if we listen to the voices in Washington that say it is too tough to do this. People are not ready for this yet. There are too many powerful special interests telling us not to do it. It might be insurance interests, it might be business interests, or it might be very partisan politicians telling us we shouldn't do this. That is the cost of doing nothing. That is the status quo.

I will go to the next chart which again is from this report, “The Cost of Doing Nothing,” and this is a U.S. number as well: Share of household income spent on premiums climbing. As I said, in Pennsylvania, where the share of median household income would go up to 52 percent, in those few short years, 7 or 8 years—the U.S. number fortunately for the rest of the country is a little less, but it is still very high. So if we do nothing, if we stay where we are and do the same old thing—run-away costs, lower quality, no prevention, all of the things we are not doing now—we will go from a median family income, them paying 26 percent of their income for health care, which is high in and of itself, to paying over 45 percent of their income for health care. Again, this chart depicts the status quo, the cost of doing nothing.

When we talk about costs here, we have to talk about the cost of doing nothing. What people are paying now is in my judgment too high. We ought to try to bring that number down, but we should certainly avoid at all costs that number going up for the American people.

I don't know too many families out there—maybe there are a few—but I don't know too many families in America and I don't know any in Pennsylvania who have come up to me and said, You know what. Don't worry about getting health care done because in 7 or 8 years I will be able to afford 52 percent of my income to go to health care. I haven't heard that from anybody in my State. I doubt there is anybody in America who will say, You know what. Let's not do anything. Let's stay on the road we are on. I can afford and my family can afford to pay 45 percent of our income to health care in a couple of years. Don't worry about it. We are going to be fine. So that is what the status quo is, and that is where we are headed.

Finally, I would conclude with this. When we listen to the voices of the American people, people such as Trisha Urban, as I mentioned before, who in her letter to me of February, right in the middle of the letter said this: She talked about her husband having to make a change, that he had to leave his job for 1 year to complete an internship requirement to complete his doctorate in psychology. So as he is trying to advance his education, he pays a health care price. That is another whole part of this story, before he died. She said the internship was unpaid and they could not afford COBRA.

Why should a change in someone's life to improve their education to complete a doctorate affect their health care? That is the system we have. That is the status quo.

But then she says:

Because of preexisting conditions, neither my husband's health issues nor my pregnancy would be covered under private insurance.

Because of preexisting conditions. So because her husband had a heart problem and because she was pregnant, that works against them. That is the system we have for too many families.

So when people talk about: Oh, the HELP Committee passed a bill, the Affordable Health Choices Act, which I believe does stabilize costs and ensures quality and secures our choices, it is more than that, it is more than the headlines and the descriptions. We can go right to the bill language and show how this legislation, in a very specific way in a number of instances, responds to what Trisha Urban has told us in her letter, what she has challenged us with. She didn't write to me to say, Well, this preexisting thing is kind of a nuisance. It was a bar, an impediment to her and her family getting health care, basic health care. Why should this even be something we have to legislate about? One would think that in America today, with all of the wealth we have and all of the great power, we would have fixed this years ago, but we have families who are not getting health care because the insurance company says you have a preexisting condition. Sorry, you have to wait; or sorry, you get no treatment at all.

That is the status quo, and that is one of the costs of doing nothing. How do you calculate a preexisting condition being a bar to you getting coverage? I don't know. I know one thing: Despite all the talk in Washington about what this might mean, who is arguing with whom, what the debate is about between Democrats and Republicans, in this bill we answer Trisha Urban's question on preexisting conditions. Here it is.

This is bill language not some talking point or some general description. This is in the bill that sometimes people in Washington don't want to examine because the language is reform. The language is against the status quo. The language on this provision, especially, is a dramatic change in policy—something the insurance companies have not wanted to do on their own. The American people are finally saying, through their elected representatives and this bill, that we are going to make sure preexisting conditions don't bar treatment, that preexisting conditions don't prohibit Trisha Urban and her family from getting the kind of health care they deserve.

Here is what section 2705 says:

Prohibition of preexisting condition exclusions or other discrimination based on health status.

The American people want to know what is in the bill.

A group health plan and a health insurance issuer offering group or individual health insurance coverage may not impose any preexisting condition exclusion with respect to such plan or coverage.

It is right in the bill. There are some people here who would not talk about

that because they would rather debate no bill. They would rather debate, well, we have a suspicion that it is going to cost too much. But they don't show any evidence, and they don't have a competing argument or a bill. This is right in the bill—"may not impose any preexisting condition."

That is a dramatic change in health care policy in America in 2009. It is not part of the debate. For the next couple of weeks and months, what we are going to do is tell people a lot about what we have been working on in Washington. Day by day, we will tell them what is exactly in this bill, and we will keep talking about it so more people understand it.

Unfortunately, some would not understand it because the special interests in Washington would rather talk about the perceived controversy.

I suggest that people go to the Web site for the committee that worked on this bill. The HELP Committee Web site is [help.senate.gov](http://help.senate.gov). Go to that Web site and review the language on preexisting conditions or anything else. I believe at the end of the day, it is going to be very clear who stands for the status quo and doing the same thing and no change versus what the President and a lot of us are trying to do, which is change, reform, and give people, such as Trisha Urban, some peace of mind, some stability to know that she and her family—which is, now that her husband is gone, she and her daughter would not have to worry about this ever again.

Isn't that what we ought to be doing? I think we can do that together and in a bipartisan way. I believe we have no choice but to turn away from the status quo and go down the path of change and reform.

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

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

The legislative clerk proceeded to call the roll.

Mr. McCAIN. 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. McCAIN. Mr. President, what is the parliamentary situation?

The ACTING PRESIDENT pro tempore. We are in morning business.

Mr. McCAIN. Is the Senator from Delaware waiting to speak?

Mr. KAUFMAN. Yes.

Mr. McCAIN. I am glad to follow the Senator from Delaware.

#### SOTOMAYOR NOMINATION

Mr. KAUFMAN. Mr. President, I rise today in support of the nomination of Judge Sonia Sotomayor to be the Associate Justice of the U.S. Supreme Court.

Last week, the Judiciary Committee held 4 days of hearings in Judge

Sotomayor's nomination, including 2½ days of testimony from the judge herself.

I came away from these hearings deeply impressed with her intellect, thoughtfulness, demeanor, and integrity. These characteristics, already plainly evident in her judicial record and lifetime of accomplishment, shone even more brightly in last week's hearing.

Her respect for the law, for precedent, and for the prerogatives of the Congress will help ensure that the Supreme Court is a place where every party, whether powerful or powerless, can get a fair hearing.

In short, the hearings confirmed that Judge Sotomayor has all the essential qualities that will enable her to serve all Americans well, and the rule of law, on our Nation's highest Court.

Mr. President, my support for Judge Sotomayor is even stronger given our current economic circumstances. One might ask, what is the connection between our national economy and the Supreme Court nomination? The answer lies in the fact that today, while we have a real need for significant financial regulatory reform, we also face a Supreme Court too prone to disregard congressional policy choices.

I raise the economic crisis, and the regulation that will be necessary to prevent the next crisis, because I am concerned that the current Supreme Court is overly protective of corporate interests at the expense of everyday Americans.

As I watch this Court, I am reminded of the recent observation by legal commentator Jeffrey Toobin that the record of the current Chief Justice "reflects a view that the court should almost always defer to the existing power relationships in society."

As Toobin reports, in every major case the Chief Justice sided with the corporate defendant over the individual plaintiff. In business cases before today's Supreme Court, I am worried that it is possible to predict the outcome simply by knowing the parties and the nature of the dispute. The facts and the law sometimes seem secondary. For example, in *Leegin v. PSKS*, the Court overturned 96 years of precedent and effectively legalized agreements between manufacturers and retailers to fix prices. In *Exxon v. Baker*, the Court sided with a company that recklessly destroyed the livelihoods of tens of thousands of Alaskans, dramatically reducing their punitive damages award that represented just a small percentage of the company's earnings. In *Gross v. FBL Financial Services*, the Court made it more difficult to prove age discrimination. And in *Ledbetter v. Goodyear*, the Court made it impossible for many plaintiffs to recover for unequal pay based on intentional sexual discrimination. So egregious was the *Ledbetter* decision that the Congress made sure legislation overturning it was the first bill to reach President Obama's desk. And legislation is pending that would overturn



Leegin as well. Congress shouldn't have to pass every bill twice.

It is essential for our economic recovery that the Court respect the intent of Congress when it acts to regulate the markets. And make no mistake, we must reform our financial markets. The last 2 years have given us the final grade on an economic theory that is deeply suspicious of regulation and trusts the markets to police themselves. The grade was an F. America will no longer stand for a system that permits financial institutions to profit from risky bets and then beg the taxpayer for a bailout when those bets go bad. Three decades of deregulation has gone too far. The ability of the greedy and the powerful to enrich themselves at the expense of the taxpayer must be stopped.

Congress can and will enact a dramatically improved regulatory system. The President can and will make sure the relevant enforcement agencies are populated with smart, motivated, and effective agents. My concern is that a Supreme Court resistant to Federal Government involvement in and regulation of markets could undermine those efforts. I am not suggesting that we face a return to the New Deal-era Court, a Court determined to strike down regulatory reform as beyond the authority of Congress, but a Court predisposed against government regulation might chip away at the edges of reform, materially reducing its effectiveness.

That is why my questioning of Judge Sotomayor focused on her experience with business and business cases. She worked as a commercial litigator and business lawyer for 8 years. For the past 17 years, she has served on the most active Federal courts for business disputes—6 years on the Southern District of New York and 11 on the Second Circuit Court of Appeals. Based on that extensive record, and her answers to questions last week, we now know not only that she possesses enormous expertise in business litigation but also that she calls these cases right down the middle, without any bias or agenda. For Judge Sotomayor, the facts and the law, not the identity of the parties, drive the result.

When Justice Souter announced his retirement in May, I suggested that the Court would benefit from a much broader range of experience among its members. My concern at the time wasn't the relative lack of women or racial or ethnic minorities on the Court—though that deficit is glaring. I was pointing to the fact that most of the current Justices, whether they were Black or White, women or men, share roughly the same life experiences.

Judge Sotomayor will bring a much needed breadth of experience to the Court. Unlike the other Justices, who lack extensive experience with private industry and any experience on the trial court, Judge Sotomayor understands the motivation and needs of the

businesses that come before her. Judging from her ability to communicate her thoughts and ideas during the committee hearings last week, I am confident that other Justices, and by extension the entire Court, will benefit by the addition of Judge Sotomayor's voice to its deliberations in business cases.

As we undertake financial regulatory reform and other fixes for our damaged economy, having judges who leave the lawmaking to lawmakers is absolutely essential. Judge Sotomayor told me she understands that "policymaking is up to the Congress" and that "judges can't substitute their own judgment" for that of the Congress, regardless of their view of the wisdom of a policy or regulation.

Throughout her career, she has taken each case that comes without predilection, giving full consideration to the arguments of both sides before reaching a decision. That is precisely the approach to judging we need on today's Supreme Court.

Mr. President, Judge Sotomayor has a superior intellect, broad experience, superb judgment, and unquestioning integrity that would make her an outstanding nominee at any time. But given our current economic crisis and the likely role of the Court in reviewing legislative responses to that crisis, I submit she is the ideal nominee at this time. Her extensive experience as a commercial litigator, business lawyer and judge in business cases, and the passion for the law she has demonstrated throughout her career suggests she will be a leader on the Court at a time when such leadership is essential.

I urge my colleagues to confirm Judge Sonia Sotomayor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

#### SOUTHERN BORDER VIOLENCE

Mr. MCCAIN. Mr. President, I come to the floor today to talk about the violence that continues to plague our southern border region by Mexico's well-armed, well-financed, and very determined drug cartels.

Last weekend, I went to Yuma, AZ, and met with Border Patrol and Customs and other law enforcement agents who do such an outstanding job for our country.

By the way, the temperature was approximately 115 degrees, and our men and women, who are serving so well, were out there trying to secure our border and keep our country safe.

Despite the increased efforts of President Calderon to stamp out these bloodthirsty and vicious drug cartels, violence has increased dramatically, claiming over 6,000 lives in Mexico last year alone. The murderers carrying out these crimes are as violent and dangerous as any in the world. Many have extensive military training and carry out their illegal activities with sophisticated tactical weapons and no regard for human life.

Last week, the Washington Post reported that 12 Mexican Federal agents were murdered and left alongside a mountain road in retaliation for the arrest of the leader of the country's most violent drug cartel, La Familia. According to the article, this act represents "the highest one-day death toll for Federal forces in the 3-year-old drug war." The article provides the deadly details of the violent attack, reporting:

The attacks began at dawn on Saturday . . . shortly after the arrest of the right-hand man of La Familia founder Nazario Moreno Gonzalez. After La Familia gunmen were repelled in their attempt to free (the leader), they went on what police described as a shooting rampage to "avenge" his capture. The attacks, in which convoys of gunmen mounted surprise assaults on government positions in eight cities, went on for 10 hours Saturday and continued sporadically Sunday.

The bodies of these brave law enforcement officers were accompanied by a note promising future violence from La Familia if the Federal Government continues its law enforcement efforts. I remind my colleagues that this is the same drug cartel that, according to the Washington Post, "announced its presence 2 years ago by rolling five decapitated heads into a dance hall."

Earlier this month, two American citizens with dual citizenship were dragged out of their homes and shot several times in the head in the Mexican state of Chihuahua. The reason was that the victims, according to the Associated Press:

helped lead the town's approximately 2,000 inhabitants in protest against a May 2 kidnapping. The residents refused to pay the \$1 million ransom kidnappers requested and demonstrated in the Chihuahua state capital to demand justice. Even after (the kidnapped victim) was released unharmed a week later, the (town's) people continued to lead marches demanding more law enforcement in the rural, isolated corner of Chihuahua state. They also set up a committee to report any suspicious activities in town to police, quickly becoming an example for other Chihuahua communities.

Yesterday's Washington Post front-page story about these events states:

Chihuahua today is the emblem of a failed state, run by incompetent authorities who have little ability to protect the citizens.

The violence that has terrorized Mexican citizens continues to seep across the border, devastating families and crippling communities. In my hometown of Phoenix, there have been over 700 reported kidnappings in the past year. This has led to Phoenix being declared the "kidnapping capital of the United States," second only to Mexico City in the world. In many cases, kidnap victims are intertwined with criminal elements of society, involved with illegal cross-border smuggling operations.

The police chief of Phoenix testified in April before the Senate's Homeland Security Committee that Phoenix is a transshipment point for illegal drugs and smuggled humans, both coming to Phoenix before being shipped to other points throughout the United States.



Immigrants illegally crossing the border with paid “coyotes” are treated like expendable cargo to be bought, sold, traded, or stolen. In many cases, the immigrants’ families are ransomed for additional funds by bajadores, or takedown crews, to guarantee safe delivery of their loved ones.

As detailed in a Newsweek article from earlier this year:

Kidnap victims have been found bound and gagged, their fingers smashed and their foreheads spattered with blood from pistol whippings. When the bajadores abduct illegal immigrants—hoping to extort more money from relatives—they will sometimes kill someone off immediately to scare the others. There was a case last year where they duct-taped the mouth and nose of one individual and had the others watch while he asphyxiated and defecated on himself.

These are not pleasant things. They are not pleasant things to describe. But they are going on right now as we speak.

Aside from the horrible toll these cartels extract from their victims and the victims’ families, they also severely tax the resources of law enforcement agencies of border communities. The police chief of Phoenix also testified that the Phoenix police receive a kidnapping report almost every night, which can require the efforts of up to 60 officers to find, rescue, and protect kidnap victims.

Lest you believe these activities are limited to border communities, last year the bodies of five Mexican men were discovered bound, gagged, and electrocuted in Birmingham, AL, in an apparent hit by a Mexican cartel. In recent years, arrests of Mexican cartel members have occurred across the South, including Tennessee, North Carolina, and Georgia.

There is no sign that the number of these drug-related arrests will abate in the near future, which is why I support efforts to complete the proposed 700 miles of double-layer fence. But, as we have seen, fencing alone fails to take into account the realities of the southern border and should not be treated as a panacea. These criminal smuggling enterprises are very sophisticated and are not easily deterred, which is why we must work to truly secure our border, not merely fence it.

This past weekend, as I mentioned, I visited the border in Yuma, AZ, and witnessed the extraordinary lengths these cartels go to smuggle their goods across the border. One cartel spent upwards of \$1 million using sophisticated GPS-directed drilling equipment to develop their tunnel far below the surface to move goods underneath fencing and out of sight of law enforcement agencies.

In Nogales, AZ, drug traffickers have used the city’s sewer system to channel drugs across the border. Every other month tunnels are discovered underneath the border. Since 1990, 110 cross-border tunnels have been discovered. Twenty-four tunnels were discovered in 2008 alone.

Not to be deterred, our outstanding law enforcement officials have devel-

oped investigative strategies and tunnel detection equipment to locate and identify subterranean cross-border tunnels.

The latest, by the way, on the part of the drug cartels, is the use of ultralights. Ultralights now are being flown at extremely low altitude, loaded with drugs, across the Mexico-Arizona border and all across the border.

We must also increase personnel on the border to put an end to illegal immigration and protect our citizens from the drug cartel violence occurring in Mexico. For this reason, I was disappointed that the administration rejected Arizona Governor Brewer’s request—and the requests of the Governors of California, New Mexico, and Texas—who also requested National Guard troops to bolster the Joint Counter-Narcotics Terrorism Task Force. But, as we know, the coyotes are aggressive and creative despite our efforts to secure the border with more personnel, more fencing, and more surveillance technology.

The United States must keep its focus on securing our southern border and doing all it can to assist President Calderon in his efforts against these violent drug cartels. The prosperity and success of Mexico is essential to the prosperity and success of our own country. We share a border, our economies are intertwined, and we are major trading partners with each other. The United States must show its support for our neighbor to the south and support the Mexican people and the Calderon administration in this fundamental struggle against lawlessness and corruption.

We have a big problem. We have a big problem with these drug cartels. The Mexican Government now has a problem. They just lost an election because the people of Mexico, many of them, believe these drugs are just going through Mexico, intended for the United States of America.

Violence is at an incredibly high level not only on the border but throughout the country of Mexico and, tragically, corruption reaches to very high levels in the government. We have the Merida Initiative. We are working with the Mexican Government. But there is no time like the present, in my view, because we need to not only enforce and increase our efforts on our side of the border but also work as closely as possible with the Mexican Government and people.

It is horrific what is taking place: beatings of people, bodies hung from overpasses. These are amongst the most cruel and terrible people who inhabit this Earth. It is a lot about drugs. It is a lot about a \$16-billion-a-year business, of drugs coming into the United States of America. That is how they can afford to spend easily \$1 million to build a tunnel underneath the border between Yuma, AZ, and Mexico.

I know we have a lot of issues that are affecting the future of our country, including two wars, including relations

with countries, including the Iranian situation, but I hope we can focus a lot of our attention on the problems that are bred on our border by the drug cartels and the human smuggling and the terrible mistreatment of people on both sides of the border as a result of that.

Mr. President, I ask unanimous consent the articles in the Washington Post and Newsweek be printed in the RECORD, and I yield the floor.

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

[From the Washington Post, July 23, 2009]

AMBUSHED BY A DRUG WAR

(By William Booth)

COLONIA LEBARON, MEXICO—Mormon pioneer Alma Dayer LeBaron had a vision when he moved his breakaway sect of polygamists to this valley 60 years ago: His many children would live in peace and prosperity among the pretty pecan orchards they would plant in the desert.

Prosperity has come, but the peace has been shattered.

In the past three months, American Mormon communities in Mexico have been sucked into a dust devil of violence sweeping the borderlands. Their relative wealth has made them targets: Their telephones ring with threats of extortion. Their children and elders are taken by kidnappers. They have been drawn into the government’s war with the drug cartels.

This month, a leader of their colony was abducted by heavily armed men dressed as police, then beaten and shot dead 10 minutes from town. Benjamin LeBaron, 31, whom everyone called Benji, had dared to denounce the criminals, while refusing to pay a \$1 million ransom demanded by kidnappers who had grabbed his teenage brother from a family ranch in May.

Amid the blood and mesquite at the site of his last breath, Benjamin LeBaron’s killers posted a sign that read: “This is for the leaders of LeBaron who didn’t believe and who still don’t believe.”

“We’re living in a war zone, but it’s a war zone with little kids running all around in the yard,” said Julian LeBaron, a brother of the slain leader. Like most members of the Mormon enclave, he has dual Mexican-American citizenship and speaks Spanish and English fluently.

These Mormons, some who swear and drink beer, are the latest collateral damage in the Mexican government’s U.S.-backed war against criminal organizations.

Here in Chihuahua, the border state south of Texas and New Mexico, conditions are rapidly deteriorating. The violence has left more than 1,000 dead in Ciudad Juarez this year, even though the government has sent 10,000 troops and police officers into the city.

Increasingly the violence is moving from the big cities into the small, usually placid farm towns of the rugged desert mountains. Criminal bands have ambushed the governor’s convoy along the highway, and they have assassinated local police at stop lights and political leaders at will. Gunmen executed the mayor of Namiquipa last week.

“The northeast of Chihuahua is now a zone of devastation,” said Victor Quintana, a state lawmaker, who reports an exodus of business people fleeing kidnappers and farmers refusing to plant their crops because of extortion.

The columnist Alberto Aziz Nassif wrote in El Universal newspaper, “Chihuahua today is the emblem of a failed state, run by incompetent authorities who have little ability to protect the citizens.”

Many of the Mormons have fled north to the United States, and Julian LeBaron said he fears for his life. He has reason. In Ciudad Juarez, a three-hour drive to the north, hand-painted banners were hung from overpasses last week threatening the extended clan.

"All we want to do is live in peace. We want nothing to do with the drug cartels. They can't be stopped. What we want is just to protect ourselves from being kidnapped and killed," said Marco LeBaron, a college student who came home for the funeral of his brother, the slain anti-crime activist. Marco LeBaron is one of 70 Mormons who have volunteered to join a rural police force to protect the town. The Mexican government has given them permission to arm themselves.

#### DRAGGED INTO DRUG FIGHT

For all the violence swirling around them, the Mormons have mostly stayed out of the fight. Their ancestors first settled in Mexico in the 1880s, during the reign of dictator Porfirio Díaz, who offered the religious outcasts refuge from the harassment and prosecution they faced in the United States for their polygamist lifestyles. Some men in Colonia LeBaron and surrounding towns continue to follow what early Mormon prophets called "the Principle," marrying multiple wives and having dozens of children, though the custom here is fading. Polygamy was banned by the Church of Jesus Christ of Latter-Day Saints, the official Mormon Church, in 1890.

The Mormon community based in Colonia LeBaron, numbering about 1,000, has one motel, two grocery stores and lots of schools. There are no ATMs and no liquor sales. Many Mormons are conspicuous not only for their straw-colored hair and pale skin, but also for their new pickup trucks, large suburban-style homes with green front lawns, and big tracts of land for their pecans and cattle. They are wealthy, by the standards of their poor Mexican neighbors. Most of the Mormon men make their money working construction jobs in the United States; a young Mormon might work 10 years hanging drywall in Las Vegas before he has enough money to buy a plot of land to start his own pecan orchard here.

The Mormons were dragged into the drug fight on May 2, when 16-year-old Eric LeBaron and a younger brother were hauling a load of fence posts in their truck to their father's ranch in the Sierra Madre. According to the family's account, five armed men seized Eric and told his brother to run home and tell his father to answer the telephone. When the kidnappers called, they told Joel LeBaron that if he ever wanted to see Eric again, he must pay them \$1 million.

The next day, 150 men gathered at the church house in Colonia LeBaron to debate what to do. They had no confidence in the local police. One of their members, Ariel Ray, the mayor of nearby Galeana, reminded them that someone had put an empty coffin in the bed of his pickup. Some men argued that they should hire professional bounty hunters from the United States to get Eric back. Others wanted to form a posse.

"But we knew the last thing we could do was give them the money, or we would be invaded by this scum," Julian LeBaron said.

Another brother, Craig LeBaron, told the *Deseret News* in Salt Lake City: "If you give them a cookie, they'll want a glass of milk. If we don't make a stand here, it's only a matter of time before it's my kid."

A caravan of hundreds of the LeBaron Mormons, along with Mennonites and others, went to the state capital to protest the crime. This kind of public advocacy is almost unheard of among the Mexican Mormons, who keep to themselves. Led by Ben-

jamin LeBaron, the protesters met with the governor and state attorney general, who quickly dispatched helicopters, police and soldiers to the area. The government forces erected roadblocks and searched the countryside.

Eric LeBaron was freed eight days after his abduction. His kidnappers simply told him to go home. But soon after, another member of the community, Meredith Romney, a 72-year-old bishop related to former Republican presidential candidate Mitt Romney, was taken captive. The state governor sent Colombian security consultants to LeBaron. The Mormons, led by an increasingly public and outspoken Benjamin LeBaron, formed a group called SOS Chihuahua to organize citizens to defend themselves, report crimes and demand results from authorities. LeBaron was featured prominently in the local media. He gave a speech to a graduating class of police cadets. He staged rallies. He got noticed.

