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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.

Almighty God, whose grace sustains us, Your goodness and mercy have followed us all the days of these Pilgrim years. Today, give understanding, humility, and courage to our lawmakers, that they may be faithful stewards whose work honors You. Lord, make them conscious of Your overshadowing presence as they seek to produce legislation that will bless our land. May they commit their ways unto You who knows the road they take and can bring them forth as gold tried in fire.

We pray in Your matchless Name. Amen.

PLEDGE OF ALLEGIANCE

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

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 19, 2010.

To the Senate:

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

ROBERT C. BYRD,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will resume consideration of the FAA bill. It is hopeful we will reach an agreement on the slots issue, which has created some controversy in this matter. The Senators involved, both Democrats and Republicans, have been working on this issue, and I hope we can have some agreement that will allow us to move forward to passage of this bill on Monday. This is the only issue that is holding up this bill.

There will be no rollcall votes today. The next vote will be at 5:30 p.m. on Monday.

MEASURES PLACED ON THE CALENDAR—S. 3143, H.R. 4851, AND H.R. 4853

Mr. REID. Mr. President, there are three bills at the desk due for a second reading and I ask that the Chair proceed with that.

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

The assistant legislative clerk read as follows:

A bill