#### ATTACK ON FAMILY HOME

Early on July 7, four trucks loaded with men passed through a highway tollbooth, where they were recorded on videotape outside Galeana, where Benjamin LeBaron lived in a sprawling, new stucco home with his wife and five young children. Two trucks stopped at the cemetery outside town and waited. Two pickup trucks filled with 15 to 20 heavily armed men, wearing helmets, bulletproof vests and blue uniforms, came for LeBaron.

They smashed in his home's windows and shouted for him to open the door, as his terrified children cried inside, according to an account given by his brothers. LeBaron's brother-in-law Luis Widmar, 29, who lived across the street, heard the commotion and ran to his aid. Both men were beaten by the gunmen, who threatened to rape LeBaron's wife in front of her children unless the men revealed where LeBaron kept his arsenal of weapons.

"But he didn't have any, because I promise you, if he did, he would have used them to protect his family," Julian LeBaron said.

LeBaron and Widmar were shot in the head outside town. A banner was hung beside their bodies that blamed them for the arrest of 25 gunmen who were seized in June after terrorizing the town of Nicolas Bravo, where they burned down buildings and extorted from business owners. According to Mexican law enforcement officials, the gunmen are members of the Sinaloa drug cartel, which is fighting the Juarez cartel for billion-dollar cocaine-smuggling routes into El Paso.

After the men killed LeBaron and Widmar, a video camera captured their departure at the highway tollbooth—the make, model and year of their vehicles and the license numbers, according to family members. There have been no arrests.

Who killed Benji LeBaron—and why? These questions are difficult to answer in Mexico's drug war, and the unknowns fuel the fear of those left in Colonia LeBaron.

The state attorney general, Patricia González, blamed the group La Línea, the Line, the armed enforcement wing of former police officers and gunmen that works for the Juarez cartel. A few months ago, González said La Línea was an exhausted remnant of dead-enders whose ranks had been decimated by infighting and arrests.

After González said the Juarez cartel was responsible for the killings, banners appeared in Ciudad Juarez that read: "Mrs. Prosecutor, avoid problems for yourself, and don't blame La Línea." The message stated that the LeBaron killings were the work of the Sinaloa cartel. On Wednesday, another banner was hung from an overpass, suggesting that Benji LeBaron was a thief: "Ask yourself where did all his properties come from?"

At the LeBaron funeral, attended by more than 2,000 people, including the Chihuahua state governor and attorney general, Benji's uncle Adrian LeBaron said, "The men who murdered them have no children, no parents, no mother. They are the spawn of evil."

[From *Newsweek*, Mar. 14, 2009]

#### THE ENEMY WITHIN

(By Eve Conant and Arian Campo-Flores)

As Manuel exited the Radio Shack in Phoenix with his family one afternoon last month, a group of Hispanic men standing in the parking lot watched him closely. "Do it now, do it now," one said to another in Spanish, according to a witness. One of the men approached Manuel, pointed a revolver at his head and tried to force him into a Ford Expedition parked close by. "Please, I'll get into the car, just don't touch me," Manuel pleaded as he entered the vehicle, his wife told police. Nearby, she said, another man in a Chrysler sedan aimed a rifle or shotgun out the driver's side window. At some point, shots were fired, said witnesses, although apparently no one was hit. Then the vehicles tore off with a screech of tires.

Later that evening, the phone rang. When Manuel's wife picked up, a male voice said in Spanish, "Don't call the police," and then played a recording of Manuel saying, "Tell the kids I'm OK." The man said he'd call again, then hung up. Despite the warning, Manuel's wife contacted the cops. In subsequent calls, the kidnappers told her Manuel owed money for drugs, and they demanded \$1 million and his Cadillac Escalade as ransom.

When two men later retrieved the Escalade and drove off, the cops chased them and forced them off the road. Both men, illegal immigrants from Mexico, said they'd been paid by a man (who authorities believe has high-level drug connections) to drive the vehicle to Tucson. So far, police say, Manuel hasn't reappeared, and his family has been reluctant to cooperate further with law enforcement. "He's a drug dealer, and he lost a load," says Lt. Lauri Burgett of the Phoenix Police Department's recently created kidnapping squad. "He was probably brought to Mexico to answer for that."

Surprising as it may seem, Phoenix has become America's kidnapping capital. Last year 368 abductions were reported, compared with 117 in 2000. Police say the real number is likely much higher, since many go unreported. Though in the past most of the nabblings stemmed from domestic-violence incidents, now the majority are linked to drug-trafficking and human-smuggling operations that pervade the Arizona corridor. It's still unclear to what extent the snatchings are being directly ordered by Mexican cartels, but authorities say they're undoubtedly a byproduct of the drug-fueled mayhem south of the border. "The tactics are moving north," says assistant police chief Andy Anderson. "We don't have the violence they have in Mexico yet—the killing of police officers and the beheadings—but in terms of kidnappings and home invasions, it has come."

That raises an unnerving prospect: that the turmoil in Mexico—where drug violence claimed more than 6,000 lives last year—is finally seeping across the border. According to a December report by the Justice Department's National Drug Intelligence Center, Mexican drug-trafficking organizations have established a presence in 230 U.S. cities, including such remote places as Anchorage, Alaska, and Sheboygan, Wis.

The issue is preoccupying American officials. "This is getting the highest level of attention," including the president's, says Homeland Security Secretary Janet Napolitano. She tells *NEWSWEEK* that the

administration is dispatching additional Customs and Border Protection and Immigration and Customs Enforcement personnel to the border, and it's reviewing requests from the governors of Arizona and Texas for help from National Guard troops. Earlier this month, Adm. Mike Mullen, chairman of the Joint Chiefs of Staff, visited Mexico to discuss assistance and to share potentially relevant lessons that the United States has learned in Iraq and Afghanistan, says a senior Pentagon official familiar with details of the trip who wasn't authorized to speak on the record.

All the attention has stoked public debate on a particularly fraught question—whether Mexico is a failing state. A U.S. Joint Forces Command study released last November floated that scenario, grouping the country with Pakistan as a potential candidate for “sudden and rapid collapse.” Such a comparison is excessive, says Eric Olson of the Woodrow Wilson Center's Mexico Institute in Washington, D.C., though the Mexican government confronts “real problems of sovereignty in certain areas” of the country. Administration officials are striving to tone down the rhetoric and focus on ways to help. Among the priorities, says Olson: to cut American demand for drugs, to provide additional training and equipment to law-enforcement and military personnel in Mexico, and to clamp down on drug cash—an estimated \$23 billion per year—and assault weapons flowing into the country from the United States.

As the violence continues to spiral in Mexico, reports of cartel-related activity are on the rise in American cities far removed from the border. Last August the bodies of five Mexican men were discovered bound, gagged and electrocuted in Birmingham, Ala., in what was believed to be a hit ordered by Mexican narco-traffickers. A few months later, 33 people with cartel ties were indicted in Greenville, Tenn., for distributing 24,000 pounds of marijuana. In neighboring North Carolina, “there are cartel cells . . . that are a direct extension from Mexico,” says John Emerson, the Drug Enforcement Administration's special agent in charge in the state.

Law enforcement in Atlanta, where a maze of interstates provides distribution routes throughout the Southeast, has dubbed the city “the new Southwest border.” “All those trends are coming here,” says Fred Stephens of the Georgia Bureau of Investigations. “We are seeing alarming patterns, the same violence.” He ticks off a spate of cartel-linked crimes in the state—assaults, abductions, executions. Last May authorities in Gwinnett County found a kidnap victim, along with 11 kilos of cocaine and \$7.65 million in shrink-wrapped bundles, in a house rented by an alleged Gulf cartel cell leader. A few months later, a suspected drug dealer in Lawrenceville was abducted by six men, dressed commando-style in black, and held for a \$2 million ransom (he escaped).

Nothing rivals the rash of kidnappings in Phoenix, however. As border enforcement has tightened the screws on the California and Texas crossings, Arizona has become a prime gateway for illicit trafficking—in both directions. “The drugs and people come north, the guns go south,” says Elizabeth Kempshall, the DEA's special agent in charge of the Phoenix division. Arizona is mostly dominated by the Sinaloa cartel, which authorities say is trying to assert greater control over the U.S. drug trade. Yet analysts believe the organization has fractured—most notably last summer, when the Beltran Leyva brothers reportedly split from leader Joaquín (El Chapo) Guzmán.

That internecine conflict, along with cartel encroachment north of the border, has created something of a free-for-all in Phoenix's criminal underworld.

Among the groups that have stepped into the breach: roving Mexican gangsters called *bajadores*, or “takedown” crews, who are responsible for many of the city's kidnappings. Often operating in packs of five, they typically cross the border to commit crimes, then retreat south, say police. Some work as enforcers for the cartels, collecting payment from dealers who have stiffed the capos or lost their loads. Others function as freelancers, stealing shipments of drugs or illegal immigrants from traffickers. “We've seen an uptick in the *bajadores* since last summer,” says Al Richard, a Phoenix police detective. “We are seeing a lot more professionals coming up here now.”

*Bajadores* are renowned for their ruthlessness. Kidnap victims have been found bound and gagged, their fingers smashed and their foreheads spattered with blood from pistol-whippings. When the crews abduct illegal immigrants—hoping to extort more money from relatives—they will sometimes kill someone off immediately to scare the others,” says Richard. “There was a case last year where they duct-taped the mouth and nose of one individual and had the others watch while he asphyxiated and defecated on himself.” Some *bajadores* have branched out to home invasions. In one incident last June, a gang broke into a home, outfitted in Phoenix police gear and Kevlar vests—a hallmark of criminal enterprises across the border.

To combat the problem, police in Phoenix created the kidnapping squad—known officially as Home Invasion Kidnapping Enforcement—last September. Led by Lieutenant Burgett, the team of 10 lead investigators has already busted 31 crime cells and made more than 220 arrests. But “it never stops,” she says. “It's like a Texas ant hill.” One of the squad's main objectives: to keep the abductions confined to the criminal world. “Most of the time, our victims are as bad as our suspects,” says Sgt. Phil Roberts. “We give them five to 10 minutes to hug their wife, and then they are off to jail themselves.” If average citizens begin to get ensnared, the result could be widespread panic. “We don't want what happens in Mexico to happen here, where they are kidnapping bank presidents,” he says. “We don't want the president of Wells Fargo to need a bodyguard.”

Last Tuesday afternoon, the squad was working a case involving a suspected marijuana middleman. As police later learned, a few days earlier, he'd allegedly brokered a deal between a group of sellers and two buyers for 150 pounds of pot. But when the parties gathered at a suburban house, the two buyers held up the others and made off with \$40,000 worth of dope and cash. The man tried to escape, but a woman at the house pulled a gun on him. “You're not leaving,” she said, according to the middleman's subsequent account to police. “You set up this deal.” The stolen goods were now his debt. Eventually released, he scrambled to cobble together \$40,000 worth of possessions—three vehicles, 10 pounds of pot, some cash—while a man who called himself “Chuco” rang him every hour. But it wasn't enough. On Tuesday morning, Chuco arrived at the man's house. “I've got to go,” the man told his girlfriend, according to her statements to police. “If I don't pay, they're going to hurt me.” His abductors, he said, worked for El Chapo (an unconfirmed allegation).

Later that day, the man's girlfriend arrived at the police station. Sleepless and frantic, she fielded repeated calls from her boyfriend, who pleaded for her to raise additional cash. The cops urged her to remain calm. “I know you are stressed, but you need to keep talking,” said one of the detectives. “You are the only one who can do the negoti-

ating.” She had already called some family members and asked them to draw money from an equity line. But it wasn't arriving quickly enough. “I don't have it yet, baby,” she told her boyfriend on a subsequent call, as he grew more distressed. “I'm doing everything I can.”

Unbeknownst to the woman, the kidnapping squad had received information on her boyfriend's possible location. As cops approached the suspected house a little after midnight, an SUV suddenly sped away. Police pursued it and pulled it over. “Tell us where he is!” a detective told the passengers. Just then, a Chevy Impala took off from the house. Another chase ensued, and eventually the driver was forced to stop. Inside were four passengers, with the middleman in the rear, flanked by two men armed with weapons. Back at the station, detectives questioned the parties; as of late last week, charges were likely against four abductors, but not the victim, due to a lack of evidence in the suspected marijuana deal. But now he's on the cops' radar, says Burgett. “We do proactive follow-up on victims as well.”

Though much of Phoenix's kidnapping epidemic stems from alleged drug deals gone awry, plenty are linked to the human-smuggling trade. That work used to be dominated by small “mom and pop” outfits, but in time, the cartels have muscled in on it. Any group that wants to use their trafficking routes has to pay up—about \$2,000 per week for Mexicans and \$10,000 per week for “exotics,” like Chinese and Middle Easterners, says Richard, the Phoenix detective. That added business cost has encouraged some smugglers to try to extort more money from their human loads—known as *pollos*, or “chickens”—once they've crossed the border. More and more, *pollos* may change hands several times among *dueños*, or “owners”—a new, more violent breed of smugglers. The drop houses used to stash immigrants are also becoming more barbaric.

One recent night, the Human Smuggling Unit of the Maricopa County sheriffs office received a tip on a drop house in a middle-class neighborhood in Phoenix. Relatives of an immigrant being held there had received an extortion call demanding \$3,500. Joined by a SWAT team, the unit made its move, breaching windows and doors, which were boarded up (a typical precaution taken by smugglers). A half dozen men tried to escape but were grabbed, says Lt. Joe Sousa, the unit commander. Inside were several dozen illegal immigrants, all shoeless and famished. Authorities confiscated two pistols, a sawed-off shotgun and a Taser-like device—“used against people when they're put on the phone, begging their relatives for cash,” says Sousa. It was a good bust, he says, but “within a week or two, that same organization will be back up and running.” Sousa moved to Phoenix because he thought it was a nice place to raise a family. But the violence is out of control, he says. “Soon as I retire, I'm out of here.”

Many area residents who have had encounters with the smuggling world share the sentiment. At a takedown of a suspected drop house a few days earlier in nearby Avondale, a neighbor became inconsolable describing the terror he experienced living next door to what locals fear is a home to ruthless criminals. “It's been hell,” said the man, who refused to be named because he was scared. “I have five kids. I've been sleeping with two machine guns under my bed for two years.” He's planning to foreclose on his property and flee with his family as soon as possible. Despite the bust, the smugglers “will be back,” he said. “Right now, they are headed to the border, they'll chill out for a month, and they'll be back.” As overwrought as he may have been, he was probably right.

[From the Washington Post, July 15, 2009]  
 12 FEDERAL AGENTS ARE SLAIN IN MEXICO  
 (By William Booth)

NUEVO CASAS GRANDES, MEXICO, JULY 14.—Mexican authorities said Tuesday that a super-violent drug cartel called La Familia was responsible for torturing and killing 12 federal agents whose bodies were found dumped alongside a mountain road in the western state of Michoacan late Monday.

The agents, who included one woman, had been investigating organized crime in Michoacan, where gunmen launched a series of highly coordinated commando attacks against police officers and soldiers over the weekend.

The abduction, torture and execution of such a large group of federal agents marks a steep escalation in President Felipe Calderón's war with the drug cartels. Though drug mafias often clash with local police officials they fail to intimidate or corrupt, a direct counterattack against federal forces is almost unheard-of. The 12 agents represent the highest one-day death toll for federal forces in the three-year-old drug war.

Placed beside the corpses of the agents, who were off-duty when they were abducted, was a sign threatening police, Monte Alejandro Rubido, a senior federal security official, said at a news conference.

Federal officials say they think the attacks by La Familia, a mini-cartel that announced its presence two years ago by rolling five decapitated heads into a dance hall, were carried out in retaliation for the capture of one of the group's leaders.

The attacks began at dawn Saturday in Michoacan's capital, Morelia, shortly after the arrest of Arnold Rueda Medina, reported to be the right-hand man of La Familia founder Nazario Moreno Gonzalez, known as "El Mas Loco," or the Craziest One.

After La Familia gunmen were repelled in their attempt to free Rueda, they went on what police described as a shooting rampage to "avenge" his capture. The attacks, in which convoys of gunmen mounted surprise assaults on government positions in eight cities, went on for 10 hours Saturday and continued sporadically Sunday.

Mexican law enforcement officials say La Familia is a different kind of cartel, combining a code of extreme violence with a commitment to protect Michoacan residents from outsiders—which would include federal agents and army soldiers.

Members of La Familia are recruited from rural militias and drug treatment centers. Federal authorities swept into city halls in Michoacan and arrested 10 mayors in May on suspicion of colluding with the gang.

La Familia is fighting for control of cocaine-smuggling routes that lead from the port of Lazaro Cardenas toward the United States. The group also operates clandestine methamphetamine labs and marijuana farms in the mountains.

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

#### SOTOMAYOR NOMINATION

Mr. CORNYN. Mr. President, I would like to address the nomination of Judge Sonia Sotomayor to be an Associate Justice of the U.S. Supreme Court.

The Constitution confers upon the Senate the power to provide advice and consent on judicial nominations as one of the most solemn responsibilities we have. Supreme Court Justices have al-

ways had tremendous power within our constitutional system of separated and enumerated powers. In recent decades, growing concern has arisen over judicial activism on the Court, which has the necessary consequence of taking power away from the elected representatives, and thus the people themselves, and conferring it to those with life tenure, unelected judges who have occasionally used this power conferred upon them in the Constitution to impose their own views and their own agenda on the American people and substituting that for the views of their elected representatives.

We now see that five votes on the U.S. Supreme Court can invent new rights that are not found in the Constitution or narrow the scope of rights that generations of Americans have come to view as fundamental. Each Justice serves for life, so every time a nominee comes before us I think it is entirely appropriate, indeed required, that we exercise due care in exercising this power of advice and consent.

Yes, Senators exercise the power, and also the responsibility we have under the Constitution with great care and I believe with great respect for every nominee. Sadly, over recent years we have seen judicial nominees treated with the opposite of respect and fairness. Some nominations have become quickly politicized, before the nominees have even had a chance to speak for themselves or to answer important questions or, perhaps, to put their record in context. We have seen outrageous accusations used to score political points and to damage a nominee in the court of public opinion before they have had an opportunity to even answer those concerns themselves.

It is no secret that I remain deeply frustrated by the treatment of nominees such as Miguel Estrada, who was nominated by President George W. Bush to the District of Columbia Court of Appeals, sometimes acknowledged as the second highest court in the land. Mr. Estrada was filibustered seven times by the Democratic minority and refused an up-or-down vote on the Senate floor—something that was literally unheard of in previous times. Many Senators share my view that had he been confirmed to the District of Columbia Court of Appeals, he could have been the first Hispanic nominated to the U.S. Supreme Court. Instead, that honor goes to the nominee we have before us, Judge Sonia Sotomayor.

From the beginning I was determined to make sure Judge Sotomayor's nomination process and hearing would be different from that given to Miguel Estrada and others. When I first met with her in June, I pledged to her that I would do everything in my power to see that she was treated with fairness and respect. When individuals, and some organizations, said or did things that cheapened the process, I said so. When supporters and opponents of Judge Sotomayor made accusations of racism, I repudiated them because I be-

lieve all such accusations are incompatible with the respectful and dignified consideration of her nomination.

In the end, I was pleased that Judge Sotomayor said she could not have received a more fair hearing and more fair treatment during the confirmation process.

I believe a fair process and fair hearing means neither prejudging nor preconfirming a judicial nominee. Fair treatment means looking at the judge's record, including her public statements about the role of a judge in our separated powers of government. Fair treatment means giving the judge, the nominee, an opportunity to explain her record and her comments, and to put those in the appropriate context.

Going into the hearings, I found much to admire about Judge Sotomayor's record. She is an experienced judge with an excellent academic background. She appears to be a tough judge—which may be to her credit—and demands a lot of the lawyers who appear in oral argument before her court. For the most part, her decisions as a district court judge and as a member of the court of appeals were within the mainstream of American jurisprudence.

Yet going into the hearings I also had some very serious questions that I thought it was appropriate to ask her and that she needed to answer. While, as I said, her judicial record is generally in the mainstream, several of her discussions demonstrated cause for concern about the kind of liberal judicial activism that has steered the courts in the wrong direction over the past few years, and many of her public statements reflected a surprisingly radical view of the law.

Some have said we just have to ignore her public statements and speeches and just focus on her decisions as a lower court judge. I disagree with that position. Judges on the lower courts; that is, the district court and the court of appeals, have less room to maneuver than a Supreme Court Justice who is not subject to any kind of appellate review. Supreme Court Justices can thus more easily ignore precedents or reject them.

This is why Judge Sotomayor's speeches and writings on judicial philosophy should matter, and they concern me a great deal. These speeches and writings contain very radical ideas on the role of a judge. In her speeches she said things such as there is no objectivity, no neutrality in the law, just a matter of perspective. She said courts do, in fact, make policy and seemed to say that was an appropriate role for the courts of appeals. She even suggested that ethnicity and gender can and should impact on a judge's decisionmaking process.

For 13 years of my life I served as a State court judge, a trial judge, and a member of the Texas Supreme Court. I strongly disagree with the view of the law that says there is no impartiality, no objectivity, no law, with a capital

"L," that a judge can interpret. It is, to the contrary of Judge Sotomayor's statements, merely a matter of perspective. There is no impartial rule of law.

I don't know how one can reconcile her statement that there is no objectivity, no neutrality in the law, with the motto inscribed above the U.S. Supreme Court building which says "Equal Justice Under the Law." If there is no such thing as objectivity and neutrality, only a matter of perspective, how in the world can we ever hope to obtain that ideal of equal justice under the law? I just don't know how one can reconcile those.

Despite my concerns about some of Judge Sotomayor's decisions, as well as some of her statements about judging, I went into the hearing with an open mind. I believed she deserved the opportunity to explain how she approached some of the most controversial cases on which she has ruled and to put her public statements in context. I hoped she would use the hearings to clear up the confusion many of us had, trying to reconcile the Judge Sotomayor who served for 17 years on the bench with the Judge Sotomayor who made some of these statements and speeches. The hearings were an opportunity for Judge Sotomayor to clear up these things and ultimately, in my view, resulted in a missed opportunity to do so.

Regarding her public statements about judging, I was surprised to hear her say she meant exactly the opposite of what she said; that she had been misunderstood every single time and that she doesn't believe any of these radical statements after all and that her views are aligned with those of Chief Justice John Roberts.

Regarding some of her most controversial decisions, she refused to explain them on the merits. She did not explain her legal reasoning or the constitutional arguments she found persuasive, instead choosing to explain those in terms of process and procedure whenever she could.

She assured us her decisions would be guided by precedent, even when many of her colleagues, both on the court of appeals and the majority of the Supreme Court of the United States, disagreed. At the end of the hearing, I found myself still wondering who is the real Sonia Sotomayor and what kind of judge will she be when she is confirmed to the Supreme Court.

Some have argued if I am uncertain, or if another Senator is uncertain about the answer to that question, that we should go ahead and vote to confirm Judge Sotomayor. I disagree with that. Voting to confirm a judge, this judge, or any judge, despite doubts, would certainly be a politically expedient thing to do, but I do not believe it would be the right thing to do, nor do I believe it would honor the duty we have under the Constitution, providing our advice and consent on a judicial nominee.

We all know the future decisions of the Supreme Court of the United

States will have a tremendous impact on all Americans. The Court, for example, could weaken the second amendment right of Americans to keep and bear arms, and Judge Sotomayor's decisions on that subject reflect, I believe, a restrictive view that is inconsistent with an individual right to keep and bear arms for all Americans.

The Court could fail to protect the fifth amendment private property rights of our people from cities and States that want to condemn their private property for nonpublic uses. Judge Sotomayor has rendered decisions on the Second Circuit Court of Appeals that tend to support the views that she has an opinion of the rights of the government to take private property for private uses, not for public uses, and that concerns me a great deal.

The Court could, in fact, invent new rights that appear nowhere in the Constitution, as they have done in the past, based on foreign law, a subject that Judge Sotomayor has spoken and written on, but she did not settle any concerns many of us had about what role that would play in her decision-making process when she is confirmed.

I believe the stakes are simply too high for me to vote for a nominee who can address all of these issues from a liberal activist perspective. And so I say it is with regret and some sadness that I will vote against the confirmation of Judge Sonia Sotomayor. I will vote with a certain knowledge, however, that she will be confirmed despite my vote.

I wish her well. I congratulate her on her historic achievement. I know she will be an inspiration to many young people within the Hispanic community and beyond. And I hope, I hope, she proves me wrong in my doubts.

The Justice she is replacing, after all, has proved to have a far different impact than the President who nominated that judge believed that judge would have. So perhaps Judge Sonia Sotomayor will surprise all of us.

I yield the floor.

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

Mr. DODD. Mr. President, what is the business before the Senate?

The ACTING PRESIDENT pro tempore. The Senate is in morning business.

#### HEALTH CARE

Mr. DODD. I thank the Presiding Officer. I am going to take a few minutes, if I can, to talk about health care again. I did on Wednesday evening, and I intended to speak yesterday, but there was an objection raised to having any morning business yesterday while we were considering the Defense authorization bill. So as a result of that, I was unable to come to the floor and talk about the health care issues in our country and the pending legislation in this body and in the other body.

As some may know—I know my colleagues are aware of this—I have been

in the position of being the acting chairman of the Senate HELP Committee. The committee is chaired by our dear friend and colleague Senator TED KENNEDY, who is wrestling with his own health care crisis at this very hour and so has been unable to be with us these last several months as we have begun the process of marking up, that is, considering the legislation dealing with health care. So as the person sitting next to him on that committee, I was asked to assume the responsibility of chairing the committee as we considered the health care legislation.

We have finished our work. We finished it a week ago on Wednesday after numerous hours. I point this out to our colleagues—I know many of them may be aware of this already—we on the HELP Committee spent close to 60 hours in consideration of our bill. I am told it was the longest time that—at least in memory of all here—the committee has spent on the consideration of any single bill.

We had some 23 sessions over 13 days. There were around 800 amendments filed before our committee. We considered just shy of 300 of them. Of that 300, we accepted 161 amendments from our Republican friends on the committee.

Many of these amendments were technical amendments. But they were not all technical amendments. They were worthwhile and positive amendments, and there were a number of very important amendments that were offered by our Republican colleagues that I think strengthened and made the bill a better bill, substantially a bipartisan bill.

At the end of the day, after all of these hours and work, we did not have the votes of our Republican friends on the committee. But their contribution to the product was significant. As I mentioned earlier, Senator GREGG and a number of our Republican colleagues on the committee were concerned about the long-term fiscal impact of the new voluntary insurance program for long-term care. We agreed with that amendment. It was a tremendous help.

Senator ISAKSON of Georgia raised the issue of end-of-life care, drawing on his own family experiences. We were able to accommodate his ideas in that area.

Senators ENZI, GREGG, and ALEXANDER suggested that we increase employers' flexibility to offer workplace wellness programs with incentives for employees. That was a very sound proposal, one that has been recommended to us by others. It was added to the bill. Senator HARKIN did a very good job, along with others, in reaching that accommodation.

Senator HATCH's amendment was dealing with follow-on biologics. The full Hatch proposal was adopted by the committee.

Our friend TOM COBURN from Oklahoma proposed an amendment to empower individuals to make healthy decisions by having the CDC establish a

Web-based prevention tool that would create personalized prevention plans for individuals. That was accepted as well.

We accepted Senator HATCH's proposal to establish a coordinated environmental health tracking network at the Centers for Disease Control and Prevention.

Senator MURKOWSKI offered an amendment which allows insurers to rate based on tobacco use. Specifically, Senator MURKOWSKI's amendment allows insurers to vary premiums from one to one and a half for the use of tobacco.

Several amendments were offered by Senator BURR, and accepted by unanimous consent, to ensure that the community health insurance option is operated on a level playing field with all of the other private insurers, and provided a clarification that Federal and State laws relating to rating pre-existing conditions, fraud and abuse, quality improvements, and many other provisions apply to the community health insurance option as well.

Senator HATCH and Senator COBURN offered amendments that will now ensure that independent insurance agents and brokers will be eligible to be navigators in the gateway.

My point is that in addition to the technical amendments, there were substantive amendments that were adopted as part of the committee effort. I invite our colleagues' attention. We have offered to brief any single member or others who are interested. This bill has now been on the Web site for the public to read there, to add comments and ideas, or to pose questions regarding provisions of the bill.

While we are waiting to see what the outcome in the Finance Committee will be, the second half of the equation, it is worthwhile to note that in the Senate, there are two committees with jurisdiction over health care. The HELP Committee has completed its committee work, and we invite our colleagues' attention and ideas and thoughts on how we might improve or add to the provisions dealing with quality and prevention, dealing with workforce issues, dealing with the fraud and abuse issues that are critically important, as well as coverage questions which are also essential.

Obviously I had hoped that we might stay here in August to deal with this issue or continue the process, but the decision has been made to delay consideration of the health care issues until the fall. I understood how this works, and things have not moved as quickly as we all would have liked.

Some say we need to slow down a little bit, we are going too fast on this issue. I remind my colleagues that it has been 70 years, 7 decades, with many administrations serving our country in that time, as well as many Congresses that have convened to grappled with this issue.

While we have dealt with various aspects of health care, from children's

health and Medicare and Medicaid in that time, every single Congress, every single administration, has failed in reaching the kind of consensus necessary to adopt national health care reform measures.

We have been challenged by the American people now to try and defy those odds, to do what no other Congress and no other administration has ever been able to achieve. I understand we are going at it a little too fast in the minds of some, but for those out there beyond the halls of Congress, that issue of how fast we are going may seem rather perplexing.

I am stating the obvious here. I know my colleagues know this, and I presume many of our fellow citizens do. Every single one of us who is serving in this Chamber, every single Congressman who serves down the hall, every single employee you see here, has very good, comprehensive health insurance coverage. We are blessed, as a part of the Federal employees benefit health package. We never have to worry, Lord forbid, something happens to one of us tonight, or tomorrow, to our children, or our spouses. We are well covered with insurance. And so taking a break in August and sort of rolling along poses no real threat to any of us or the Federal employees who have this health care program.

But for millions of other Americans who do not have the privilege of having the kind of coverage we do, this is an unsettling time, a very unsettling time. In this country of ours, millions of our fellow citizens do not get to sleep with that same sense of security and assurance. If something happens to their family, Lord forbid, they know they are going to wake up with the inability to either take care of the health care problem or maybe at the same time go through a financial crisis that destroys their economic future.

I have said this many times, and it is worth repeating. Of all of the bankruptcies that occur in the United States, 62 percent of them occur because of a health care crisis in that family; 62 percent. Of the 62 percent that go into bankruptcy because of a health care crisis, 75 percent of those people have a health insurance program. They are not uninsured. These are people with health insurance.

So if you are out there today and saying: Well, I have got health insurance, I could not possibly end up in financial ruin, the fact is that the overwhelming majority of people who have gone into bankruptcy because of a health care crisis have been covered with insurance.

Fifty percent of all foreclosures are occurring as a result of a health care crisis in a family. Today, before the sun sets in the United States of America, 14,000 of our fellow citizens will lose their health care coverage. Fourteen thousand people today and every single day in America, that many people will lose their health care coverage.

So while we sit here and say: Look, we are going too fast on this subject.

Slow down. Boy, slow down. That is easy for us to say because none of us ever has to worry about what most Americans have to worry about, and that is, God forbid, they end up with a health care crisis and end up being destroyed economically or sitting with the anger and frustration of knowing that I cannot provide for my child, I cannot provide for my spouse, and they need the kind of medical care they deserve.

This is the United States of America. We rank 37th in the world in medical outcomes, and we spend more money than any other nation, way beyond, way more than any other country in the world on health care. So we pay the most and we rank like a Third World country when it comes to outcomes. I do not think most Americans like to think of our country as being incapable of taking care of our Nation in such a way.

It has occurred to me that some people in this town seem to think this process of health care is about them: Did I get appropriately consulted? Did I get invited to enough meetings? Did I get a headline? What do my consultants think I should say about all of this? What are the right words to use here? Let's hire people to tell us how to describe all of this.

Well, let me ask all of my colleagues: Is anybody here worried that they are going to lose their health care insurance over the August break? Is anybody here unable to afford the care they think they may need for themselves or their family? Has any Member of this body or the other body been staying up late at night recently with a sick child for whom they cannot afford to get treatment?

Has anyone I serve with here spent the last 3 hours bouncing from voicemail to voicemail as you try to find out why the insurance company you pay thousands of dollars to every month suddenly refuses to pay for your spouse's cancer treatments?

Is any Member of Congress, as they go through the August break back in their States and districts or on vacation someplace, stuck at a job that pays too little because they have a pre-existing condition and will not be able to get coverage anywhere else they may get hired?

Has anybody here been driven into bankruptcy or lost a home, as 10,000 people will today? Their homes will get a notice of foreclosure because of medical bills their insurance company would not cover.

Has anyone in this Chamber or anyone in the other Chamber, a small business owner, had to choose between cutting coverage or laying off your employees whom you care about, who have been loyal to you and helped you build your products every day? Has anyone had to talk about laying them off or not providing the health care coverage that you have? I suspect no.

Then why are so many in Washington acting as if this were about us, about



whether you are a Blue Dog or a Red Dog, a Democrat, a Republican, a conservative, a moderate, a liberal, as if that was the most important issue, rather than the people who sent us here to grapple with an issue they wrestle with every single hour of every day. We are in danger of losing this once again, of failing, as has every other Congress and every other administration for 70 years, because we are forgetting that this is about the people who sent us here, asking us to try and come up with answers that would relieve them of the fear and frustration that confronts them every day and grows as a result of our inability or unwillingness to come up with national health care reform.

We in this Chamber have good insurance and we're in no danger of losing it. The same is not true for the American people. That is why it isn't about us. It is about the 47 million people who are uninsured, the 87 million who are underinsured, the 14,000 a day who lose their insurance, and the millions who will lose it if we don't act. It is about the people who pay our salaries and our great health insurance as well, the people who sent us here to fight on their behalf. When we pretend this is about us, when we treat health care reform as if it is some kind of a game, a political contest—who is going to face their Waterloo, who is going to lose, who can go in for the kill and defeat someone, put them into trouble, maybe they will lose an election over this—as it appears in the minds of some, then is it any wonder why the American people get so angry and frustrated when they watch us talk about ourselves, as if we were the only people on the face of the planet?

If any of us had to go through some of the things I suspect every one of us has heard from constituents—and there is nothing unique about what I am about to say; you can go to almost any State at almost any hour and repeat some of the stories I will share this morning, as I have heard in Connecticut—there wouldn't be anybody calling for more delays if they listened carefully. Sometimes we get involved in numbers, as we mention 14,000 and 87 million and 47 million. It sort of glazes over the eyes in a way. Is there anybody involved in these numbers? Are any stories involved? This legislation would be done by now if we paid more attention to some of these individual stories.

In 2005, a young woman in Connecticut named Maria was diagnosed with non-Hodgkin's lymphoma. When she asked her insurance company to cover her treatments, the insurance company found out Maria had once gone to a doctor for what she thought was a pinched nerve. Even though no tests had been done for cancer, the insurance company decided the doctor visit meant Maria's condition was a preexisting condition and denied her claim. Maria died from that illness.

A young man in Connecticut named Frank disclosed on his insurance appli-

cation that he sometimes got headaches. Several months after he got his policy, he went in for a routine eye exam. His eye doctor saw something he didn't like and sent Frank to a neurologist who told Frank he had multiple sclerosis. Frank's insurance company decided Frank should have known his occasional headaches were a sign of multiple sclerosis, and they took away his coverage retroactively. Frank's doctor wrote them a letter saying there was no way anyone could have possibly suspected that an ordinary headache was related to multiple sclerosis. But the insurance company left Frank out to dry. He was stuck with a \$30,000 medical bill he simply couldn't afford. His condition got worse. He left his job and went on public assistance.

This is Kevin Galvin. I have held a series of townhall meetings in my State, four or five of them over the last number of months, to invite people to share their concerns and stories about health care. The first one I held, to give Members an idea, I held outside Hartford at 8:30 in the morning, on a Friday morning. My first reaction to my staff was: Why are we having a townhall meeting at 8:30 in the morning? No one could possibly be there. Mr. President, 750 people showed up at that small community college on the banks of the Connecticut River in Hartford to be heard and to listen and talk about what was going on in their lives.

Kevin has shown up at a lot of my townhall meetings to talk about this issue. I met him at a number of gatherings we have held around the State to listen to people's concerns.

Kevin owns a small business, a maintenance company. He employs seven people in that little firm—some older, some younger—and can't afford to insure them. His younger employees use emergency rooms in their home communities as their regular doctor. If one of them has a child with an ear infection, they will spend all day, as Kevin has told me, in the ER waiting for them to get basic treatment, costing the employee a day's pay and Kevin a day's work from that employee.

By the way, to remind people who say we can't afford any additional costs, think of this: If you have an insurance policy, on average, your family is paying \$1,100 a year on your insurance policy to cover people such as Kevin's employees, the uninsured. That is the average cost per family. That is a tax on every insurance policy to pick up the cost of Kevin's employee, the one who shows up in that emergency room. You don't get free medical care there. They are charging for it. How do they charge? The premium costs go up for everyone else, on average, \$1,100 per family.

Kevin has three employees in their twenties and thirties who have never had a physical, never had a dental cleaning by a hygienist. One of them, age 28 with two children, was out of work for 12 weeks and nearly died from

a staph infection he got from an untreated cavity. Kevin stepped in, paid that man's salary during those weeks, and also all of his medical bills. That is the kind of person this individual is. Even though he doesn't have the kind of business that allows him to pick up the insurance tab for all his employees, Kevin stepped in to make a difference in that family. I know many do that. He is not alone in that regard. But it is awfully difficult to make a business work when you have to turn around and pick up the wages for someone who is not there at work, not to mention the medical bills and expenses.

Another one of Kevin's employees recently left for a job with health insurance, even though the new job gives him far fewer hours and pays one-third less than he got from Kevin. Another employee has been with Kevin's company for 24 years, relying on his wife's job for their health insurance. She got laid off recently. They will be able to get COBRA insurance for a short period, but Kevin's employee has a preexisting condition and his wife is a breast cancer survivor. You tell me whether you think they will get health care coverage, under the present circumstances, with one of them having a preexisting condition and the other being a breast cancer survivor. You don't need to be a Ph.D. in health care issues to know what is going to happen. Under the present circumstances, if we do nothing around here, that guy and his wife get nothing. They will be looking for any kind of help they can get.

They, similar to millions of our fellow citizens, are looking to us, those of us gathered here. I don't know what Kevin's politics are. I don't know whether he is a Democrat or a Republican, a liberal, conservative, moderate, a Blue Dog. I don't think he thinks that way. I think all he thinks about is trying to take care of his employees and his family. I don't think Maria's family—Maria, with non-Hodgkin's lymphoma—wondered what politics they were. I don't think any American does. All they know is, once again, we are sitting around here deciding we will drift off for a few more weeks or months because we can't seem to come together, or we are going to sit there and attack each other politically, as this problem grows by the hour. We don't have to worry about that. I say that respectfully, but nonetheless, it does impact the decisionmaking process.

When you don't have an ounce of concern about your insurance and your ability to take care of yourself and your family, you lose some of the motivation, it seems to me, that we ought to have, when it comes to addressing these issues.

I will be talking about this every day we are in session and every day until we get to the point of coming together and addressing this issue. It is what I tried to do for nearly 60 hours, replacing my dear friend, Senator KENNEDY, on the committee. I thank my 22 other



colleagues who stayed there day after day to work on this. I particularly thank TOM HARKIN of Iowa, who spent hours working on the prevention side of this bill, doing everything he could to come up with ideas to encourage behaviors that would reduce cost and improve the quality of health; BARBARA MIKULSKI, who is going through her own medical issues, having broken her ankle in four different places and undergoing treatment, she did a magnificent job working on quality issues; JEFF BINGAMAN from New Mexico, who did the work on coverage issues and the important issue of how we pay for this to come up with ideas that will reduce cost and make health coverage more affordable. Then, of course, there was PATTY MURRAY, who did a great job working on workforce issues. I see JACK REED of Rhode Island, who is a member of our committee and did a great job on a number of issues affecting the bill. On down the line: KAY HAGAN; JEFF MERKLEY; SHELDON WHITEHOUSE was tremendously helpful; BERNIE SANDERS did a great job; BOB CASEY; SHERROD BROWN of Ohio was terrific as well.

I thank my Republican colleagues—even though they didn't vote for the bill in the end, I have mentioned the ideas they brought to our bill that made it a better bill: MIKE ENZI, JUDD GREGG, LAMAR ALEXANDER, JOHN MCCAIN, LISA MURKOWSKI, PAT ROBERTS, ORRIN HATCH, TOM COBURN, JOHNNY ISAKSON, RICHARD BURR. The idea is, we came together and it worked. We have a product now. We look forward to working with the Finance Committee. But we need to get on to the business of getting this done. We cannot sustain the present situation, and the American people deserve a lot better. They need the same kind of security we have provided for ourselves as Members of Congress. I don't think the American people are going to accept the notion that they should have to live with the fear and frustration that is associated with having the kind of health care system presently in our Nation, knowing we can do better.

I thank my colleagues for the work we have done already and urge them, over this break, if they are not here working, to listen to their constituents, hear their voices, and then come back to this Chamber in early September with a serious determination to do what no other Congress and no other administration has been able to achieve in nearly a century: to come up with a health care plan for the Nation. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island.

Mr. REED. Mr. President, I ask unanimous consent to speak up to 30 minutes in morning business.

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

Mr. REED. Mr. President, let me begin by thanking and commending Senator DODD, who was at the helm of

the deliberations on health care reform in the HELP Committee. His patience, his understanding, and his determination were probably the three critical factors that got this bill through the committee and to the floor. He has made a singular contribution to the progress of this debate on health care, which he eloquently described as so central to every family in this country. I know he is performing these duties with the notion that the real champion of health care, Senator TED KENNEDY, is in the wings urging him on and helping him and guiding him. But Senator KENNEDY's presence was palpable. I think our efforts today and in the days ahead will culminate, I hope, as does Senator DODD, in legislation that can be signed by the President, with Senator KENNEDY there and Senator DODD. I can't think of two people who would deserve such a place of honor.

We hear often from the opponents of health insurance reform that the vast majority of Americans have health insurance and are happy with it. That is true. But it is only one side of the coin. Americans are glad they have insurance, but they are worried they might lose it because the cost keeps going up. All Americans worry when they see friends and family members who don't have insurance or who lose their health insurance. They worry when they are faced with completing piles of paperwork having to do with their health insurance policy. And they worry when they get the runaround from their insurance carriers about what is and is not covered. They certainly are not particularly happy when they are either denied coverage or denied reimbursement of a claim because of a pre-existing condition. It is clear that we must improve health care for the Nation.

The opponents of health care reform are talking about a government takeover and bureaucrats, but those are merely scare tactics. The reality today is there are Americans who are uninsured, who show up in hospital emergency rooms with out coverage that wind up in higher premiums for all of us. There are Americans who are being denied insurance, even though they can pay the premium, because of a pre-existing condition. All of that has to be addressed.

Today we face a choice between a broken status quo or a better and less-expensive health care system; between being denied health insurance or a marketplace where competition and choices are vibrant; between a health insurance system that will double in cost or one that will actually control costs; between a health care system that leads to thousands of families losing their insurance every day or a system that covers more of our relatives and neighbors; between a health insurance system that will keep adding to the deficit or a system that helps reduce government costs over the long run.

That is the choice facing the Senate and the American people. The stark re-

ality is that our health care system is broken. The status quo is untenable. In the face of this, the HELP Committee and the President made the right choice to fix it.

In contrast, the Republicans have chosen to simply protect the existing health care system—the one that is denying care to millions of Americans, the one that cannot be sustained financially by families or by government. They would rather talk about Waterloo and a host of other hobgoblins than do the hard work of health reform that we must do. We can succumb to fear or we can roll up our sleeves and pass health care reform. I believe that we cannot wait any longer.

In fact, that is what is ongoing at this moment. Senator BAUCUS is reaching out, as Senator DODD reached out, to develop a plan that will not only pass this Congress but also benefit the American people in the long run.

There are many specific elements in the HELP Committee bill and the bill Chairman BAUCUS will bring from the Finance Committee. But there are five key principles by which we are guided.

One, we will pay for the cost of reforming the health insurance system.

Two, we will start controlling costs today and in the future.

Three, we will preserve and expand insurance choices for the American people.

Four, we will cover as many Americans as we can through commonsense steps that increase health security and stability for families.

And, five, we will reward efficiency and quality care.

Everything we do in health care reform should be guided by these principles because they are the right principles and they are what the American people expect.

Now, let me take a moment to talk more about our health care system and how we got here. At the turn of the 20th century, significant technological and medical advances yielded superior treatments, more effective training of physicians, and higher quality care.

More Americans demanded access to these new and improved services. But for many the cost was too expensive. The problem intensified during the Great Depression and doctors, because of the financial crisis, were ill-equipped and unprepared to help many who needed help. We have made progress since then.

In the 1960s, this Congress—a predecessor Congress—adopted the Medicare Program and the Medicaid Program. We have also seen investments in the construction of hospitals under Federal legislation. We have seen a system grow up somewhat unwittingly through the tax system to subsidize employer-based health care. All this has led to the present situation.

But, even today, the parallels between our current health care system and that of the system at the turn of the Century are frighteningly similar. The cost of care is still too expensive

and doctors are still ill-equipped to treat every patient that walks through their door.

Throughout those years, Presidents and Congresses have recognized the need for comprehensive reform, to make health care affordable and accessible for all Americans and affordable for the Nation as a whole. Harry Truman, Jimmy Carter, Bill Clinton all endeavored to change the health care system. We are still at that great task, and this is a daunting task, but this time we must succeed.

In the face of this task, some have said it is too hard, it cannot be done. Instead, incremental reform would better serve the country. In 2003, under President Bush's urging, the Medicare prescription drug benefit, Medicare Part D was passed. That was done without paying for it. It was done with deficit spending. And it was done supposedly with a \$400 billion pricetag over 10 years that later turned into \$1.2 trillion over 10 years. That was an initiative supported by President Bush and the Republicans.

So we are in a situation now that is different. We have presented a bill that costs half as much, has gone down in price, and that will be paid for. We are determined to pay for it. We are determined to make it contain costs over the long run because the current costs are skyrocketing out of control.

We have also seen the need, because of the current economic crisis, to accelerate our reform efforts. In my State of Rhode Island, 12.4 percent of the population is unemployed. That is adding to the rolls of those who are uninsured. They are losing their coverage if they are being dismissed from their work or their employer is scrapping coverage just to save the company and keep some people employed.

We have seen the premiums for those who still have access to coverage increase dramatically. In Rhode Island, family premiums have increased 97 percent since 2000. Over 20 percent of middle-income Rhode Island families spend more than 10 percent of their income on health care. We know these numbers are going to get worse, not better, if we do nothing. They are going to get to the point where families cannot afford it, where State governments cannot afford it, where the Federal Government cannot afford it. We have to recognize that, that sitting back, doing nothing, proposing the old remedies will do nothing for the American people.

My Republican colleagues believe that giving everyone a tax credit, \$5,000, will get everyone in America covered. But that is less than the cost of an insurance policy. Moreover, they are not proposing to reform the insurance system. If we do not do this, we will continue down the path toward a social and economic crisis.

So we have acted. And we must continue to act. President Obama is determined to make this effort succeed. I recall the debate in 1993 and 1994 and we are much further ahead than we were

in 1993 and 1994. We all talked about health care reform in 1993—a major issue in the election—but by the time we got down to passing legislation, it was the summer of 1994 and we ran out of time. We cannot run out of time now. The President is right to insist we keep moving as fast as we can until we reach the objective.

The President said it very well Wednesday evening:

If somebody told you that there is a plan out there that is guaranteed to double your health-care costs over the next 10 years, that's guaranteed to result in more Americans losing their health care, and that is by far the biggest contributor to our federal deficit, I think most people would be opposed to that. That's what we have right now. If we don't change, we can't expect a different result.

"If we don't change, we can't expect a different result."

So we must move forward with health care reform and we must do it deliberately and we must do it in a timely way. As one who sat on the HELP Committee under the leadership of Chairman KENNEDY and Acting Chairman DODD, we took great effort to work through these issues. We spent hours and hours consulting with every single stakeholder: patients, providers, doctors, nurses, hospitals, employers, small business owners, large business owners, Governors, economists, and our Republican colleagues. We had 13 committee hearings. We had 14 bipartisan roundtable discussions. And we spent hours—20 hours—with our Republican colleagues in an informal walk-through of the bill, getting their impressions and feedback. We entertained hundreds of amendments—160 amendments to be exact. Major contributions were made, as Senator DODD indicated, by our Republican colleagues, along with my Democratic colleagues. Then the committee passed this legislation.

This work must continue with that same intensity. I know Senator BAUCUS in the Finance Committee is doing that. I hope we return in September fully engaged and ready to move on this issue.

I wish to make a few points about the legislation that is emerging from both the HELP Committee and I anticipate from the Finance Committee. First of all, we have included in our bill items—and the Finance Committee will do the same—that will ensure that this is fully paid for, unlike the Medicare Part D plan enacted by the Bush administration.

CBO has informed us, in their hearing before the Budget Committee, that they are not convinced we are going to be able to dramatically reduce costs going forward. Now, we are all bound by them. This is the yardstick we use. But I wish to make a point about the CBO projections. By their rules, CBO cannot consider some things that we feel will be instrumental in not only improving the health of Americans but bringing down the costs. They cannot and will not predict the effect of a healthier and livelier America.

The Trust for America's Health, for example, found that investing \$10 per person per year in proven community-based programs to increase physical activity, improve nutrition, and prevent smoking and other tobacco use, would save the Nation at least \$16 billion annually within 5 years. Out of this \$16 billion in savings, it is estimated Medicare could save more than \$5 billion, Medicaid could save more than \$1.9 billion, and private insurance companies could save more than \$9 billion.

Those savings are not factored into the CBO's projections for several reasons: One, they are hard to predict, and they do not want to take that risk; but, second, they will only record savings that accrue directly back to the Federal Government. The millions that are being saved by private insurance companies through prevention—that is a savings they will enjoy, the country will enjoy, the families will enjoy, but it will not be scored by CBO.

We have also taken some significant steps to ensure that we crack down on fraud and abuse in the public and the private insurance sectors. The National Health Care Anti-Fraud Association estimates that 3 percent of all health spending each year—more than \$70 billion—is lost to fraud perpetrated against public and private health plans. Federal antifraud efforts in the Medicare Program have been demonstrated to return \$17 for every \$1 invested in these activities, and we have expanded these activities in this legislation.

We also expect cost savings through the use of health information technology. In the American Recovery and Reinvestment Act, we provided \$19.2 billion to hospitals, doctors, and clinics for this purpose. According to the RAND Corporation, we could save up to \$77 billion each year in medical costs through health information technology. Once again, this type of savings is not included in the CBO calculations.

But in addition to the savings we anticipate, we are still going to pay for the cost that the CBO has calculated. The Finance Committee is committed to do that. And it should be noted, significantly, that President Obama has already received commitments from health care industries to share in the cost of payment and contribute to this plan. The American Hospital Association has pledged \$155 billion in anticipated cost reductions. The drug companies have promised \$80 billion. These groups, along with insurance companies and doctors, have also pledged to slow the rise in health care costs over the next 10 years by 1.5 percent. This is much different than in 1993 and 1994. These concessions will not cover the whole cost, but that is where the Finance Committee will augment with their proposals.

The President has engaged not only the Congress but also the major stakeholders in the health care system. Indeed, one of the things I find remarkable is that some people are running

around talking about that this is a nationalization of health care, it is a socialization of health care, it is going to be government bureaucrats. Well, if that is the case, why is the private insurance industry not only cooperating but pledging to participate in cost reductions? They must feel their security and safety financially and economically are not being jeopardized.

So we are going to pay for this. We are also going to expand coverage in a way where not only you can get it, but you can keep the coverage. The same thing goes with respect to keeping your doctor.

One of the guiding principles the President announced initially was: If you like your health care, you can keep it. We have stayed true to that principle in terms of the construct that has emerged from the HELP Committee.

We have also tried to provide assistance to those people who need health insurance that is affordable. They will have the choice of a health plan that meets their needs and their budget. Again, many of the proposals my colleagues on the other side have made throughout the years, including tax credits are not sufficient to pay the premiums, and as such are ineffectual. We are going to make sure you not only have insurance but that you can afford that insurance.

So we have listened to a whole range of proposals. We have listened to those who are proponents of the single-payer system. We have listened to those who stress a strong community option. I think we have clearly staked our reform on a more competitive market that will have a public option to spur competition but will not in any way displace the primacy of private health care insurance.

We are moving forward with this legislation. We have created a system where citizens can come and select the choice of private insurance or a community option, a publicly-organized option. We have also insisted upon insurance reform so that preexisting conditions, limits on policy payments—all of those things would be a thing of the past.

We believe this legislation will provide greater stability for Americans, not only financially but for peace of mind, the notion that when I go to the doctor, I won't have to worry, will the insurance company accept this claim; when I go to the doctor and I make the claim, will I then be told that what happened to me 20 years ago was a pre-existing condition and my visit will not be covered; the peace of mind that if I have employer-based health care and I lose it, then I will be able to access a plan for me and my family. I think these are important aspects of this legislation, as important as some of the financial aspects.

We also want to make sure we increase the efficiency, the efficacy of the health care system. We have adopted quality measures. We have learned

from experience that we can make changes—some of them are very simple—that will increase the efficiency and the effectiveness of health care. One simple approach is a checklist of safety measures in ICU that has been adopted in my State of Rhode Island. Studies have found that the checklist cuts infection rates 66 percent within 3 months and within 18 months of implementation saved about \$75 million and 1,500 lives. Those types of innovations, those types of reforms are designed now to be dispersed throughout the system.

We also have to prevent readmission to hospitals, and we have adopted legislation in the bill that will help do that by clearly planning for the discharge of a patient. We are building up the workforce which is necessary. We have emphasized significantly the issue of wellness and prevention. Our bill will provide coverage for all recommended preventive services, remove barriers to access, such as copayment and deductibles for preventive services, and encourage employers to offer wellness programs.

As has been said before, we want to transform the system not only organizationally and financially, but we want to transform it from a system that treats sickness to one that promotes wellness. This legislation will go a long way to do that. And in doing that, it will affect the cost for all of us.

I think we also have to recognize that everyone has to be a part of this effort. If we were to require insurers to take everyone but not require everyone to purchase insurance, we would have the classic problem where the healthy would not buy insurance, the sickest who need insurance would buy it, and the system wouldn't work. It would be too costly for those who need coverage and those who don't have coverage would get sick, and drive the costs up higher and higher. So our legislation requires the responsibility of every American to participate. We will help those who are of modest income to meet this obligation.

We also are still working through many significant issues. I think the time we now have will be used wisely. There are many different aspects of this legislation that we recognize can be improved, and we hope they will be by the Finance Committee deliberations and by our floor deliberations.

My colleagues are proposing ideas. For example, Senator ROCKEFELLER has suggested that we use the procedure for the Medicare Payment Advisory Commission—these are experts on health care—to provide not simply recommendations but binding policies subject to a vote by Congress on the types of treatments that would be offered, the medical issues that have to be addressed. I think this would give us an interesting way to deal with the issue of effectiveness of treatment as well as cost of treatment, and I think this is something we must consider as we go forward, again, dealing with this issue of cost which is so central.

I raised this issue with Chairman Bernanke, the Chairman of the Federal Reserve. He, in his rather professorial way, certainly recognized the need for reform, but he also stressed that reform from an economic standpoint has to have cost containment, cost controls, and I think this idea Senator ROCKEFELLER has proposed is something that has to be seriously looked at.

We have reached a point now that we need reform. We can't afford to wait. This is the second time in my relatively brief career in the Congress that we have faced the issue of national health care reform. In 1993 and 1994, we faltered. It has gotten worse since then, not better, and it will get much worse if we don't succeed this time.

So I would encourage all of my colleagues to work together. What I sense is that Americans want, need, and deserve access to comprehensive, affordable, quality, efficient health care. That is what my constituents are asking for.

We have a plan for overall reform as well as to bring down spending. The current path is unsustainable. Those who advocate a less costly, better health insurance system have an obligation to offer something more than a tax credit proposal here or there or give all of the responsibility to the private sector. We need a real plan. A plan that will give all Americans the security and stability that they need in their health insurance plan. We cannot afford another missed opportunity. I urge all of my colleagues to come together on this most vital of issues and pass health care reform this year.

I yield the floor.

The PRESIDING OFFICER (Mr. KAUFMAN). The Senator from Missouri is recognized.

Mr. BOND. I thank the Chair.

(The remarks of Mr. BOND pertaining to the submission of S. Res. 224 are located in today's RECORD under "Submitted Resolutions.")

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### CLIMATE CHANGE

Mr. BARRASSO. Mr. President, I come to speak today because I have tremendous concerns about the potential effects of the Waxman-Markey climate change bill, concerns about the destruction of jobs and concerns about the cost to our economy.

The Waxman-Markey bill may create some green jobs. If it does, great. We need green jobs in my State. We need green jobs all across the country. In

Wyoming, we are developing our wind resources, so we need the green jobs, and Wyoming has world class winds. But to me, this bill also costs jobs. And Americans want all jobs, not just some jobs. People don't want to lose the jobs they have with a promise that they may get a green job in exchange someday down the line. Americans want all the jobs. They want to keep the ones they have, and they want to create more jobs, more opportunities. To me, the Waxman-Markey bill fails to do that.

The administration says that the Waxman-Markey bill will create millions—millions—of new jobs. This administration also promised that after Congress passed the so-called “economic stimulus package” they would create or save 3½ million jobs. Since the bill's passage and being signed into law, unemployment has reached 9.5 percent in this Nation. Last month, almost half a million people lost their jobs.

The administration's economic experts said that unemployment would not exceed 8 percent if the stimulus package passed. It passed, and was signed into law, but they were wrong. And not just by a little.

In an interview with George Stephanopoulos, Vice President BIDEN acknowledged that administration officials were too optimistic when they predicted that unemployment rates would peak at 8 percent. The Vice President said that “the administration and I misread the economy.”

Well, is it possible, then, that the administration is misreading the economic predictions of millions of new jobs being created in this bill? The administration failed to make the grade on the \$787 billion stimulus package, and I believe the administration is failing again by supporting this misguided climate change bill.

It is a fact that the climate change legislation will cost jobs in the American economy. That is why there is language in the bill to retrain workers who lose their jobs. Why will this legislation cost jobs? The Waxman-Markey climate change bill is designed to make fossil fuel more expensive. Advocates say we must make fossil fuel more expensive to change the behavior of businesses and of consumers. That means making everything that is powered by fossil fuel more expensive. Fossil fuel powers your car, your home, your office; it powers the airplanes we fly in, the trains we ride in, trucks; things that we use for our own transportation but also things where we ship goods from farms and small businesses to the marketplace all across this country and even abroad.

All these things will be made more expensive because of the climate change bill that passed the House. When you increase the cost of bringing goods and services to the marketplace, especially in a recession, it becomes a recipe for economic disaster. It leads to lost jobs and lost economic opportuni-

ties. We can't afford in this country to lose more jobs.

By deciding to pass Waxman-Markey, the majority will increase the cost of doing business. The legislation will increase the cost for every small business. The legislation will force them to pay more for everything that uses energy. Those costs will put businesses in debt or even out of business. Jobs will be lost and unemployment will continue to climb.

The administration talks about creating green jobs. Well, we certainly want those jobs, but we also want the red-white-and-blue jobs that have powered America for centuries. There was a Washington Post article on July 21 entitled “U.S. Green Jobs Seen Taking Years of Planning.” Let me emphasize the word “years.” The article mentions upfront that:

Alternative energy jobs can provide vocations across many sectors of the economy, but policy to spark them can take years to develop.

Not now, not 6 months from now, not a year from now, but years into the future. Promises of immediate green jobs being created across the country because of this Waxman-Markey bill are another misreading by this administration. The economic stimulus package was simply the first thing the President misread. Those jobs never materialized. The green jobs promised in Waxman-Markey may also take years to develop. However, the job losses that the bill creates will occur immediately.

In an Investors Business Daily editorial on July 17 entitled “Following California Off a Green Cliff,” the editor states that:

America remains the richest country on Earth, but it might profit from adopting a bit of the attitude displayed by much poorer but up-and-coming economic rivals such as China and India. Those nations don't take prosperity for granted. That is why they aren't such good sports on global warming. They prefer to get rich and then go green.

The author goes on to say:

The U.S. isn't so poor that it can't afford strong environmental policies. But it can't afford to take its prosperity for granted either.

Let me repeat a couple of lines from those quotes: First, that America remains the richest country on Earth. And that last line: But it can't afford—that is we, the United States—to take our prosperity for granted. We here in Congress—the Members of this Congress—cannot afford to take the prosperity of this Nation for granted. If we pass Waxman-Markey, or a bill similar to it, that prosperity will erode further. We should create jobs, and we should create more wealth in this country. We need to keep business costs low so businesses can expand and create wealth for our Nation. We can do that by making America's energy as clean as we can, as fast as we can, without raising energy prices for the businesses and the families of America.

Our end goal must be to do everything we can to keep the jobs we have

now and also to find ways to add new green jobs. Americans want all of these jobs and more. We need them all.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### NATIONAL DEFENSE AUTHORIZATION ACT

Mr. SESSIONS. Mr. President, I want to make a few comments on the Defense bill that passed late last night. Senator LEVIN and Senator MCCAIN did a very fine job in working through all the difficulties we faced and tried to put together a bill that would support our troops. Indeed, I was on a video conference this at noon with a group of Alabama National Guardsmen and their families, an MP company from Prattville, AL, that is undertaking its third deployment. The company was last deployed to Guantanamo and now they will be going to Iraq. We owe a great deal to these people who put their lives on the line for us. They leave their families and loved ones and go into harm's way to execute the policies that we have set. As a result, we must never forget what we owe them. I hope we never do.

I think the bill we passed has some good things in it. Some are troubling to me. I did not speak last night, in the late evening, about section 1031 of the National Defense Authorization Act entitled “Military Commissions and al-Qaida.” It was an important little amendment and I want to share a few thoughts about it.

What we discovered was in the Defense authorization bill, al-Qaida was removed from the unlawful enemy combatant definition. My amendment put that back into the bill. If you are a member of al-Qaida, you have earned the designation of an unlawful enemy combatant, or belligerent. We are now using the words unlawful enemy belligerent. Those individuals are people who operate outside the rules of warfare. They do not wear uniforms. They deliberately and systematically target women and children and innocents. They do not comply with the rule of law, the Geneva Conventions, and they, therefore, are not given the normal and full protections of the Geneva Conventions.

A person who is at war with the United States, as al-Qaida has repeatedly announced that it is, who does their military activities without complying with the Geneva Conventions, deserves to be attacked. They deserve to be killed or captured by the U.S. military. If captured, they deserve either to be prosecuted or held until the hostilities are over. That is what the

historic rules of warfare are, it is what we have always done, and we need not be confused in this war and start treating it as if it were some sort of criminal activity. Doing so would compromise our ability to be effective and place at greater risk those individuals whom we send in harm's way, such as the 217th Military Police troop from Prattville, AL, which is going to Iraq. We don't need to be confused about what this is. It is not a law enforcement operation.

We also adopted an amendment last night that prohibited the intelligence communities of the United States, our agencies or our military, from giving Miranda warnings to people captured on the battlefield. Giving Miranda warnings to unlawful enemy combatants is unthinkable. It is a confusing thing. What you are basically telling these people that we capture is: Don't talk, we will give you a lawyer.

In fact, some of the NGOs, were telling Americans not to talk to them and ask for lawyers, because we were beginning to give Miranda warnings.

The premise of this amendment is not an overreach. It is consistent with our law.

Make no mistake, al-Qaida has announced it is and continues to be at war with the United States. We are at war with them. We cannot mince words. We cannot lead the world to believe that we have softened our resolve to defeat this enemy that threatens us.

According to a CNN report from July 15, 2009, al Zawahiri, bin Laden's deputy, called on Muslims to join in a jihad against the United States. I wish that were not so but that is what it is. Last week a terrorist group affiliated with al-Qaida targeted two American-owned hotels in Jakarta, Indonesia. On July 21, just a few days ago, a Wall Street Journal article pointed out last week's hotel bombings were not some isolated event:

In the 19 months leading up to the Jakarta attacks, Islamic terrorists have brought their holy war to upscale properties in Kabul, Afghanistan; Islamabad, Pakistan; Mumbai, India; and Peshawar, Pakistan. The casualties thus far number 116 people killed and hundreds more injured.

I ask my colleagues, in the middle of the war against al-Qaida, is it wise to remove al-Qaida from the definition of unlawful enemy combatant, or even the new form "unprivileged enemy belligerent"? That is the new word we are using and perhaps it is all right. I don't know why we changed. But we have to be careful the words we use.

Can anyone imagine the Congress removing "Nazi" from the wartime definitions in the middle of the Second World War? What do we hope to achieve by taking al-Qaida's name out?

Fortunately, last night it was put back in. But what would have been achieved by removing their name from that list of organizations against which we are at war?

The original Military Commissions Act passed in 2006 made it clear that

the unlawful enemy combatant definition covered hostile groups "including a person who is part of . . . al-Qaida, or associated forces."

Let's be clear about what removing al-Qaida from the definition would have meant in the legal proceedings related to detainees. It will cloud them under uncertainty and ambiguity. Judges, whether military or civilian, will have to second guess whether al-Qaida members are truly eligible to be held as enemy combatants.

This is not an unjustified concern. Let me tell you about one case where a Federal judge questioned whether an al-Qaida member who fought in the jihad could still be held as an enemy combatant. On April 15 of this year, Judge Huvelle of the U.S. District Court for the District of Columbia granted the habeas corpus petition of Yasin Muhammed Basardh, over the objections of the Obama administration.

Habeas corpus petition is a right of a person in the United States who is held by the Government to ask why they are being held. It is referred to in the Constitution. Many of my colleagues have said you are denying these prisoners habeas corpus petitions—denying them, taking away something to which they are entitled.

I would point out that is not correct. Nobody ever understood habeas corpus, as referred to at the founding of our Republic, as something applied to people captured in war against the United States. That was never what it meant. It is only a most recent incorrect definition of habeas that applied it to people who are trying to kill Americans and are at war against Americans. Some of the courts are confused on this, in my view. Congress has been a bit confused about it also.

But Judge Huvelle, unwisely, I think, concluded that the United States could no longer hold Mr. Basardh because he no longer posed a realistic risk of joining the enemy—in his opinion. Judge Huvelle is not involved in the war. He is sitting safe and comfortable here in the District of Columbia. The execution of a war is placed in the hands of the men and women in the military to protect our country, whose lives are on the line.

So this judge reached this conclusion because Basardh was cooperative while in custody at Guantanamo Bay. In her decision in 2009, Judge Huvelle failed to mention the many salient facts that showed why the Obama administration and the Bush administration before it opposed this man's release. According to unclassified Administrative Review Board records, Basardh was closely associated with al-Qaida, and directly linked to Osama bin Laden. He admitted to:

No. 1, traveling from Yemen to Afghanistan to join the jihad, saying, "Yes, I did go to Afghanistan for the Jihad."

No. 2, training at the al-Qaida-run al Farouq camp near Kandahar in Afghanistan;

No. 3, staying at Osama bin Laden's house in Kabul when the U.S. bombing began. "It was Osama bin Laden's private house," he said.

No. 4, meeting with bin Laden himself on numerous occasions.

No. 5, responding to Osama bin Laden's call for all fighters to retreat and assemble at Tora Bora and,

No. 6, being in the cave with Osama bin Laden at Tora Bora.

If Federal courts are going to second guess the military on cases like Basardh under the current Military Commissions Act, Congress certainly should not weaken this act any more and give them any more ability to undermine our efforts.

To the contrary, Congress should be crystal clear that membership in al-Qaida qualifies a detainee for unprivileged enemy belligerent status. My amendment removed any doubt over the detention of anyone who is a member of al-Qaida or served in its aid. My amendment will make clear that cases like this should not happen again. Simply put, if you are a member of al-Qaida you are going to be detained and held until the war is over, in the same way Nazi army prisoners of war treated during World War II.

I urge my colleagues to think about this, to make sure we are fully cognizant of the dangers our country faces, and retain this language that was initially omitted, keeping al-Qaida by name as a group which we are at war against. It is important that doesn't get removed by the conference committee. I am going to be watching. I think it is a big deal.

Oftentimes when the conference committee meets, they make substantive changes in the bill. Following conference, it will come back to the floor, and at that time we will be unable to amend it. I am going to watch. I think the American people need to know we are not confused in our thinking. We know against whom we are at war and we are committed to this effort and we are supporting our fabulous men and women who place their lives at risk for us. We must not undermine their efforts by creating circumstances in which Federal judges can treat military captives as ordinary criminals with all the rights pertaining thereto.

I yield the floor.

#### DEFENSE AUTHORIZATION

Mr. KYL. Mr. President, I rise today to discuss an amendment I submitted with 12 cosponsors that the Senate adopted yesterday by voice vote. My amendment, No. 1760, as modified by a second-degree amendment I offered, No. 1807, sets some important benchmarks for the President to meet as his administration negotiates and prepares for Senate ratification of a follow-on to the 1991 START agreement, which expires this December 5.

As my colleagues know, the Constitution entrusts the Senate with the responsibility of advice and consent on treaties.

It is entirely within the Senate's prerogative—in fact, it is the Senate's responsibility—to consult with the administration at the beginning of a treaty negotiation, during the process, and at the end. I have said before, if the administration wants to have the Senate on board at the end of the treaty process—at ratification—it must listen to Senators throughout that negotiation. That is why the National Security Working Group which I co-chair with my friend Senator BYRD is so important.

It is also why this amendment is so important. The amendment is simple and straightforward so that there should not be any confusion about what the Senate expects in this treaty process.

First, the amendment requires the President to submit a report on the plan to modernize the U.S. nuclear deterrent, including the nuclear weapons stockpile, the infrastructure and the delivery systems. This report must be put together in consultation with the experts: the directors of the national weapons labs, the Administrator of NNSA, the Secretary of Defense and the Commander of the United States Strategic Command. And it must be accompanied by a plan to pay for the modernization of the deterrent over the next decade.

This report is due within 30 days of enactment of S. 1390 or at the same time the President sends the START follow-on treaty to the Senate, whichever occurs earlier.

And to make sure there is no confusion about what the Senate expects, I joined my colleagues Senators LEVIN, MCCAIN, KERRY, LUGAR, and BYRD in sending a letter to the President to make clear that this plan must be in place, and funded in fiscal year 2011 and the outyears, at the same time the START follow-on treaty is sent to the Senate. I will ask to have this letter printed in the RECORD at the conclusion of my statement.

Let there be no mistake about what we mean: if the administration does not submit to Congress a plan for the modernization of the U.S. nuclear deterrent, with funding to implement that plan, at the same time it submits a START follow on agreement, that treaty will not be ratified by the Senate until it does.

I know modernization is a dirty word to some arms controllers who believe that our nuclear weapons will simply go away if we neglect them enough. It should now be clear that that plan of nuclear disarmament through neglect and atrophy is dead.

Second, the amendment addresses the Russian Federation's demands that the U.S. place limitations upon its missile defenses, space capabilities, or advanced conventional modernization in order to reach an agreement on the treaty. Any such treaty would be dead on arrival in the Senate.

To strengthen the President's position with the Russian Federation on

these matters, the amendment makes clear the Senate expects the administration will not change its position by including any of these limitations in the follow-on treaty, no matter how hard the Russians huff and puff and stomp their feet.

And the Senate has now joined the House of Representatives in unanimously backing my amendment and the similar House amendment offered by Congressman TURNER so the Russians and the Obama administration should have no question about what both Houses of the Congress expect from this treaty process.

I would like to say a few words about why I felt it was necessary to offer these measures.

In recent months, it has become clear that our nuclear deterrent is in need of serious attention. As high an authority as Secretary of Defense Robert Gates warned:

At a certain point, it will become impossible to keep extending the life of our arsenal, especially in light of our testing moratorium. It also makes it harder to reduce existing stockpiles, because eventually we won't have as much confidence in the efficacy of the weapons we do have.

And:

To be blunt, there is absolutely no way we can maintain a credible deterrent and reduce the number of weapons in our stockpile without either resorting to testing our stockpile or pursuing a modernization program.

The Perry-Schlesinger Commission, which recently issued its final report, also warned that:

For the indefinite future, the United States must maintain a viable nuclear deterrent. The other NPT-recognized nuclear-weapon states have put in place comprehensive programs to modernize their forces to meet new international circumstances.

Yet, it is clear that the steps necessary to do that are not being taken. The administration's fiscal year 2010 budget for the nuclear deterrent has been described by its own officials as "treading water" and a "placeholder."

The physics and chemistry that are causing our nuclear weapons to deteriorate will not wait for the next Nuclear Posture Review—NPR—though.

I make that point because I'm sure there are those who will make the argument that a comprehensive modernization plan should wait for that NPR.

To that I have two points: one, modernization is interrelated with the size of our stockpile this is the point made by the Secretary of Defense.

And, apparently, decisions about the size of our stockpile—which is a significant element of the NPR Congress ordered—are being made right now; in fact, it appears they were made in early July in Moscow. If the cart can be put before the horse, the Senate can and should require the horse be brought along.

I say again, my amendment doesn't say that the treaty or agreement can't be signed until there is a modernization plan put forward. It merely says the DOD can't implement the reduc-

tions called for in the treaty until the modernization plan, at least the fiscal year 2011 elements of it, are submitted by the President and funded by the Congress.

My personal belief, consistent with the warnings of the Secretary of Defense, is that we should not ratify the treaty until the long-term modernization plan is submitted by the President and funded by the Congress. But that is not what this amendment would do.

Additionally, it is clear from that Joint Understanding that issues totally unrelated to strategic arms reductions, like missile defense and conventional modernization programs, are at risk of being sewn into the START agreement anyway.

As Dr. Keith Payne, a member of the Perry-Schlesinger Commission, recently noted in testimony before the House Foreign Affairs Committee:

It would seem self-evidently a mistake to include any limits on U.S. [Ballistic Missile Defense] BMD as a price to be paid for an agreement that requires nothing of the Russians beyond discarding the aged systems they plan to eliminate in any event and will not touch the real problem of Russian tactical nuclear weapons.

Yet, despite the logic of Dr. Payne's statement, and disregarding the photo ops and positive press statements, President Medvedev made clear that little had changed from the especially pugnacious Russian statements before the July summit when he said at the G-8 summit just a few days later: "If we don't manage to agree on the issues, you know the consequences," referring to the deployment of Russian tactical missiles to Kaliningrad.

And his Foreign Minister, Mr. Lavrov, further elaborated that if the Third Site goes forward, "then that will doubtless place a big question mark over the prospects for further reductions in strategic offensive weapons."

Congress has a long history of making its views known on arms control negotiations in this fashion, including on the SALT-I negotiations in 1972 and the START II negotiations in 1996.

Given the issues at stake in the follow-on treaty, it is clear that this amendment is necessary.

Mr. President, I also ask unanimous consent to have printed in the RECORD a Dear colleague letter I circulated to Senators concerning my amendment No. 1760, in addition to the letter to President Obama which I referred to earlier.

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

JULY 23, 2009.

PRESIDENT BARACK OBAMA,  
The White House,  
Washington, DC.

DEAR PRESIDENT OBAMA: We believe that when the START treaty is submitted, you should also submit a plan, including a funding estimate for FY11 (and out years across the next decade), to enhance the safety, security and reliability of the nuclear weapons stockpile, to modernize the nuclear weapons



complex (i.e. improve the safety of facilities, modernize the infrastructure, maintain the key capabilities and competencies of the nuclear weapons workforce—the designers and the technicians), and to maintain the delivery platforms.

Sincerely,

JON KYL,  
U.S. Senator.  
JOHN MCCAIN,  
U.S. Senator.  
RICHARD LUGAR,  
U.S. Senator.  
CARL LEVIN,  
U.S. Senator.  
JOHN KERRY,  
U.S. Senator.  
ROBERT C. BYRD,  
U.S. Senator.

JULY 22, 2009.

DEAR COLLEAGUE, I recommend the attached op-ed, "Plumage—But at a Price" by Charles Krauthammer, from the July 9th Washington Post. Mr. Krauthammer makes a number of observations worth understanding and repeating, including, "the very notion that Kim Jong Il or Mahmoud Ahmadinejad will suddenly abjure nukes because of yet another U.S.-Russian treaty is comical."

The column also highlights another concern: the Russian insistence that we compromise our missile defense. As Mr. Krauthammer writes, "since defensive weaponry will be the decisive strategic factor of the 21st century, Russia has striven mightily for a quarter-century to halt its development." The July 6th Joint Understanding signed by President Obama and President Medvedev raises concerns that the Administration may be ceding key ground to the Russians on several significant points, including missile defense.

Recently, the House unanimously adopted a provision as a part of its FY10 National Defense Authorization Act that missile defense, space capabilities and advanced conventional modernization (e.g. prompt global strike) should not be a part of the START follow-on, and our nuclear weapons MUST be modernized if further reductions are to be conducted with minimal risk. The operative provisions of the amendment are tied to the implementation of a follow-on treaty or agreement; they DO NOT prevent the Administration from concluding a new treaty or agreement with the Russians.

We should adopt the same amendment to strengthen the Administration's hand with the Russians by making clear that Congress simply WILL NOT provide the funding to implement a START follow-on that in any way limits missile defense, space capabilities, or conventional strike modernization, nor will it allow further strategic arms reductions if the President does not provide a comprehensive modernization program for the U.S. nuclear deterrent (including the weapons stockpile, the infrastructure that supports it, and the weapons delivery systems).

I will, therefore, be offering such an amendment to S. 1390, the FY10 National Defense Authorization Act.

I will also offer an amendment that expresses the Sense of the Senate that the asymmetrical advantage Russia has over U.S. and allied forces due to its 10-to-1 edge in tactical nuclear weapons must be rectified. As the bipartisan Perry-Schlesinger Commission stated in its Final Report: "The United States should not cede to Russia a posture of superiority in the name of deemphasizing nuclear weapons in U.S. military strategy. There seems no near-term prospect of such a result in the balance of operationally deployed strategic nuclear weapons. But that balance does not exist in non-strategic nuclear forces, where Russia enjoys a size-

able numerical advantage. As noted above, it stores thousands of these weapons in apparent support of possible military operations west of the Urals. The United States deploys a small fraction of that number in support of nuclear sharing agreements in NATO. Precise numbers for the U.S. deployments are classified but their total is only about five percent of the total at the height of the Cold War. Strict U.S.-Russian equivalence in NSNF numbers is unnecessary. But the current imbalance is stark and worrisome to some U.S. allies in Central Europe. If and as reductions continue in the number of operationally deployed strategic nuclear weapons, this imbalance will become more apparent and allies less assured."

Congress has a long history of making its views known on arms control negotiations in this fashion, including on the SALT-I negotiations in 1972 and the START II negotiations in 1996.

I urge you to support my amendments to the NDAA. It is imperative that we ensure the follow-on treaty is negotiated and implemented in a manner most consistent with the national security of the U.S.

Sincerely,

JON KYL,  
United States Senator.

[From the Washington Post, July 9, 2009]

PLUMAGE—BUT AT A PRICE

(By Charles Krauthammer)

The signing ceremony in Moscow was a grand affair. For Barack Obama, foreign policy neophyte and "reset" man, the arms reduction agreement had a Kissingerian air. A fine feather in his cap. And our president likes his plumage.

Unfortunately for the United States, the country Obama represents, the prospective treaty is useless at best, detrimental at worst.

Useless because the level of offensive nuclear weaponry, the subject of the U.S.-Russia "Joint Understanding," is an irrelevance. We could today terminate all such negotiations, invite the Russians to build as many warheads as they want and profitably watch them spend themselves into penury, as did their Soviet predecessors, stockpiling weapons that do nothing more than, as Churchill put it, make the rubble bounce.

Obama says that his START will be a great boon, setting an example to enable us to better pressure North Korea and Iran to give up their nuclear programs. That a man of Obama's intelligence can believe such nonsense is beyond comprehension. There is not a shred of evidence that cuts by the great powers—the INF treaty, START I, the Treaty of Moscow (2002)—induced the curtailment of anyone's programs. Moammar Gaddafi gave up his nukes the week we pulled Saddam Hussein out of his spider hole. No treaty involved. The very notion that Kim Jong Il or Mahmoud Ahmadinejad will suddenly abjure nukes because of yet another U.S.-Russian treaty is comical.

The pursuit of such an offensive weapons treaty could nonetheless be detrimental to us. Why? Because Obama's hunger for a diplomatic success, such as it is, allowed the Russians to exact a price: linkage between offensive and defensive nuclear weapons.

This is important for Russia because of the huge American technological advantage in defensive weaponry. We can reliably shoot down an intercontinental ballistic missile. They cannot. And since defensive weaponry will be the decisive strategic factor of the 21st century, Russia has striven mightily for a quarter-century to halt its development. Gorbachev tried to swindle Reagan out of the Strategic Defense Initiative at Reykjavik in 1986. Reagan refused. As did his successors—Bush I, Clinton, Bush II.

Obama, who seeks to banish nuclear weapons entirely, has little use for such prosaic contrivances. First, the Obama budget actually cuts spending on missile defense, at a time when federal spending is a riot of extravagance and trillion-dollar deficits. Then comes the "pause" (as Russia's president appreciatively noted) in the planned establishment of a missile shield in Eastern Europe. And now the "Joint Understanding" commits us to a new treaty that includes "a provision on the interrelationship of strategic offensive and strategic defensive arms." Obama further said that the East European missile shield "will be the subject of extensive negotiations" between the United States and Russia.

Obama doesn't even seem to understand the ramifications of this concession. Poland and the Czech Republic thought they were regaining their independence when they joined NATO under the protection of the United States. They now see that the shield negotiated with us and subsequently ratified by all of NATO is in limbo. Russia and America will first have to "come to terms" on the issue, explained President Dmitry Medvedev. This is precisely the kind of compromised sovereignty that Russia wants to impose on its ex-Soviet colonies—and that U.S. presidents of both parties for the past 20 years have resisted.

Resistance, however, is not part of Obama's repertoire. Hence his eagerness for arcane negotiations over MIRV'd missiles, the perfect distraction from the major issue between the two countries: Vladimir Putin's unapologetic and relentless drive to restore Moscow's hegemony over the sovereign states that used to be Soviet satrapies.

That—not nukes—is the chief cause of the friction between the United States and Russia. You wouldn't know it to hear Obama in Moscow pledging to halt the "drift" in U.S.-Russian relations. Drift? The decline in relations came from Putin's desire to undo what he considers "the greatest geopolitical catastrophe" of the 20th century—the collapse of the Soviet empire. Hence his squeezing Ukraine's energy supplies. His overt threats against Poland and the Czech Republic for daring to make sovereign agreements with the United States. And finally, less than a year ago, his invading a small neighbor, detaching and then effectively annexing two of Georgia's provinces to Mother Russia.

That's the cause of the collapse of our relations. Not drift, but aggression. Or, as the reset master phrased it with such delicacy in his Kremlin news conference: "our disagreements on Georgia's borders."

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

● Mr. KENNEDY. Mr. President, I commend the Senate for including the Matthew Shepard Hate Crimes Prevention Act as part of the National Defense Authorization Act, and I am optimistic that at long last, our 12-year effort to enact this legislation into law is finally reaching fruition.

Hate crimes are acts of domestic terrorism. Like all terrorist acts, hate crimes are intended to strike fear into whole communities by crimes against a few. We have committed ourselves to protecting our country from terrorists who strike from abroad, and now we have committed ourselves to protecting Americans from hate-motivated crimes in our own backyards.

That is why 63 Senators from both sides of the aisle voted to include the



Matthew Shepard Hate Crimes Prevention Act as part of the National Defense Authorization Act. The House of Representatives already approved a very similar measure with strong bipartisan support earlier this year. The Matthew Shepard Act strengthens the ability of the Federal Government to investigate and prosecute hate crimes. It removes excessive restrictions in current Federal law that prevent effective hate crimes prosecutions. And it offers Federal assistance to State and local authorities in preventing, investigating, and prosecuting despicable crimes.

I am proud that President Obama is a strong supporter of this bipartisan legislation along with Attorney General Eric Holder. The Attorney General has been with us from the beginning of our efforts to get this done, and it is significant that swift enactment of this legislation would ensure that the measure is implemented under his impressive guidance.

The Attorney General's leadership at the Justice Department is launching a new era of civil rights enforcement. In recent months, we have worked with the Justice Department to improve the Senate-approved hate crimes bill so that it addresses hate crimes in the most effective and meaningful way, and I appreciate the time and expertise of so many at the Department on this matter, especially Mark Kappelhoff, Ron Weich, and Judy Appelbaum. In addition, I must thank the Justice Department for diligently working to provide its recent views letter which concludes that the Matthew Shepard Act would be "wholly constitutional."

Passage of the amendment would not have been possible without the skill and dedication of many in the Senate. I commend Majority Leader REID for his leadership and commitment to seeing that the amendment was passed before the August recess. In addition, I commend Serena Hoy of the majority leader's staff for her constant attention to the issue.

I also especially commend Senator LEVIN for working so hard with me on this measure for so many years, and Rick Deobobes and Kaye Meier of his staff for their tireless work on the Senate floor. I am also very grateful for the support and leadership of Senator LEAHY and his excellent staff, including Ed Pagano, Bruce Cohen, Kristine Lucius, Noah Bookbinder, and Roscoe Jones.

I appreciate as well the hard work of Senator DURBIN and his staffer Mike Zubrensky, as well as Senator COLLINS and her staff, including Rob Epplin, Amanda Wood, and Nikki McKinney. I also thank Judiciary Committee staffers Lara Flint and Danyelle Solomon, as well as Mike Jones on the Budget Committee, for their contributions as well. I also appreciate the expert and patient assistance of John Henderson and Bill Jensen in the Office of the Legislative Counsel of the Senate.

As is the case with many challenging issues before the Senate, passage of the

Matthew Shepard Act would have not been possible without the effective support of the Democratic cloakroom, especially Lula Davis.

Finally, I commend the outstanding work of so many in my own office, including Carey Parker, Christine Leonard, Ty Cobb, and Sara Kingsley—as well as Bethany Bassett, Jorie Feldman, Joe Barresi, Colin Taylor, and Jamie Susskind, who helped us get through the final stretch. For over a decade, we have been working to see this measure become law, and we certainly wouldn't be where we are today without the contributions of so many dedicated and determined staffers along the way.

Inclusion of the Matthew Shepard Act as part of the National Defense Authorization Act sends a strong signal that just as our Nation is concerned about terroristic acts abroad, it is also dedicated to eliminating homegrown terrorism against our Nation's own communities. We will be a stronger and better nation in the years ahead, once our laws recognize that bias-motivated violence has no place in the United States.●

Mr. FEINGOLD. Mr. President, while there are a number of provisions in the Fiscal Year 2010 National Defense Authorization Act that I support, I have some serious concerns about the bill that prevent me from supporting it. In particular, this bill does not contain a binding deadline to end the war in Iraq. While I am pleased that the President has committed to withdrawing our troops by the end of 2011, this redeployment schedule is too long and therefore may undermine our ability to combat al-Qaida and further strain our Armed Forces unnecessarily. In addition, while the President clearly understands that the greatest threat to our Nation resides in Pakistan, I remain concerned that his strategy regarding Afghanistan and Pakistan does not adequately address, and may even exacerbate, the problems we face in Pakistan. This bill authorizes funding that is being used to increase our military presence in Afghanistan, without ensuring that this strategy does not end up pushing militants into neighboring Pakistan and further destabilizing that nuclear-armed nation.

Among the provisions in the bill that I strongly support are a pay raise for those serving in uniform, a task force to review care for wounded warriors, and \$20 million in additional funding for the Cooperative Threat Reduction Program.

In addition, my amendment to ensure that wounded members of the Reserve component are not discharged until their disabilities have been evaluated will help ensure a smooth transition back into civilian life for these service members. I am pleased that this amendment was accepted and thank Senator LEVIN and Senator MCCAIN for their cooperation.

I am also pleased that the Senate accepted my amendment to require a re-

port on the adequacy of funding for forces needed to respond to the consequences of a chemical, biological, radiological, or nuclear explosive incident in the United States. Historically, the Defense Department has delayed efforts to stand up these forces and underfunded similar capabilities. This amendment will help ensure that these key civil support forces receive necessary funds.

Unfortunately, the Senate Armed Services Committee rejected my amendment to ensure our troops are not exposed to toxic fumes in Iraq and Afghanistan. This commonsense amendment would have prohibited the burning, in open pits, of waste that produces toxic fumes, including that which produces known carcinogens. I have urged the chairman to accede to the language in the House bill, which I helped to draft, that would prohibit this practice.

I continue to be concerned that foreign military assistance funds authorized by this bill are being awarded in violation of the Foreign Assistance Act. I will continue to work to ensure that the Pentagon complies with Federal law in its administration of these programs. The Foreign Assistance Act ensures that our foreign military assistance is administered in a manner that will promote legitimate governments and the rule of law. Failure to comply with these statutory requirements runs the risk of provoking instability, militancy and anti-Americanism in key regions throughout the world.

The bill contains a provision prohibiting the outsourcing of interrogations "during or in the aftermath of hostilities." I have previously cosponsored similar amendments covering the intelligence community.

I am pleased that the legislation includes changes to the Military Commissions Act to improve the procedures that would be used in military commission trials. The Military Commissions Act violated the basic principles and values of our constitutional system of government, and any improvement to it is welcome. However, I remain concerned that the military commission process is so discredited that it may not be possible to fix it. And I have yet to hear a convincing argument that other options for bringing detainees to justice—the civilian Federal criminal justice system and the military courts martial system—are insufficient or unworkable.

The bill requires a report on the Department's efforts to reduce spending on unneeded spare parts. I have long had concerns about wasteful spending on unnecessary spare parts. I was pleased that early this year, at my urging, the Air Force committed to reducing its on order excess inventory by half, thus saving American taxpayers roughly \$50 million.

This bill largely supports the President's efforts to restore fiscal responsibility to the defense budget. I was

pleased to support Senator LEVIN and Senator McCain's amendment stripping funds for the F-22 from the bill. The Defense Department has stated that it does not need any more of these aircraft, and that these funds are urgently needed to meet the real-world threats that we face today. I am also pleased that the President has reduced spending on redundant and unproven missile defense technologies. I am disappointed, however, that this bill contains billions of dollars of earmarks not requested by the Pentagon. This wasteful spending takes money away from our troops and endangers our national security.

Mr. KAUFMAN. Mr. President, today, I wish to speak on the Victims of Iranian Censorship, or VOICE, Act which passed last night as an amendment to the Defense authorization bill.

I was pleased to introduce this bill with Senators McCain, Lieberman, Casey, and Graham, and I thank the cosponsors for their shared commitment to this issue. I also thank Chairman Levin and Ranking Member McCain for helping to secure its passage.

The VOICE Act supports freedom of the press, freedom of speech, and freedom of expression in Iran, and authorizes funding for the Broadcasting Board of Governors to expand transmission capability and programming on Radio Farda and the Persian News Network.

It supports the development of technology to counter ongoing Internet censorship, and promotes online U.S.-Iranian educational and cultural exchanges.

Passage of the VOICE Act is especially timely given the suppression of free flowing information in and out of Iran since the June 12 presidential election.

While the people of Iran enthusiastically participated in these elections, it is painfully clear that the long road to democracy does not end there. A true democracy values fundamental freedoms, such as freedom of expression, which is protected under the International Covenant on Civil and Political Rights.

In fact, in 1976, Iran was one of the first countries to ratify—and it is still a party to—this U.N. treaty, which also protects the right to hold opinions without interference, and affirms the right to receive and impart information in writing, print, or through any other media.

Unfortunately, these international obligations have not been upheld in Iran, where the Internet and text-messaging services are monitored and blocked, and U.S.-funded television and radio broadcasting is increasingly jammed. News reporting has been censored, access for journalists has been restricted, and specific media outlets have been targeted and shutdown. Foreign journalists have had their press credentials cancelled and equipment confiscated.

They have been confined to their hotels and told their visas would not be

renewed. Foreign press bureaus in Tehran have been closed, and others have been instructed to suspend all their Farsi-language news.

For Iranian journalists, the stakes have been even higher. Numerous Iranian journalists have been detained, imprisoned, assaulted, and intimidated since the elections. And journalists have been instructed to file stories solely from their offices, which has limited their ability to provide timely and accurate news.

Regarding interference of international broadcasting, shortwave and medium wave transmissions of the Farsi-language Radio Free Europe/Radio Liberty's Radio Farda have been partially blocked. And satellite broadcasts, including those of the Voice of America's Persian News Network and the British Broadcasting Corporation, have been intermittently jammed.

These are popular services in Iran, which serve as a vital source of news and entertainment for the Iranian people, especially for those seeking access to credible information and news.

Since the election, efforts to suppress the free flow of information have not focused on the media alone. Blogs and social networking sites have been targeted as well, including popular websites such as Facebook and Twitter. Short message service in Iran has been blocked—preventing text messaging and jamming internet sites that utilize such services—and cell phone service has been partially shut-down. These restrictions have prevented the free flow of information, and precluded Iranian citizens from accessing unimpeded means of communication.

Iran did not develop this sophisticated Internet-censorship technology on its own. In fact, reports indicate that numerous companies including some with U.S. subsidiaries—have provided Iran with the software and technological expertise to block the Internet, and monitor online use to gather information about individuals.

Unfortunately, little is known about the specifics surrounding these sales, which likely including "deep packet inspection" technology, which, among other things, allows the government to read, block, and censor the Internet. In addition to giving it the capability to spread disinformation by modifying, tampering with, and diverting emails.

This behavior is unconscionable, and unfortunately not enough is known about the sale of Internet-restricting technology to countries including, but not limited to, Iran. That is why the VOICE Act requires a report to Congress examining the sale of technology that has furthered Iran's ability to filter and monitor the Internet, as well as disrupt cell phone and Internet use.

Our bill supports the Iranian people as they take steps to peacefully express their opinions and aspirations, and seek access to means of communication and news. It expresses respect for the sovereignty, proud history, and rich culture of the Iranian people, and

recognizes the universal values of freedom of speech and freedom of the press.

Most importantly, it supports the Iranian people as they seek access to unimpeded Internet access, cellular phone communications, and credible news.

I am pleased the Senate has adopted a bipartisan bill that supports the Iranian people as they seek unfettered access to news and other information.

It is critical that we continue to support for free speech, free press, and free expression in Iran and in every country throughout the world.

#### VIOLENCE AGAINST WOMEN IN AFGHANISTAN

Mr. KERRY. Mr. President, I wish to speak about women in Afghanistan. After months of collaborative discussions between women's advocacy groups and the Government of Afghanistan, the Elimination of Violence Against Women Act was just signed by Executive decree. I applaud the women who pushed for this bill, and those in the government who jointly prepared it. It represents transparency and collaboration between civil society and the government, something we should all congratulate. The bill will head to Parliament for final review when it reconvenes next week. It is my strong hope that Parliament review the law and pass it without delay, ensuring all protections remain intact. This bill provides real criminal sanctions for violence against women, and puts specific responsibilities onto the shoulders of government ministries. When we think of the abuse and repression exercised against women during the Taliban regime, it is hard not to feel encouraged by the very existence of this act, let alone its prospect for enactment.

Many, quite plausibly, will say that this law cannot be fully implemented anywhere in Afghanistan, as access to justice for women in the courts and in traditional councils is all too often out of reach, and because of the societal discrimination that women still suffer. Justice must be accessible to women in Afghanistan on an equal basis to men, or Afghanistan will never tap into the true, vast potential of the women of that country. This law is a giant step for the entire country in rejecting violence against women, but now the Parliament must take the final step to pass the law as it is, with all protections intact.

I must also mention the controversial Shia Personal Status Law that was also signed by Executive decree. It was drafted without transparency, and aimed to codify degrading practices that exist in some households and communities. Unlike the Elimination of Violence Against Women Act, civil society was not included during the drafting and debate of the law in Parliament. While women's civil organizations were able to force some amendments to the bill just before the president's signature, they were not able to

fully cleanse the bill of some harmful provisions. Now that the bill has been signed, I call on the Government of Afghanistan to communicate widely and openly about the final substance of the law.

The timing of this is vital. Afghanistan is about to go to the polls for presidential and provincial elections, and all eyes will be watching how and to what extent women participate. Women's access to the polls is imperative, and the value of their vote must be considered by the candidates.

#### JOHN PODESTA'S CULINARY SKILLS

Mr. LEAHY. Mr. President, our friend, Marion Burros, a superb writer on all matters culinary and otherwise, has written a most entertaining profile of John Podesta for Politico.

John Podesta is a friend of decades and someone Marcelle and I admire greatly. It is not only his and his wife Mary's talent in everything from the law to politics, but it is also the Podestas a privileged few see when they are preparing feasts in their District of Columbia home. Watching them is like watching a symphony where the enjoyment continues throughout the evening.

I can think of a number of times we settled all the problems of the world through laughter, food, discussions of our families, and on, in their kitchen. Anyone who doesn't relish such a feast for weeks after has no sense of culinary excellence—and I have never known anyone to leave disappointed.

Mr. President, so others might enjoy the Politico article, 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:

[From Politico, July 10, 2009]

JOHN PODESTA, A SEASONED HAND

(By Marian Burros)

John Podesta may be best known as one of Washington's consummate inside players. But he is also his family's chief cook, grocery shopper and, apparently, bottle washer—and can put on a five-course meal for six in the space of three hours without assistance, and with a bare minimum of advance preparation.

The adjectives used to describe Podesta's political skills—methodical and disciplined—apply equally to his well-honed cooking techniques, learned from his mother long before he became one of the capital's most influential Democratic power brokers.

No recipes, no timing notes. "I consult cookbooks for ideas," he said. "I don't use recipes. I don't tend to cook like a chemist."

What he does do is cook and talk at the same time, a skill generally found only among professionals. And he talks the game of a seasoned cook while he chops, using the proper knife technique. Interspersed are funny, self-deprecating stories, including tales of his tour of duty as a guide wearing an 18th-century costume that involved slaughtering and roasting pigs.

But more on that later.

Hard-driving is the adjective often applied to Podesta's style in all of the various incar-

nations of his Washington career—as a lobbyist with his brother Tony, as a staffer for Sen. Pat Leahy (D-Vt.), as chief of staff in the Clinton White House, as co-chairman of the Obama transition team and as chief executive of the Center for American Progress, a liberal think tank he helped found. When he relaxes, if that is a word that can be applied to the tightly wound Podesta, it's through two favorite pursuits: jogging and cooking.

He also collects contemporary art, is a UFO aficionado and loves nothing more than to sit in the front car of a roller coaster with his wife, Mary, as they hurtle along, holding hands above their heads. A feat, he notes proudly, achieved with the purchase of senior citizen tickets. He runs marathons, completing his latest in Rome in 4:06. In fact, he plans his menus while he runs. "I kept going back and forth between pork and fish," he said about dinner on a recent evening.

"Cooking is what I do to relax," he said. "It's much easier to see the fruits of your labor. It's fun."

Even better is cooking for crowds. "Cooking for 50 needs organization, preparation and thought," Podesta said. "One part is creative; one part you have to get your mind focused. That's challenging."

As a young boy, he was expected to finish the dinners his mother, who worked at night, left on the stove. Mary Podesta was Greek-American, his father Italian-American, so he learned to cook dishes from both cultures. "I make a pretty mean moussaka, pastitsio, baklava and spanakopita," he said, reeling off Greek dishes that are complicated, the latter two made with the paper-thin phyllo dough, requiring great manual dexterity.

"My mother had an intuitive sense of cooking and chemistry," he said. "She was a fixture in Washington. When my brother was hosting a fundraiser, she would cook and sit in the kitchen. She was very liberal and very opinionated, and this was the age of Republican control of Congress."

"A reporter was talking to her, and she was going off on Trent Lott, [Newt] Gingrich and [Tom] DeLay. It was the most embarrassing moment for us, but the reporter took pity on her and didn't write about it."

As Podesta explains it, with a Greek mother and Italian father, speaking your mind was a core value of his childhood. "We were a blue-collar Chicago family," he said. "The kitchen table was not a model of decorum. It was all right to yell."

His heritage, he once told an interviewer, also explains his hot temper and accounts for the occasional appearance of Skippy, his sarcastic and ill-humored alter ego.

Flashing a touch of his well-known wit, he said it also explains "why I can't understand why Obama doesn't hold grudges."

The meal began with the risotto, topped with chopped fresh radicchio and basil and served with a 2004 Fonterutoli Chianti Classico. Podesta put the tilapia on to cook while the guests finished the risotto. It was served with all of the vegetable dishes and a 2006 Kistler Carneros chardonnay.

He wondered aloud if he should serve the salad and then disappeared into the basement for the mandoline to slice the fennel and red peppers, which he dressed with olive oil and lemon juice.

His wife, Mary, arrived home from her book club just in time for the dessert of berries in prosecco, which was served with Perrier Jouet rosé. She confirmed that he did most of the cooking and the dishes.

"Having a husband who does all the cooking is pretty great," said Mary Podesta, who is also a lawyer. Asked if she had a say in what is served, there was a pause: "We negotiate."

Podesta cooks dinner every night he is in town, as he did when his three children lived

at home, and thought nothing of introducing them to exotic foods like frogs' legs, sweetbreads and squid. He and his wife seldom eat out and entertain about once a week.

It's no different from his remarkable ability to impose discipline on a bunch of unruly Democrats—or the fractious factions of the Clinton West Wing.

For this informal Sunday dinner for six, the 60-year-old Podesta was dressed in a polo shirt, shorts, sports socks and sneakers. He led his guests directly to the modest kitchen in his Northwest D.C. home, where most surfaces were covered with what was soon to be dinner. There were tomato halves soon to be topped with pesto (the one recipe he had made in advance); arborio rice simmering on the stove, on its way to being risotto; a pan of sautéed leeks and radicchio to be added to the risotto; Brussels sprouts to be roasted with thyme; bok choy and a baking dish, which would soon hold tilapia sprinkled with olives and capers and cooked in parchment.

Cocktails, or the kibitzing hour, took place in the kitchen, where simple snacks to go with the Jacob's Creek sparkling wine included dried apricots stuffed with goat cheese.

Podesta likened dinner preparations to training for "Iron Chef," though there was no secret ingredient and his only competition was with himself, to pull off the dinner without a hitch.

He has been, however, prevailed upon to participate in celebrity cook-offs that Rep. Rosa DeLauro (D-Conn.) holds to raise campaign cash. He had only this to say about the results: "When the lobbyists judge, usually a member of Congress wins. When Nora Pouillon (the chef and owner of Restaurant Nora) judged it, I won." His winning dish was grilled tuna in the style of vitello tonnato.

Running 30 miles a week explains, in part, why he is reed-thin, despite his love of food. But then, he has never liked breakfast and hardly ever goes out to business lunches, considering them "an occupational hazard."

As Podesta talked, he went back and forth between the dishes, his timing impeccable. He doesn't rattle easily.

A few things were bought the day before, the rest that morning. His choice of grocery stores reflects his frugal nature as much as his cooking skills. Before Balducci's bit the dust, he avoided it. "Too expensive," he said. While he goes to Magruder's and Whole Foods, he also goes to Costco and Rodman's, a drugstore better known for its discounted gourmet products than for filling prescriptions.

His stove also makes a statement about his frugality. "I'm not into the whole Vulcan thing and all that," he said. "I do very well with a Sears stove. I'm always bargain hunting; I could totally live on Social Security." Not counting his fine wine collection or his contemporary art, perhaps—though continuing the frugal theme, he insists the art is "mostly picked up at bargain-basement prices."

The hunt for bargains is a testament to his mother's influence. "My parents were completely Depression people, but we always ate well, even during the war," he said. "My mother scrounged around for bargains till the day she died."

They even cooked their own wedding supper for 80—with the help of a few relatives.

Talk of pig roasting and slaughter kept popping up during dinner and was the last tale Podesta told before the guests left. To earn money while attending law school at Georgetown, he spent two years working at Turkey Run Farm in McLean, now called the Claude Moore Colonial Farm, an 18th-century re-creation.

He dressed in britches, a blousy linen shirt, floppy hat and homemade shoes and learned how to butcher and roast a pig.

Standing in the kitchen and acting out his role, Podesta explained: "It's best to do the butchering at 4 a.m., "because pigs should be slaughtered when it is cool, and it takes a long time to roast them. The pig is hauled on a front-end loader in order to split and gut it. It's most important to slow the pig down by shooting it between the eyes so you can cut its throat. It makes the pig less ornery and a whole lot more cooperative than if you just stick a knife in its throat."

In homage to these skills, Podesta used to have a picture of a pig on a spit as his screen saver, but his staffers made him get rid of it, because he said: "They couldn't stand looking into the pig's eyes during meetings."

The powerful John Podesta does not always get his way.

#### COMMENDING ROBERT DALLAS PRICE

Mr. BARRASSO. Mr. President, an American's success can be measured in large part on how he or she helps others. This year, the Boys and Girls Clubs of Central Wyoming have selected as their Man of the Year someone who has made his life's mission serving others. There is a very special person who has given voice to so many important causes in our State, and today I am proud to note this recognition of one of Wyoming's great citizens—Bob Price.

The Boys and Girls Clubs of Central Wyoming plays a vitally important role in our State. They serve all youth regardless of economic circumstances. They continue to expand thanks to the generous support of the Tate Foundation, the McMurry Foundation, and the city of Casper. Their inspiration and work has spread to adjacent counties. What is exceptional about the Boys and Girls Clubs of Central Wyoming is their dedicated and loyal volunteer base. Their Person of the Year, Robert Dallas Price, takes service to his community to a new level.

Bob Price grew up in Chicago and graduated from the College of Great Falls, MT. He started his successful business career in Casper, WY, climbing through the ranks at KTWO Radio and Television to become general manager. He chose to forgo television in favor of focusing on his radio ventures and soon became vice president of GapWest Broadcasting—growing his family of radio stations to include six others. It is hard to imagine that anyone in Wyoming does not recognize the radio voice of Bob Price.

While Mr. PRICE has shown his exceptional achievement as a businessman in the operation and management of radio stations across Wyoming, he has truly gained success through his hands-on involvement with local civic groups that work to make a difference in our great State.

When Bob saw a community need, he worked to see that it was addressed. From Bob's vision over 25 years ago, the Wyoming Health Fairs were created. Now, the Health Fairs serve over 51,000 people yearly in nearly every Wyoming community. By keeping costs low, the Health Fairs facilitate participants' active involvement in preven-

tion and early detection. Their motto, "helping you help yourself . . . be well" is a model our entire Nation would be wise to follow.

Another important tradition in our lives also traces its roots back to Bob Price. The Jerry Lewis Muscular Dystrophy Telethon is a Labor Day tradition for families all across America. Bob knew that Wyoming families would want to help too. He started Wyoming's MDA Telethon in 1977 and to this day we all look forward to sharing our Labor Day weekend in support of this worthwhile organization.

Hardly a week goes by without Bob doing something to help others. He has worked on behalf of the Youth Baseball League and Stage III Community Theater productions. He has dedicated years of service on the boards of successful organizations like the Wyoming Symphony Orchestra, Central Wyoming Counseling Center, and Natrona County United Way, just to name a few. He launched the Beartrap Music Festival on Casper Mountain 15 years ago, and his behind-the-scenes work ensures the event keeps growing. He has lent his presence and voice to serve as emcee for countless special events like the Wyoming Sports Hall of Fame Induction Ceremony and Make-a-Wish campaigns.

Bob's willingness to reach out to so many different groups is a constant reminder of his personal dedication to the value of community involvement. Through his engagement, Bob Price has driven our community toward success and drawn our people together. His is a voice that we from Wyoming know and trust, and he has a spirit of service that inspires. The people of Wyoming today, as well as generations to come, will feel the impact of his generous and selfless contributions to his community and our world.

Mr. President, I am so proud to call Bob Price my friend. My life has been enriched because of our friendship. It is fitting and terrific that the Boys and Girls Clubs of Central Wyoming have named him Man of the Year, and I ask that my colleagues join me in sending our congratulations to Bob for this well-deserved honor.

#### ADDITIONAL STATEMENTS

##### COMMENDING ROBERT D. STEELE

• Mr. CASEY. Mr. President, today I honor the service of Robert D. Steele, dean of the College of Agricultural Sciences at the Pennsylvania State University. After 12 years of serving the students, the college and the university, Dr. Steele is stepping down as dean and rejoining the faculty in the Department of Food Science at Penn State.

As dean of the College of Agricultural Sciences, Dr. Steele was responsible for the day-to-day operation of a college that is renowned for its top-notch agricultural research. Dr. Steele

administered an annual budget of over \$175 million, managed a staff of over 2,000 employees, and was a leader for approximately 2,500 students.

Bob Steele is dedicated to the students and the growth of the College of Agricultural Sciences. During his tenure he oversaw the transformation and planned growth of the college. Dr. Steele has to his credit many accomplishments as the college's dean, including major new additions including the new Food Science and Forest Resources buildings; implementation of new marketing and recruitment programs that have led to increased undergraduate enrollment, reversing a trend of declining enrollments experienced by colleges of agriculture nationwide; steady growth in the research funds for the college; addition of key new research initiatives in chemical ecology, reproductive biology, and infectious disease and immunology, which have resulted in the addition of internationally renowned scientists to the college and enhanced graduate education; a renewed focus on environmental and energy issues, including the establishment of the Environment and Natural Resources Institute, the Biomass Energy Center, and the Agriculture and Environmental Science Policy Center; and significant progress in the planning, development, and fund-raising for The Arboretum at Penn State.

Dr. Steele has taken his academic expertise outside the campus of Penn State serving on many committees that moved agriculture forward on the national level. His passionate interest in the success of Penn State and other land grant universities is evident with his service on the Special Think Tank Committee on the future of land grant colleges of agriculture partnership with the U.S. Department of Agriculture. Dr. Steele was also instrumental in providing valuable ideas and leadership for the 2008 farm bill through his service on various national committees, such as the National Association of State Universities and Land-Grant Colleges Agriculture Deans.

Although Dr. Steele's dedication and talents will be missed in the administration of the College of Agricultural Sciences at Penn State, the students enrolled in that program will benefit from his return to the classroom. I am certain that his expertise, knowledge, and experiences will serve them well.

I congratulate Bob Steele on his outstanding achievements as dean and his distinguished service to Penn State and the Commonwealth of Pennsylvania and his continued commitment to Pennsylvania's farm families. I also personally thank him for his friendship and his invaluable advice to me and my staff. I wish him all the best as he returns to the classroom.●

#### MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to

the Senate by Mrs. Neiman, one of his secretaries.

#### EXECUTIVE MESSAGE REFERRED

As in executive session the Presiding Officer laid before the Senate a message from the President of the United States submitting a nomination which was referred to the Committee on Commerce, Science, and Transportation.

(The nomination received today is printed at the end of the Senate proceedings.)

#### MESSAGE FROM THE HOUSE

At 11:45 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that pursuant to section 5 of the Fraud Enforcement and Recovery Act of 2009 (Public Law 111-21), and the order of the House of January 6, 2009, the Speaker and the Majority Leader of the Senate jointly appoint the following individual to the Financial Crisis Inquiry Commission: Mr. Phil Angelides of Sacramento, California, Chairman. Additionally the Speaker appoints the following individuals on the part of the House of Representatives: Ms. Brooksley Born of Washington, DC, and Mr. John W. Thompson of Woodside, California.

The message also announced that pursuant to section 5 of the Fraud Enforcement and Recovery Act of 2009 (Public Law 111-21), the Minority Leader appoints the following members on the part of the House of Representatives to the Financial Crisis Inquiry Commission: The Honorable William M. Thomas of Bakersfield, California, Vice Chairman, and Mr. Peter J. Wallison of Old Snowmass, Colorado.

#### 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-2415. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Standards for Permanent, Privately Owned Horse Quarantine Facilities" (Docket No. APHIS-2006-0013) received in the Office of the President of the Senate on July 14, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2416. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "User Fees; Export Certification for Plants and Plant Products" (Docket No. APHIS-2006-0137) received in the Office of the President of the Senate on July 14, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2417. A communication from the Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of

a rule entitled "Prevention of Salmonella Enteritidis in Shell Eggs During Production, Storage, and Transportation" (RIN0910-AC14) received in the Office of the President of the Senate on July 20, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2418. A communication from the Chairman, Defense Nuclear Facilities Safety Board, transmitting, pursuant to law, the Board's Quarterly Report to Congress on the Status of Significant Unresolved Issues with the Department of Energy's Design and Construction Projects; to the Committee on Armed Services.

EC-2419. A communication from the Secretary of the Army, transmitting, pursuant to law, a report relative to the Manned Ground Vehicle Selected Acquisition Report; to the Committee on Armed Services.

EC-2420. A communication from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled "Modification of Temporary Liquidity Guarantee Program" (RIN3064-AD37) received in the Office of the President of the Senate on July 22, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-2421. A communication from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled "Amendment of the Temporary Liquidity Guarantee Program to Extend the Debt Guarantee Program and to Impose Surcharges on Assessments for Certain Debt Issued on or After April 1, 2009" (RIN3064-AD37) received in the Office of the President of the Senate on July 22, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-2422. A communication from the Acting Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Addition of Certain Persons on the Entity List; Addition of Persons Acting Contrary to the National Security or Foreign Policy Interests of the United States; Removal of Persons based on ERC Annual Review and Removal Requests; and Entry Modified for Purposes of Clarification" (RIN0694-AE59) received in the Office of the President of the Senate on July 21, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-2423. A communication from the Assistant to the Board, Board of Governors, Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled "Truth in Lending" (Regulation Z; Docket No. R-1364) received in the Office of the President of the Senate on July 22, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-2424. A communication from the Chairman of the Board of Governors, Federal Reserve System, transmitting, pursuant to law, the Board's semiannual Monetary Policy Report to the Congress; to the Committee on Banking, Housing, and Urban Affairs.

EC-2425. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to the United Arab Emirates; to the Committee on Banking, Housing, and Urban Affairs.

EC-2426. A communication from the Deputy General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Smart Grid Policy" (RIN1902-AD82) received in the Office of the President of the Senate on July 20, 2009; to the Committee on Energy and Natural Resources.

EC-2427. 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 "S-Abscisic Acid; Temporary Exemption From the Requirement of a Tolerance" (FRL No. 8427-3) received in the Office of the President of the Senate on July 22, 2009; to the Committee on Environment and Public Works.

EC-2428. 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; State of Hawaii; Update to Materials Incorporated by Reference" (FRL No. 8916-9) received in the Office of the President of the Senate on July 22, 2009; to the Committee on Environment and Public Works.

EC-2429. A communication from the Director of Human Resources, Office of Administration and Resources Management, Environmental Protection Agency, transmitting, pursuant to law, (5) reports relative to vacancy announcements and (4) reports relative to confirmations within the Office of Management and Budget; to the Committee on Environment and Public Works.

EC-2430. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Ohio; Volatile Organic Compound Emission Control Measures for Cleveland" (FRL No. 8932-4) received in the Office of the President of the Senate on July 22, 2009; to the Committee on Environment and Public Works.

EC-2431. A communication from the Director of Congressional Affairs, Federal and State Materials and Environmental Management, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Medical Use of Byproduct Material—Authorized User Clarification" (RIN3150-AI59) received in the Office of the President of the Senate on July 20, 2009; to the Committee on Environment and Public Works.

EC-2432. 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 Implementation Plans; South Carolina; Transportation Conformity Memorandum of Agreement Update" (FRL No. 8936-2) received in the Office of the President of the Senate on July 22, 2009; to the Committee on Environment and Public Works.

EC-2433. A communication from the Railroad Retirement Board, transmitting, pursuant to law, a report entitled "Draft Strategic Plan 2009 through 2014"; to the Committee on Health, Education, Labor, and Pensions.

EC-2434. A communication from the General Counsel, Office of Compliance, transmitting, pursuant to law, a report entitled "Biennial Report on Occupational Safety and Health Inspections"; to the Committee on Health, Education, Labor, and Pensions.

EC-2435. A communication from the Director, Strategic Human Resources Policy, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Prevailing Rate Systems; Redefinition of the New Haven-Hartford and New London, Connecticut, Appropriated Fund Federal Wage System Wage Areas" (RIN3206-AL83) received in the Office of the President of the Senate on July 22, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-2436. A communication from the Director, Strategic Human Resources Policy, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Recruitment and Selection through Competitive Examination" (RIN3206-AL13) received in the Office of the President of the Senate on July 22, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-2437. A communication from the General Counsel and Senior Policy Advisor, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report relative to action on a nomination for the position of Deputy Director for Management, received in the Office of the President of the Senate on July 17, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-2438. A communication from the Inspector General, Department of Commerce, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from October 1, 2008 through March 31, 2009; to the Committee on Homeland Security and Governmental Affairs.

### REPORTS OF COMMITTEES

The following reports of committees were submitted:

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

S. 252. A bill to amend title 38, United States Code, to enhance the capacity of the Department of Veterans Affairs to recruit and retain nurses and other critical health-care professionals, to improve the provision of health care veterans, and for other purposes (Rept. No. 111-60).

### 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 Ms. LANDRIEU (for herself and Ms. SNOWE):

S. 1513. A bill to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; considered and passed.

By Ms. MURKOWSKI:

S. 1514. A bill to ensure safe, secure, and reliable marine shipping in the Arctic including the availability of aids to navigation, vessel escorts, spill response capability, and maritime search and rescue in the Arctic, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Ms. MURKOWSKI:

S. 1515. A bill to amend the Hydrographic Services Improvement Act of 1998 to authorize funds to acquire hydrographic data and provide hydrographic services specific to the Arctic for safe navigation, delineating the United States extended continental shelf, and the monitoring and description of coastal changes; to the Committee on Commerce, Science, and Transportation.

By Mr. FEINGOLD (for himself, Mr. WHITEHOUSE, and Mr. CARDIN):

S. 1516. A bill to secure the Federal voting rights of persons who have been released from incarceration; to the Committee on the Judiciary.

By Ms. MURKOWSKI (for herself and Ms. LANDRIEU):

S. 1517. A bill to enhance domestic energy security by increasing production from fos-

sil-based resources in the outer Continental Shelf in an economically and environmentally responsible manner; to the Committee on Energy and Natural Resources.

### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. BURR (for himself and Mrs. FEINSTEIN):

S. Res. 223. A resolution designating September 2009 as "National Child Awareness Month" to promote awareness of charities benefitting children and youth-serving organizations throughout the United States and recognizing efforts made by these charities and organizations on behalf of children and youth as critical contributions to the future of our Nation; considered and agreed to.

By Mr. BOND (for himself and Mr. INOUE):

S. Res. 224. A resolution recognizing the increasingly beneficial relationship between the United States and the Republic of Indonesia; to the Committee on Foreign Relations.

By Mr. SCHUMER:

S. Con. Res. 35. A concurrent resolution authorizing printing of the pocket version of the United States Constitution; considered and agreed to.

### ADDITIONAL COSPONSORS

S. 182

At the request of Mr. DODD, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 182, a bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

S. 211

At the request of Mr. PRYOR, his name was added as a cosponsor of S. 211, a bill to facilitate nationwide availability of 2-1-1 telephone service for information and referral on human services and volunteer services, and for other purposes.

S. 316

At the request of Mrs. LINCOLN, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 316, a bill to amend the Internal Revenue Code of 1986 to make permanent the reduction in the rate of tax on qualified timber gain of corporations, and for other purposes.

S. 540

At the request of Mrs. GILLIBRAND, her name was added as a cosponsor of S. 540, a bill to amend the Federal Food, Drug, and Cosmetic Act with respect to liability under State and local requirements respecting devices.

S. 604

At the request of Mr. SANDERS, the names of the Senator from Utah (Mr. HATCH) and the Senator from South Carolina (Mr. GRAHAM) were added as cosponsors of S. 604, a bill to amend title 31, United States Code, to reform the manner in which the Board of Gov-

ernors of the Federal Reserve System is audited by the Comptroller General of the United States and the manner in which such audits are reported, and for other purposes.

S. 624

At the request of Mr. DURBIN, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 624, a bill to provide 100,000,000 people with first-time access to safe drinking water and sanitation on a sustainable basis by 2015 by improving the capacity of the United States Government to fully implement the Senator Paul Simon Water for the Poor Act of 2005.

S. 700

At the request of Mr. BINGAMAN, the name of the Senator from Connecticut (Mr. DODD) 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. 801

At the request of Mr. AKAKA, the names of the Senator from Pennsylvania (Mr. CASEY), the Senator from Colorado (Mr. BENNETT), the Senator from New Mexico (Mr. UDALL) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 801, a bill to amend title 38, United States Code, to waive charges for humanitarian care provided by the Department of Veterans Affairs to family members accompanying veterans severely injured after September 11, 2001, as they receive medical care from the Department and to provide assistance to family caregivers, and for other purposes.

S. 950

At the request of Mrs. LINCOLN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 950, a bill to amend title XVIII of the Social Security Act to authorize physical therapists to evaluate and treat Medicare beneficiaries without a requirement for a physician referral, and for other purposes.

S. 1005

At the request of Mr. CARDIN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1005, a bill to amend the Federal Water Pollution Control Act and the Safe Drinking Water Act to improve water and wastewater infrastructure in the United States.

S. 1023

At the request of Mr. SPECTER, his name was added as a cosponsor of S. 1023, a bill to establish a non-profit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States.

S. 1065

At the request of Mr. BROWNBACK, the names of the Senator from Massachusetts (Mr. KENNEDY) and the Senator



from Washington (Ms. CANTWELL) were added as cosponsors of S. 1065, a bill to authorize State and local governments to direct divestiture from, and prevent investment in, companies with investments of \$20,000,000 or more in Iran's energy sector, and for other purposes.

S. 1121

At the request of Mr. HARKIN, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 1121, a bill to amend part D of title V of the Elementary and Secondary Education Act of 1965 to provide grants for the repair, renovation, and construction of elementary and secondary schools, including early learning facilities at the elementary schools.

S. 1215

At the request of Mr. CASEY, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 1215, a bill to amend the Safe Drinking Water Act to repeal a certain exemption for hydraulic fracturing, and for other purposes.

S. 1239

At the request of Mr. BINGAMAN, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 1239, a bill to amend section 340B of the Public Health Service Act to revise and expand the drug discount program under that section to improve the provision of discounts on drug purchases for certain safety net providers.

S. 1265

At the request of Mr. CORNYN, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of S. 1265, a bill to amend the National Voter Registration Act of 1993 to provide members of the Armed Forces and their family members equal access to voter registration assistance, and for other purposes.

S. 1379

At the request of Mr. WHITEHOUSE, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 1379, a bill to encourage energy efficiency and conservation and development of renewable energy sources for housing, commercial structures, and other buildings, and to create sustainable communities.

S. 1428

At the request of Mr. WHITEHOUSE, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 1428, a bill to amend the Toxic Substances Control Act to phase out the use of mercury in the manufacture of chlorine and caustic soda, and for other purposes.

S. 1439

At the request of Mr. WYDEN, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 1439, a bill to provide for duty-free treatment of certain recreational performance outerwear, and for other purposes.

S. 1490

At the request of Mr. LEAHY, the name of the Senator from New York

(Mr. SCHUMER) was added as a cosponsor of S. 1490, a bill to prevent and mitigate identity theft, to ensure privacy, to provide notice of security breaches, and to enhance criminal penalties, law enforcement assistance, and other protections against security breaches, fraudulent access, and misuse of personally identifiable information.

S. 1505

At the request of Mr. PRYOR, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 1505, a bill to provide immigration reform by securing America's borders, clarifying and enforcing existing laws, and enabling a practical employer verification program, and for other purposes.

AMENDMENT NO. 1701

At the request of Mr. JOHANNIS, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of amendment No. 1701 intended to be proposed to S. 1390, an original bill to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. FEINGOLD (for himself, Mr. WHITEHOUSE, and Mr. CARDIN):

S. 1516. A bill to secure the Federal voting rights of persons who have been released from incarceration; to the Committee on the Judiciary.

Mr. FEINGOLD. Mr. President, in a democracy, no right is more important than the right to vote; in our democracy, no right has been so dearly won. This country was founded on the idea that a just government derives its power from the consent of the governed, a principle codified in the very first words of our Constitution: "We the People of the United States." From the Civil War through the women's suffrage movement through the Voting Rights Act of 1965 through the 26th Amendment, the continuing expansion of the franchise, a broadening of who "we the people" are, is one of our great American narratives.

Today I introduce the Democracy Restoration Act of 2009. This bill will guarantee that citizens who are not incarcerated have the right to vote in Federal elections. I am proud that the junior Senator from Rhode Island, Sen. WHITEHOUSE, and the junior Senator from Maryland, Sen. CARDIN, have agreed to cosponsor this legislation.

Once, only wealthy white men could vote. Once, African Americans, ethnic minorities, women, young people, the poor, and the uneducated were all excluded. Today, we look back at those times and wonder how our country could have denied its citizens such a fundamental right for so long. Yet

today, we continue to disenfranchise an estimated four million of our fellow citizens who were convicted of felonies but are no longer in prison. Two million of these people have fully served their sentences, and the other two million are on probation, parole, or supervised release. These people are living and working in the community, paying taxes, and contributing to society. But they cannot vote.

At this time, 10 States still strip some people who have entirely completed their sentences—who have paid their debt to society—of their right to vote. Some 35 States deny the vote to people on parole, and 30 of those states also deny the vote to people on probation. I believe that the practice of stripping our fellow citizens of their voting rights is un-American. It weakens our democracy. It is an anachronism, one of the last vestiges of a medieval jurisprudence that declared convicted criminals to be outlaws, irrevocably expelled from society. This principle was called "civil death."

Back then, in the despotisms of medieval Europe, it was reserved for the worst crimes. Yet today, here, in the greatest democracy in the world, we continue to sentence 4 million people—people who have served their time, people who are contributing members of society—to civil death.

One might ask how something as undemocratic as civil death could have survived to the present day. Unfortunately the practice of disenfranchising people with felony convictions has an explicitly racist history. Like the grandfather clause, the literacy test, and the poll tax, civil death became a tool of Jim Crow.

Across the country, thirteen percent of African-American men are disenfranchised because of a felony conviction. In 14 States, civil death provisions have stripped more than ten percent of the entire African-American voting-age population of the right to vote. In 4 States, civil death provisions disenfranchise more than 20 percent of eligible African-American voters.

The architects of Jim Crow would be proud of their handiwork, and how it has lasted long after the rest of their evil system was dismantled. The rest of us should be ashamed, and yes, outraged. If we believe in redemption, we should be outraged. Because civil death has denied 4 million Americans a chance at redemption. If we believe in progress, we should be outraged. Because civil death keeps this country chained to the worst moments of our past. If we believe in democracy, we should be outraged. Because civil death strikes at the heart of our democracy.

There is a growing movement across the country to expand the franchise and restore voting rights to people coming out of prison and reentering the community. In the last decade, 16 states have reformed their laws to expand the franchise or ease voting rights restoration procedures. This bill continues that movement. It provides



that the right to vote for candidates for Federal office shall not be denied or abridged because a person has been convicted of a crime unless that person is actually in prison serving a felony sentence. It gives the Attorney General of the U.S. the power to obtain declaratory or injunctive relief to enforce that right. It gives a person whose rights are being violated a right to go to court to get relief.

The bill also requires federal and state officials to notify individuals of their right to vote once their sentences have been served. This is an important part of the bill, given the long history of these civil death provisions. Even after this bill passes, many ex-offenders may not know their rights, and we should take affirmative steps to make sure that they do.

Upon signing the Voting Rights Act of 1965, President Johnson said:

The vote is the most powerful instrument ever devised by man for breaking down injustice and destroying the terrible walls which imprison men because they are different from other men.

When prisoners return to their communities after serving their sentences, we expect and hope that they will reintegrate themselves into society as productive citizens. Yet, without the right to vote, rehabilitated felons are already a step behind in regaining a sense of civic responsibility and commitment to their communities. If our country wants ex-offenders to succeed at becoming better citizens, who both abide by the law and act as responsible individuals, then we need to restore this most fundamental right. I urge my colleagues to support this important legislation.

Mr. President, I ask unanimous consent that the text of the bill be included in the RECORD.

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

S. 1516

*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 "Democracy Restoration Act of 2009".

#### SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) The right to vote is the most basic constitutive act of citizenship. Regaining the right to vote reintegrates offenders into free society, helping to enhance public safety.

(2) Article I, section 4 of the Constitution of the United States grants Congress ultimate supervisory power over Federal elections, an authority which has repeatedly been upheld by the Supreme Court.

(3) Basic constitutional principles of fairness and equal protection require an equal opportunity for Americans to vote in Federal elections. The right to vote may not be abridged or denied by the United States or by any State on account of race, color, gender or previous condition of servitude. The 14th, 15th, 19th, 24th, and 26th Amendments to the Constitution empower Congress to enact measures to protect the right to vote in Federal elections.

(4) There are three areas where discrepancies in State laws regarding felony convictions lead to unfairness in Federal elections—

(A) there is no uniform standard for voting in Federal elections which leads to an unfair disparity and unequal participation in Federal elections based solely on where a person lives;

(B) laws governing the restoration of voting rights after a felony conviction vary throughout the country and persons in some States can easily regain their voting rights while in other States persons effectively lose their right to vote permanently; and

(C) State disenfranchisement laws disproportionately impact racial and ethnic minorities.

(5) Disenfranchisement results from varying State laws that restrict voting while under some form of criminal justice supervision or after the completion of a felony sentence in some States. Two States do not disenfranchise felons at all (Maine and Vermont). Forty-eight States and the District of Columbia have disenfranchisement laws that deprive convicted offenders of the right to vote while they are in prison. In thirty-five States, convicted offenders may not vote while they are on parole and thirty of these States disenfranchise felony probationers as well. In ten States, a conviction can result in lifetime disenfranchisement.

(6) An estimated 5,300,000 Americans, or about one in forty-one adults, currently cannot vote as a result of a felony conviction. Nearly 4,000,000 (74 percent) of the 5,300,000 disqualified voters are not in prison, but are on probation or parole, or are ex-offenders. Approximately 2,000,000 of those individuals are individuals who have completed their entire sentence, including probation and parole, yet remain disenfranchised.

(7) In those States that disenfranchise ex-offenders, the right to vote can be regained in theory, but in practice this possibility is often granted in a nonuniform and potentially discriminatory manner. Offenders must either obtain a pardon or order from the Governor or action by the parole or pardon board, depending on the offense and State. Offenders convicted of a Federal offense often have additional barriers to regaining voting rights.

(8) State disenfranchisement laws disproportionately impact racial and ethnic minorities. Eight percent of the African American population, or 2,000,000 African Americans, are disenfranchised. Given current rates of incarceration, approximately one in three of the next generation of African American men will be disenfranchised at some point during their lifetime. Hispanic citizens are also disproportionately disenfranchised based upon their disproportionate representation in the criminal justice system.

(9) Disenfranchising citizens who have been convicted of a felony offense and who are living and working in the community serves no compelling State interest and hinders their rehabilitation and reintegration into society.

(10) State disenfranchisement laws can suppress electoral participation among eligible voters by discouraging voting among family and community members of disenfranchised persons. Future electoral participation by the children of disenfranchised parents may be impacted as well.

(11) The United States is the only Western democracy that permits the permanent denial of voting rights to individuals with felony convictions.

#### SEC. 3. RIGHTS OF CITIZENS.

The right of an individual who is a citizen of the United States to vote in any election for Federal office shall not be denied or

abridged because that individual has been convicted of a criminal offense unless such individual is serving a felony sentence in a correctional institution or facility at the time of the election.

#### SEC. 4. ENFORCEMENT.

(a) ATTORNEY GENERAL.—The Attorney General may, in a civil action, obtain such declaratory or injunctive relief as is necessary to remedy a violation of this Act.

(b) PRIVATE RIGHT OF ACTION.—

(1) IN GENERAL.—A person who is aggrieved by a violation of this Act may provide written notice of the violation to the chief election official of the State involved.

(2) RELIEF.—Except as provided in paragraph (3), if the violation is not corrected within 90 days after receipt of a notice under paragraph (1), or within 20 days after receipt of the notice if the violation occurred within 120 days before the date of an election for Federal office, the aggrieved person may, in a civil action obtain declaratory or injunctive relief with respect to the violation.

(3) EXCEPTION.—If the violation occurred within 30 days before the date of an election for Federal office, the aggrieved person need not provide notice to the chief election official of the State under paragraph (1) before bringing a civil action to obtain declaratory or injunctive relief with respect to the violation.

#### SEC. 5. NOTIFICATION OF RESTORATION OF VOTING RIGHTS.

(a) STATE NOTIFICATION.—

(1) NOTIFICATION.—On the date determined under paragraph (2), each State shall notify in writing any individual who has been convicted of a criminal offense under the law of that State that such individual has the right to vote in an election for Federal office pursuant to the Democracy Restoration Act and may register to vote in any such election.

(2) DATE OF NOTIFICATION.—

(A) FELONY CONVICTION.—In the case of such an individual who has been convicted of a felony, the notification required under paragraph (1) shall be given on the date on which the individual—

(i) is sentenced to serve only a term of probation; or

(ii) is released from the custody of that State (other than to the custody of another State or the Federal Government to serve a term of imprisonment for a felony conviction).

(B) MISDEMEANOR CONVICTION.—In the case of such an individual who has been convicted of a misdemeanor, the notification required under paragraph (1) shall be given on the date on which such individual is sentenced by a State court.

(b) FEDERAL NOTIFICATION.—

(1) NOTIFICATION.—On the date determined under paragraph (2), the Director of the Bureau of Prisons shall notify in writing any individual who has been convicted of a criminal offense under Federal law that such individual has the right to vote in an election for Federal office pursuant to the Democracy Restoration Act and may register to vote in any such election.

(2) DATE OF NOTIFICATION.—

(A) FELONY CONVICTION.—In the case of such an individual who has been convicted of a felony, the notification required under paragraph (1) shall be given on the date on which the individual—

(i) is sentenced to serve only a term of probation by a court established by an Act of Congress; or

(ii) is released from the custody of the Bureau of Prisons (other than to the custody of a State to serve a term of imprisonment for a felony conviction).

(B) MISDEMEANOR CONVICTION.—In the case of such an individual who has been convicted

of a misdemeanor, the notification required under paragraph (1) shall be given on the date on which such individual is sentenced by a State court.

#### SEC. 6. DEFINITIONS.

For purposes of this Act:

(1) **CORRECTIONAL INSTITUTION OR FACILITY.**—The term “correctional institution or facility” means any prison, penitentiary, jail, or other institution or facility for the confinement of individuals convicted of criminal offenses, whether publicly or privately operated, except that such term does not include any residential community treatment center (or similar public or private facility).

(2) **ELECTION.**—The term “election” means—

(A) a general, special, primary, or runoff election;

(B) a convention or caucus of a political party held to nominate a candidate;

(C) a primary election held for the selection of delegates to a national nominating convention of a political party; or

(D) a primary election held for the expression of a preference for the nomination of persons for election to the office of President.

(3) **FEDERAL OFFICE.**—The term “Federal office” means the office of President or Vice President of the United States, or of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress of the United States.

(4) **PROBATION.**—The term “probation” means probation, imposed by a Federal, State, or local court, with or without a condition on the individual involved concerning—

(A) the individual's freedom of movement;

(B) the payment of damages by the individual;

(C) periodic reporting by the individual to an officer of the court; or

(D) supervision of the individual by an officer of the court.

#### SEC. 7. RELATION TO OTHER LAWS.

(a) **STATE LAWS RELATING TO VOTING RIGHTS.**—Nothing in this Act shall be construed to prohibit the States from enacting any State law which affords the right to vote in any election for Federal office on terms less restrictive than those established by this Act.

(b) **CERTAIN FEDERAL ACTS.**—The rights and remedies established by this Act are in addition to all other rights and remedies provided by law, and neither rights and remedies established by this Act shall supersede, restrict, or limit the application of the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.) or the National Voter Registration Act (42 U.S.C. 1973–gg).

#### SEC. 8. FEDERAL PRISON FUNDS.

No State, unit of local government, or other person may receive or use, to construct or otherwise improve a prison, jail, or other place of incarceration, any Federal grant amounts unless that person has in effect a program under which each individual incarcerated in that person's jurisdiction who is a citizen of the United States is notified, upon release from such incarceration, of that individual's rights under section 3.

#### SEC. 9. EFFECTIVE DATE.

This Act shall apply to citizens of the United States voting in any election for Federal office held after the date of the enactment of this Act.

### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 223—DESIGNATING SEPTEMBER 2009 AS “NATIONAL CHILD AWARENESS MONTH” TO PROMOTE AWARENESS OF CHARITIES BENEFITTING CHILDREN AND YOUTH-SERVING ORGANIZATIONS THROUGHOUT THE UNITED STATES AND RECOGNIZING EFFORTS MADE BY THESE CHARITIES AND ORGANIZATIONS ON BEHALF OF CHILDREN AND YOUTH AS CRITICAL CONTRIBUTIONS TO THE FUTURE OF OUR NATION

Mr. BURR (for himself and Mrs. FEINSTEIN) submitted the following resolution; which was considered and agreed to:

S. RES. 223

Whereas millions of children and youth in the United States represent the hopes and future of the United States;

Whereas numerous individuals, charities benefitting children, and youth-serving organizations that work with children and youth collaborate to provide invaluable services to enrich and better the lives of children and youth throughout the United States;

Whereas raising awareness of and increasing support for organizations that provide access to healthcare, social services, education, the arts, sports, and other services will result in the development of character and the future success of the children and youth of our nation;

Whereas September, as the school year begins, is a time when parents, families, teachers, school administrators, and communities increase their focus on children and youth throughout the United States;

Whereas September is a time for the people of the United States to highlight and be mindful of the needs of children and youth;

Whereas private corporations and businesses have joined with hundreds of national and local charitable organizations throughout the United States in support of a month-long focus on children and youth; and

Whereas designating September 2009 as “National Child Awareness Month” would recognize that a long-term commitment to children and youth is in the public interest, and will encourage widespread support for charities and organizations that seek to provide a better future for the children and youth of the United States: Now, therefore, be it

*Resolved*, That the Senate designates September 2009 as “National Child Awareness Month”—

(1) to promote awareness of charities benefitting children and youth-serving organizations throughout the United States; and

(2) to recognize efforts made by such charities and organizations on behalf of children and youth as critical contributions to the future of the United States.

#### SENATE RESOLUTION 224—RECOGNIZING THE INCREASINGLY BENEFICIAL RELATIONSHIP BETWEEN THE UNITED STATES AND THE REPUBLIC OF INDONESIA

Mr. BOND (for himself and Mr. INOUE) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 224

Whereas the historical ties between the United States and the Republic of Indonesia began during the struggle of the people of Indonesia to become independent and the early years of independence beginning in 1945;

Whereas the constitutionally required “free and active” foreign policy of Indonesia resulted in a close relationship with the United States, and this relationship reflects growing connections between the developed and the developing world;

Whereas, following the 1998 financial crisis of Asia, Indonesia instituted numerous democratic reforms, including amending the constitution of Indonesia in order to become more democratic and transparent, holding the first direct presidential election in 2004, and direct, nationwide local elections beginning in 2006, and giving the judicial branch independent administrative and financial responsibility for all courts in 2004;

Whereas the administration of President Susilo Bambang Yudhoyono, the first President of Indonesia elected directly by the people, is strongly committed to strengthening democracy and remains focused on developing good governance and promoting and protecting human rights, civil liberties, a free press, and a vibrant civil society;

Whereas the Government of Indonesia continues to reform the military in accordance with internationally accepted democratic principles;

Whereas Indonesia signed a peace agreement in August 2005 that ended the conflict in Aceh, met its obligations under the agreement, oversaw the return of normalcy to Aceh, and held free, transparent, and peaceful elections for local government leaders in December 2006;

Whereas the Government of Indonesia continues to work to peacefully resolve other internal conflicts, including Papua, with concern for the welfare and security of the entire population;

Whereas, following the recovery of economic and political stability in Indonesia after the 1998 Asian financial crisis, the country regained a pivotal role in the Association of Southeast Asian Nations (ASEAN) and continues to work toward a secure, peaceful, and vibrant Southeast Asia, particularly by successfully proposing to establish the ASEAN Security Community, the ASEAN Economic Community, and the ASEAN Socio-cultural Community;

Whereas the Government and the people of Indonesia endured several terrorist bombings, have shown resilience in the fight against international terrorism by apprehending and bringing to justice numerous perpetrators, and remain open to international cooperation in this area;

Whereas the Government of Indonesia, together with the Governments of Malaysia and Singapore as fellow littoral states and user-countries, maintains and is further strengthening efforts to secure the important international shipping lane in the Malacca Strait;

Whereas, as shown in international fora, the Government of Indonesia remains committed to addressing the problems related to the control of the spread of weapons of mass destruction;

Whereas the Government of Indonesia deployed a military battalion to support the peacekeeping operations of the United Nations Interim Force In Lebanon, and as the largest Muslim democracy in the world, has helped facilitate dialogue among many Islamic factions in the Middle East; and

Whereas, though the Government of Indonesia has shown significant progress in the areas of democracy, good governance, human rights, and counterterrorism, there remains

much to be done and many reforms yet to be implemented: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes the progress made by the Government of Indonesia in promoting democracy;

(2) expresses ongoing support for further democratic reform in Indonesia and the efforts of the Government and the people of Indonesia toward developing good governance;

(3) encourages the Government and the people of Indonesia to continue working to promote and protect human rights, civil liberties, a free press, and a strong civil society in Indonesia; and

(4) encourages the President, the Secretary of State, and other officials of the United States Government to continue assisting the Government of Indonesia in promoting democracy and ensuring the liberty and welfare of the people of Indonesia.

Mr. BOND. Mr. President, I come to the floor today to submit a resolution with Senator INOUE recognizing one of the most important, but often overlooked, nations in the world: Indonesia.

Just this past week, Secretary of State Clinton, our former colleague, journeyed to a meeting of the Southeast Asia nations in Thailand and pledged greater and increased American involvement in support of the region. I applaud her. She is definitely on the right track.

Many Americans are not aware of the fact, but Indonesia is the third largest democracy in the world after India and the United States.

Early this month, I came to the Senate floor to recognize and celebrate yet another democratic milestone in Indonesia: the reelection of President Susilo Bambang Yudhoyono, known for obvious reasons as SBY. His victory will quicken the pace of democratic reform that has been keeping Indonesia moving in the right direction.

SBY's first tenure as President was a success. His choice to select Boediono as his running mate has raised expectations of accelerated reform for a second term in office. The duo has campaigned on a ticket of clean governance and reforms to promote broad-based economic growth.

In addition to the democratic politics, Indonesia's religious leanings also trend very positive. By and large, Indonesians reject violent brands of Islam. The Nation was founded on the principles of what is known as *Pancasila*, or respect for religious and cultural diversity and the desire to create a pluralistic society, and as a country with the largest Muslim population in the world, Indonesians are also proud to showcase that Islam and democracy are compatible and can work together.

But despite the moderate, peaceful-loving population of Indonesia, groups such as *Jemaah Islamiyah* and *Abu Sayyaf* are still seeking to spread Islamist terror and their extremist ideologies across Indonesia and Southeast Asia, often resulting in violence and death. The world was shocked and saddened over the most recent terrorist violence just this past week. Early on the morning of July 17, suicide bombers attacked two hotels in Jakarta, In-

donesia, killing innocent people and injuring scores more.

The latest terrorist attack should be a wake-up call. The twin suicide attacks in Jakarta last Friday underscore the perils of our Nation continuing to ignore this nation and this region. The dangers of continuing down our current path are very real. By overlooking this region, Southeast Asia could become a breeding ground of terrorist activity for generations and for future Americans to deal with. If left ignored, Southeast Asia and Indonesia will be the next front in the war on terror.

It doesn't have to be this way. It is critical that the United States act now, before violent extremists gain traction in their quest to spread their fundamentalist ideologies enforced by violent terrorist acts across Indonesia and other countries in Southeast Asia.

This effort requires first that the United States do more than give lip-service to Southeast Asian countries about our strong partnership. Yes, counterterrorism cooperation is very important, but for many nations in Southeast Asia, they see this partnership as, once again, the United States only asking for self-serving help, coming when we see a danger to our country but not coming to find out what their needs and what their desires are. If we want nations in Southeast Asia to be strong partners in the war on terror, we must also be willing to extend a hand of friendship in other ways, assuring that they are strong, stable democracies with economic strength and good jobs and progress for their people.

The first thing we must do is increase trade among our nations. Southeast Asia, including nations such as Indonesia, Thailand, Singapore, Malaysia, the Philippines, and many smaller countries, represents our fifth largest trading partner. While this will help create economic opportunities in our own Nation to export to them, it will also help many poverty-stricken people in Southeast Asia as we buy from them, as we invest there, as we create businesses that will generate small and medium enterprises to fill the needs of those businesses and create locally owned and controlled entrepreneurship that can benefit their country in many ways.

People who are hungry, without a job, or maybe even a roof over their head, are particularly vulnerable to ideologies that promise a better way of life, whether or not those ideologies deliver. The United States must realize that before a person can choose his politics, he has to have enough to eat and a stable, secure community in which to live.

That is the simple truth behind Smart Power—a term I use to describe the combination of military might where necessary with diplomatic efforts, educational exchanges, economic development, and more personal interaction. We need this in Southeast Asia. I believe Smart Power is an effective

way to fight radical ideologies that use terrorist attacks against their own government and freedom-loving people elsewhere.

This was recognized by General Petraeus and by President Bush when the President authorized him to institute the counterinsurgency strategy in Iraq, which means not only do we go in and clear an area of al-Qaida, but we stay there to make sure al-Qaida doesn't come back, and we then work with those provinces, with those areas, with the local governments and the local leaders, to build the infrastructure they need to help them get the health care to do things that are important to build a strong community.

In Al-Anbar, for example, a Sunni region that had been a major concern for the United States, one of the first things the Marines did in 2007 was rebuild the Sunnis' Blue Mosque, one of the most important mosques in the region.

This is the kind of effort we need to make in those areas where we are not actively fighting. We have the military might to support those countries in their battle against terrorist activities when they pick up, to fight against piracy that might occur off their shores.

As vice chairman of the Senate Intelligence Committee, a member of the Defense and State Foreign Operations Committee, I am working with my colleagues to ensure that Congress provides the resources and policy initiatives needed to expand the use of Smart Power.

For instance, we must increase the number of Peace Corps volunteers and Foreign Service officers. We must encourage more young Americans to volunteer to serve in that region, more businesspeople to visit there and seek opportunities where they can help those countries and help us at the same time. It sounds simple, but I believe by putting more American sandals and sneakers on the ground, we can avoid sending in American combat troops later.

I saw firsthand the payoff of Smart Power when several Southeast Asian nations—particularly Indonesia—were devastated by the tsunami in December of 2004. The month after that disaster, I traveled to Southeast Asia with representatives of the U.S. Government, Deputy Secretary of Defense, our Ambassador. We visited the tsunami-ravaged areas and met with representatives from the relief organizations. We saw the tremendous benefits that the volunteer NGOs—nongovernment organizations—and the American military brought by bringing fresh water, bringing medical supplies, bringing food to the region, and helping to clear areas. Our military and volunteers from our embassy and elsewhere in the region helped avert what I think would have been tens of thousands more deaths.

We met with the Indonesian Government officials, and they were absolutely deeply grateful for our help in providing clean drinking water and

food, emergency evacuations, medical help, and rebuilding. This kind of assistance the United States provided in that short time created an unmatched outpouring of goodwill for America and an appreciation from other countries who helped, such as Singapore and Australia.

Unfortunately, after the flood waters receded, so, too, did America's Smart Power engagement in the region. The recent attacks of terrorist organizations—probably Jemaah Islamiyah in Jakarta—should be a wake-up call that it is past time to reinvest in the region and quit ignoring the dangers of failing to do so.

President Obama, in condemning the terrorists' actions, highlighted this danger when he said:

These attacks make it clear that extremists remain committed to murdering innocent men, women and children of any faith in all countries.

The President got it absolutely right. The war against terror is far from over, and the battles are not confined to the Middle East. Freedom-loving nations must continue to fight terrorists not just in the border regions of Pakistan and Afghanistan, but also in the jungles and countless islands of Southeast Asia.

More than just a call to arms, however, these attacks should serve as a deadly reminder that the war against extremism and insurgency cannot be won by military might alone. Many top military and intelligence leaders say military action is no more than 20 percent—or maybe even 10 percent—of the effort we should expand to ensure stability in governments that are friendly.

In order to be truly successful, the United States must focus the weight of the effort on the ideological front, reaching would-be terrorists before they turn violent. Today I have a resolution that recognizes the importance of Indonesia, but it is just a small and symbolic step. We must do more.

I hope my colleagues will think about this region and about the points I have made. America must wise up and make Smart Power initiatives a cornerstone of our foreign policy and our efforts to combat terrorism, extremism, deadly murder, and attacks around the world, in our country, and elsewhere. The best place to start is in Southeast Asia.

#### SENATE CONCURRENT RESOLUTION 35—AUTHORIZING PRINTING OF THE POCKET VERSION OF THE UNITED STATES CONSTITUTION

Mr. SCHUMER submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 35

*Resolved by the Senate (the House of Representatives concurring),*

#### SECTION 1. POCKET VERSION OF THE UNITED STATES CONSTITUTION.

(a) IN GENERAL.—The 24th edition of the pocket version of the United States Con-

stitution shall be printed as a Senate document under the direction of the Joint Committee on Printing.

(b) ADDITIONAL COPIES.—In addition to the usual number, there shall be printed the lesser of—

(1) 551,000 copies of the document, of which 441,000 copies shall be for the use of the House of Representatives, 100,000 copies shall be for the use of the Senate, and 10,000 copies shall be for the use of the Joint Committee on Printing; or

(2) such number of copies of the document as does not exceed a total production and printing cost of \$218,379, with distribution to be allocated in the same proportion as described in paragraph (1), except that in no case shall the number of copies be less than 1 per Member of Congress.

#### UNANIMOUS CONSENT AGREEMENT—S. 1390

AMENDMENT NO. 1516, AS FURTHER MODIFIED

Mr. REID. Mr. President, notwithstanding passage of S. 1390, I ask unanimous consent that amendment No. 1516 be further modified, with the changes to the instruction line.

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

The modification is as follows:

On page 71, after line 26, insert the following:

#### UNANIMOUS CONSENT AGREEMENT—S. 1390

Mr. REID. I ask unanimous consent that S. 1390, as passed by the Senate on July 23, be printed.

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

#### UNANIMOUS CONSENT AGREEMENT—H.R. 3183

Mr. REID. Mr. President, I ask unanimous consent that at 3 p.m. Monday, July 27, the Senate proceed to the consideration of calendar No. 116, H.R. 3183, Energy and Water Appropriations; that immediately after the bill is reported, Senator DORGAN be recognized to offer a substitute amendment, the text of which is S. 1436 as reported by the committee.

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

#### AUTHORIZING PRINTING OF THE POCKET VERSION OF THE U.S. CONSTITUTION

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 35, submitted earlier today.

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

The clerk will report.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 35) authorizing the printing of the pocket version of the United States Constitution.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. Mr. President, I ask unanimous consent that the concurrent res-

olution be agreed to, the motion to reconsider be laid on the table, and that any statements relating thereto be printed in the RECORD.

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

The concurrent resolution (S. Con. Res. 35) was agreed to, as follows:

S. CON. RES. 35

*Resolved by the Senate (the House of Representatives concurring),*

#### SECTION 1. POCKET VERSION OF THE UNITED STATES CONSTITUTION.

(a) IN GENERAL.—The 24th edition of the pocket version of the United States Constitution shall be printed as a Senate document under the direction of the Joint Committee on Printing.

(b) ADDITIONAL COPIES.—In addition to the usual number, there shall be printed the lesser of—

(1) 551,000 copies of the document, of which 441,000 copies shall be for the use of the House of Representatives, 100,000 copies shall be for the use of the Senate, and 10,000 copies shall be for the use of the Joint Committee on Printing; or

(2) such number of copies of the document as does not exceed a total production and printing cost of \$218,379, with distribution to be allocated in the same proportion as described in paragraph (1), except that in no case shall the number of copies be less than 1 per Member of Congress.

#### DESIGNATING SEPTEMBER 2009 AS "NATIONAL CHILD AWARENESS MONTH"

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 223, which was submitted earlier today.

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

The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 223) designating September 2009 as "National Child Awareness Month" to promote awareness of charities benefitting children and youth-serving organizations throughout the United States and recognizing efforts made by these charities and organizations on behalf of children and youth as critical contributions to the future of our Nation.

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

The PRESIDING OFFICER. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

Without objection, it is so ordered.

The resolution (S. Res. 223) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 223

Whereas millions of children and youth in the United States represent the hopes and future of the United States;

Whereas numerous individuals, charities benefitting children, and youth-serving organizations that work with children and youth collaborate to provide invaluable services to enrich and better the lives of children and youth throughout the United States;

Whereas raising awareness of and increasing support for organizations that provide access to healthcare, social services, education, the arts, sports, and other services

will result in the development of character and the future success of the children and youth of our nation;

Whereas September, as the school year begins, is a time when parents, families, teachers, school administrators, and communities increase their focus on children and youth throughout the United States;

Whereas September is a time for the people of the United States to highlight and be mindful of the needs of children and youth;

Whereas private corporations and businesses have joined with hundreds of national and local charitable organizations throughout the United States in support of a month-long focus on children and youth; and

Whereas designating September 2009 as "National Child Awareness Month" would recognize that a long-term commitment to children and youth is in the public interest, and will encourage widespread support for charities and organizations that seek to provide a better future for the children and youth of the United States: Now, therefore, be it

*Resolved*, That the Senate designates September 2009 as "National Child Awareness Month"—

(1) to promote awareness of charities benefiting children and youth-serving organizations throughout the United States; and

(2) to recognize efforts made by such charities and organizations on behalf of children and youth as critical contributions to the future of the United States.

#### INDIAN ARTS AND CRAFTS AMENDMENTS ACT OF 2009

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 124, S. 151.

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

The legislative clerk read as follows:

A bill (S. 151) to protect Indian arts and crafts through the improvement of applicable criminal proceedings, and for other purposes.

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

Mr. REID. I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements relating to the bill be printed in the RECORD.

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

The bill (S. 151) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:  
S. 151

*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 "Indian Arts and Crafts Amendments Act of 2009".

#### SEC. 2. INDIAN ARTS AND CRAFTS.

(a) CRIMINAL PROCEEDINGS; CIVIL ACTIONS; MISREPRESENTATIONS.—Section 5 of the Act entitled "An Act to promote the development of Indian arts and crafts and to create a board to assist therein, and for other purposes" (25 U.S.C. 305d) is amended to read as follows:

#### "SEC. 5. CRIMINAL PROCEEDINGS; CIVIL ACTIONS.

"(a) DEFINITION OF FEDERAL LAW ENFORCEMENT OFFICER.—In this section, the term

"Federal law enforcement officer" includes a Federal law enforcement officer (as defined in section 115(c) of title 18, United States Code).

"(b) AUTHORITY TO CONDUCT INVESTIGATIONS.—Any Federal law enforcement officer shall have the authority to conduct an investigation relating to an alleged violation of this Act occurring within the jurisdiction of the United States.

"(c) CRIMINAL PROCEEDINGS.—

"(1) INVESTIGATION.—

"(A) IN GENERAL.—The Board may refer an alleged violation of section 1159 of title 18, United States Code, to any Federal law enforcement officer for appropriate investigation.

"(B) REFERRAL NOT REQUIRED.—A Federal law enforcement officer may investigate an alleged violation of section 1159 of that title regardless of whether the Federal law enforcement officer receives a referral under subparagraph (A).

"(2) FINDINGS.—The findings of an investigation of an alleged violation of section 1159 of title 18, United States Code, by any Federal department or agency under paragraph (1)(A) shall be submitted, as appropriate, to—

"(A) a Federal or State prosecuting authority; or

"(B) the Board.

"(3) RECOMMENDATIONS.—On receiving the findings of an investigation under paragraph (2), the Board may—

"(A) recommend to the Attorney General that criminal proceedings be initiated under section 1159 of title 18, United States Code; and

"(B) provide such support to the Attorney General relating to the criminal proceedings as the Attorney General determines to be appropriate.

"(d) CIVIL ACTIONS.—In lieu of, or in addition to, any criminal proceeding under subsection (c), the Board may recommend that the Attorney General initiate a civil action under section 6."

(b) CAUSE OF ACTION FOR MISREPRESENTATION.—Section 6 of the Act entitled "An Act to promote the development of Indian arts and crafts and to create a board to assist therein, and for other purposes" (25 U.S.C. 305e) is amended—

(1) by striking subsection (d);

(2) by redesignating subsections (a) through (c) as subsections (b) through (d), respectively;

(3) by inserting before subsection (b) (as redesignated by paragraph (2)) the following:

"(a) DEFINITIONS.—In this section:

"(1) INDIAN.—The term 'Indian' means an individual that—

"(A) is a member of an Indian tribe; or

"(B) is certified as an Indian artisan by an Indian tribe.

"(2) INDIAN PRODUCT.—The term 'Indian product' has the meaning given the term in any regulation promulgated by the Secretary.

"(3) INDIAN TRIBE.—

"(A) IN GENERAL.—The term 'Indian tribe' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

"(B) INCLUSION.—The term 'Indian tribe' includes, for purposes of this section only, an Indian group that has been formally recognized as an Indian tribe by—

"(i) a State legislature;

"(ii) a State commission; or

"(iii) another similar organization vested with State legislative tribal recognition authority.

"(4) SECRETARY.—The term 'Secretary' means the Secretary of the Interior."

(4) in subsection (b) (as redesignated by paragraph (2)), by striking "subsection (c)" and inserting "subsection (d)";

(5) in subsection (c) (as redesignated by paragraph (2))—

(A) by striking "subsection (a)" and inserting "subsection (b)"; and

(B) by striking "suit" and inserting "the civil action";

(6) by striking subsection (d) (as redesignated by paragraph (2)) and inserting the following:

"(d) PERSONS THAT MAY INITIATE CIVIL ACTIONS.—

"(1) IN GENERAL.—A civil action under subsection (b) may be initiated by—

"(A) the Attorney General, at the request of the Secretary acting on behalf of—

"(i) an Indian tribe;

"(ii) an Indian; or

"(iii) an Indian arts and crafts organization;

"(B) an Indian tribe, acting on behalf of—

"(i) the Indian tribe;

"(ii) a member of that Indian tribe; or

"(iii) an Indian arts and crafts organization;

"(C) an Indian; or

"(D) an Indian arts and crafts organization.

"(2) DISPOSITION OF AMOUNTS RECOVERED.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), an amount recovered in a civil action under this section shall be paid to the Indian tribe, the Indian, or the Indian arts and crafts organization on the behalf of which the civil action was initiated.

"(B) EXCEPTIONS.—

"(i) ATTORNEY GENERAL.—In the case of a civil action initiated under paragraph (1)(A), the Attorney General may deduct from the amount—

"(I) the amount of the cost of the civil action and reasonable attorney's fees awarded under subsection (c), to be deposited in the Treasury and credited to appropriations available to the Attorney General on the date on which the amount is recovered; and

"(II) the amount of the costs of investigation awarded under subsection (c), to reimburse the Board for the activities of the Board relating to the civil action.

"(ii) INDIAN TRIBE.—In the case of a civil action initiated under paragraph (1)(B), the Indian tribe may deduct from the amount—

"(I) the amount of the cost of the civil action; and

"(II) reasonable attorney's fees."; and

(7) in subsection (e), by striking "(e) In the event that" and inserting the following:

"(e) SAVINGS PROVISION.—If"

#### SEC. 3. MISREPRESENTATION OF INDIAN PRODUCED GOODS AND PRODUCTS.

Section 1159 of title 18, United States Code, is amended—

(1) by striking subsection (b) and inserting the following:

"(b) PENALTY.—Any person that knowingly violates subsection (a) shall—

"(1) in the case of a first violation by that person—

"(A) if the applicable goods are offered or displayed for sale at a total price of \$1,000 or more, or if the applicable goods are sold for a total price of \$1,000 or more—

"(i) in the case of an individual, be fined not more than \$250,000, imprisoned for not more than 5 years, or both; and

"(ii) in the case of a person other than an individual, be fined not more than \$1,000,000; and

"(B) if the applicable goods are offered or displayed for sale at a total price of less than \$1,000, or if the applicable goods are sold for a total price of less than \$1,000—

"(i) in the case of an individual, be fined not more than \$25,000, imprisoned for not more than 1 year, or both; and

"(ii) in the case of a person other than an individual, be fined not more than \$100,000; and

“(2) in the case of a subsequent violation by that person, regardless of the amount for which any good is offered or displayed for sale or sold—

“(A) in the case of an individual, be fined under this title, imprisoned for not more than 15 years, or both; and

“(B) in the case of a person other than an individual, be fined not more than \$5,000,000.”; and

(2) in subsection (c), by striking paragraph (3) and inserting the following:

“(3) the term ‘Indian tribe’—

“(A) has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b); and

“(B) includes, for purposes of this section only, an Indian group that has been formally recognized as an Indian tribe by—

“(i) a State legislature;

“(ii) a State commission; or

“(iii) another similar organization vested with State legislative tribal recognition authority; and”.

#### DESIGNATING AUGUST 8, 2009, AS NATIONAL MARINA DAY

Mr. REID. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 215 and that we now proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 215) designating August 8, 2009, as “National Marina Day.”

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

Mr. REID. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements pertaining to the resolution be printed in the RECORD.

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

The resolution (S. Res. 215) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 215

Whereas the people of the United States highly value their recreational time and their ability to access the waterways of the United States for enjoyment in and on one of the Nation’s greatest natural resources;

Whereas in 1928, the National Association of Engine and Boat Manufacturers first used the word “marina” to describe a recreational boating facility;

Whereas the United States is home to over 12,000 marinas that contribute substantially to their local communities by providing safe and reliable gateways to boating;

Whereas the marinas of the United States serve as stewards of the environment and actively seek to protect the waterways that surround them for the enjoyment of this generation and generations to come;

Whereas the Association of Marina Industries has joined with the National Youth Marine Alliance to offer youth service projects for the Preserve America’s Waterways volunteer service initiative at marinas across the Nation;

Whereas the marinas of the United States provide their communities and visitors a

place where friends and families, united by a passion for the water, can come together for recreation, rest, relaxation, and stewardship of the environment; and

Whereas the Association of Marina Industries has designated August 8, 2009, as “National Marina Day”, to increase awareness among citizens, policymakers, and elected officials about the many contributions that marinas make to their communities: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates August 8, 2009, as “National Marina Day”; and

(2) supports the goals of “National Marina Day”; and

(3) urges that all marinas continue to provide environmentally friendly gateways to boating for all the people of the United States.

#### NATIONAL KOREAN WAR VETERANS ARMISTICE DAY

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 2632.

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

The legislative clerk read as follows:

A bill (H.R. 2632) to amend title IV, United States Code, to encourage the display of the flag of the United States on National Korean War Veterans Armistice Day.

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

Mr. REID. I ask unanimous consent that the bill be read three times, passed, and the motion to reconsider be laid upon the table; that there be no intervening action or debate, and any statements relating to the bill be printed in the RECORD.

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

The bill (H.R. 2632) was ordered to a third reading, was read the third time, and passed.

#### EXTENSION OF PROGRAMS UNDER THE SMALL BUSINESS ACT AND THE SMALL BUSINESS INVESTMENT ACT OF 1958

Mr. REID. Mr. President, I ask unanimous consent the Senate now proceed to S. 1513.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1513) to provide for additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

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

Mr. REID. I ask unanimous consent the bill be read a third time and passed, the motion to reconsider be laid on the table, and any statements relating to this matter be printed in the RECORD.

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

The bill (S. 1513) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1513

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

#### SECTION 1. ADDITIONAL TEMPORARY EXTENSION OF AUTHORIZATION OF PROGRAMS UNDER THE SMALL BUSINESS ACT AND THE SMALL BUSINESS INVESTMENT ACT OF 1958.

(a) IN GENERAL.—Section 1 of the Act entitled “An Act to extend temporarily certain authorities of the Small Business Administration”, approved October 10, 2006 (Public Law 109–316; 120 Stat. 1742), as most recently amended by section 1 of Public Law 111–10 (123 Stat. 990), is amended by striking “July 31, 2009” each place it appears and inserting “September 30, 2009”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on July 30, 2009.

#### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR— NOMINATION DISCHARGED

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to executive session to consider Calendars numbered 282, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 305, 306, 307, 308, and all nominations on the Secretary’s desk in the Foreign Service; further, that the Agriculture Committee be discharged from Presidential Nomination 333, that the Senate then proceed to its consideration, the nominations be confirmed *en bloc*, the motions to reconsider be laid on the table *en bloc*, no further motions be in order, and any statements relating to these matters be printed in the RECORD, and the President of the United States be immediately notified of the Senate’s action and the Senate then resume legislative session.

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

The nominations considered and confirmed *en bloc* are as follows:

#### DEPARTMENT OF STATE

Anne Elizabeth Derse, of Maryland, 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 Lithuania.

Kenneth H. Merten, of Virginia, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Haiti.

Donald Sternoff Beyer, Jr., of Virginia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Switzerland, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Principality of Liechtenstein.

John R. Nay, of Michigan, 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 Suriname.

Vinai K. Thummalapally, of Colorado, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Belize.



Nicole A. Avant, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Commonwealth of The Bahamas.

Howard W. Gutman, of Maryland, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Belgium.

Vilma S. Martinez, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Argentina.

David H. Thorne, of Massachusetts, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Italian Republic, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of San Marino.

#### DEPARTMENT OF TRANSPORTATION

Polly Trottenberg, of Maryland, to be an Assistant Secretary of Transportation.

Deborah A. P. Hersman, of Virginia, to be Chairman of the National Transportation Safety Board for a term of two years.

Deborah A.P. Hersman, of Virginia, to be a Member of the National Transportation Safety Board for a term expiring December 31, 2013.

#### FEDERAL MARITIME COMMISSION

Richard A. Lidinsky, Jr., of Maryland, to be a Federal Maritime Commissioner for the term expiring June 30, 2012.

#### FEDERAL COMMUNICATIONS COMMISSION

Meredith Attwell Baker, of Virginia, to be a Member of the Federal Communications Commission for the remainder of the term expiring June 30, 2011.

Mignon L. Clyburn, of South Carolina, to be a Member of the Federal Communications Commission for a term of five years from July 1, 2007.

#### DEPARTMENT OF EDUCATION

Anthony W. Miller, of California, to be Deputy Secretary of Education.

Thelma Melendez de Santa Ana, of California, to be Assistant Secretary for Elementary and Secondary Education, Department of Education.

#### NATIONAL MEDIATION BOARD

Harry R. Hoglander, of Massachusetts, to be a Member of the National Mediation Board for a term expiring July 1, 2011.

#### [NEW REPORTS]

#### DEPARTMENT OF THE TREASURY

Kim N. Wallace, of Texas, to be a Deputy Under Secretary of the Treasury.

#### DEPARTMENT OF THE TREASURY

William J. Wilkins, of the District of Columbia, to be Chief Counsel for the Internal Revenue Service and an Assistant General Counsel in the Department of the Treasury.

Rosa Gumataotao Rios, of California, to be Treasurer of the United States.

Daniel M. Tangherlini, of the District of Columbia, to be an Assistant Secretary to the Treasury.

Daniel M. Tangherlini, of the District of Columbia, to be Chief Financial Officer, Department of the Treasury.

#### NOMINATIONS PLACED ON THE SECRETARY'S DESK

#### FOREIGN SERVICE

PN682 FOREIGN SERVICE nominations (149) beginning Christopher L. Andino, and ending Holly Hope Zardus, which nominations were received by the Senate and appeared in the Congressional Record of June 25, 2009.

#### DEPARTMENT OF AGRICULTURE

Jonathan Steven Adelstein, of South Dakota, to be Administrator, Rural Utilities Service, Department of Agriculture.

## LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

## PROGRAM

Mr. REID. Mr. President, on Monday we are going to move to another appropriations bill. Senators DORGAN and BENNETT will manage that. I think it would be wise at this time for me to tell everyone that I think we will not have a vote Monday. There is a lot of work to do on that bill. We will have some votes before noon on Tuesday, but we will not have votes on Monday.

## ORDERS FOR MONDAY, JULY 27, 2009

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 2 p.m. on Monday, July 27; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and there be a period of morning business until 3 p.m. with Senators permitted to speak for up to 10 minutes each; further, that following morning business, the Senate proceed to the consideration of Calendar No. 116, H.R. 3183, the Energy and Water Appropriations Act for Fiscal Year 2010.

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

## ADJOURNMENT UNTIL MONDAY, JULY 27, 2009, AT 2 P.M.

Mr. REID. 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 2:03 p.m., adjourned until Monday, July 27, 2009, at 2 p.m.

## NOMINATIONS

Executive nomination received by the Senate:

#### DEPARTMENT OF COMMERCE

DENNIS F. HIGHTOWER, OF THE DISTRICT OF COLUMBIA, TO BE DEPUTY SECRETARY OF COMMERCE, VICE JOHN J. SULLIVAN, RESIGNED.

## DISCHARGED NOMINATION

The Senate Committee on Agriculture, Nutrition, and Forestry was discharged from further consideration of the following nomination by unanimous consent and the nomination was confirmed:

JONATHAN STEVEN ADELSTEIN, OF SOUTH DAKOTA, TO BE ADMINISTRATOR, RURAL UTILITIES SERVICE, DEPARTMENT OF AGRICULTURE.

## CONFIRMATIONS

Executive nominations confirmed by the Senate, Friday, July 24, 2009:

#### DEPARTMENT OF STATE

ANNE ELIZABETH DERSE, OF MARYLAND, 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 LITHUANIA.

KENNETH H. MERTEN, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF HAITI.

DONALD STERNOFF BEYER, JR., OF VIRGINIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO SWITZERLAND, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE PRINCIPALITY OF LIECHTENSTEIN.

JOHN R. NAY, OF MICHIGAN, 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 SURINAM.

VINAI K. THUMMALAPALLY, OF COLORADO, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO BELIZE.

NICOLE A. AVANT, OF CALIFORNIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE COMMONWEALTH OF THE BAHAMAS.

HOWARD W. GUTMAN, OF MARYLAND, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO BELGIUM.

VILMA S. MARTINEZ, OF CALIFORNIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO ARGENTINA.

DAVID H. THORNE, OF MASSACHUSETTS, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE ITALIAN REPUBLIC, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SAN MARINO.

#### DEPARTMENT OF TRANSPORTATION

POLLY TROTTEMBERG, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF TRANSPORTATION.

DEBORAH A. P. HERSMAN, OF VIRGINIA, TO BE CHAIRMAN OF THE NATIONAL TRANSPORTATION SAFETY BOARD FOR A TERM OF TWO YEARS.

DEBORAH A. P. HERSMAN, OF VIRGINIA, TO BE A MEMBER OF THE NATIONAL TRANSPORTATION SAFETY BOARD FOR A TERM EXPIRING DECEMBER 31, 2013.

#### FEDERAL MARITIME COMMISSION

RICHARD A. LIDINSKY, JR., OF MARYLAND, TO BE A FEDERAL MARITIME COMMISSIONER FOR THE TERM EXPIRING JUNE 30, 2012.

#### FEDERAL COMMUNICATIONS COMMISSION

MEREDITH ATTWELL BAKER, OF VIRGINIA, TO BE A MEMBER OF THE FEDERAL COMMUNICATIONS COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING JUNE 30, 2011.

MIGNON L. CLYBURN, OF SOUTH CAROLINA, TO BE A MEMBER OF THE FEDERAL COMMUNICATIONS COMMISSION FOR A TERM OF FIVE YEARS FROM JULY 1, 2007.

#### DEPARTMENT OF EDUCATION

ANTHONY W. MILLER, OF CALIFORNIA, TO BE DEPUTY SECRETARY OF EDUCATION.

THELMA MELENDEZ DE SANTA ANA, OF CALIFORNIA, TO BE ASSISTANT SECRETARY FOR ELEMENTARY AND SECONDARY EDUCATION, DEPARTMENT OF EDUCATION.

#### NATIONAL MEDIATION BOARD

HARRY R. HOGLANDER, OF MASSACHUSETTS, TO BE A MEMBER OF THE NATIONAL MEDIATION BOARD FOR A TERM EXPIRING JULY 1, 2011.

#### DEPARTMENT OF THE TREASURY

KIM N. WALLACE, OF TEXAS, TO BE A DEPUTY UNDER SECRETARY OF THE TREASURY.

WILLIAM J. WILKINS, OF THE DISTRICT OF COLUMBIA, TO BE CHIEF COUNSEL FOR THE INTERNAL REVENUE SERVICE AND AN ASSISTANT GENERAL COUNSEL IN THE DEPARTMENT OF THE TREASURY.

ROSA GUMATAOTAO RIOS, OF CALIFORNIA, TO BE TREASURER OF THE UNITED STATES.

DANIEL M. TANGHERLINI, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF THE TREASURY.

DANIEL M. TANGHERLINI, OF THE DISTRICT OF COLUMBIA, TO BE CHIEF FINANCIAL OFFICER, DEPARTMENT OF THE TREASURY.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

#### DEPARTMENT OF AGRICULTURE

JONATHAN STEVEN ADELSTEIN, OF SOUTH DAKOTA, TO BE ADMINISTRATOR, RURAL UTILITIES SERVICE, DEPARTMENT OF AGRICULTURE.

#### FOREIGN SERVICE

FOREIGN SERVICE NOMINATIONS BEGINNING WITH CHRISTOPHER L. ANDINO AND ENDING WITH HOLLY HOPE ZARDUS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 25, 2009.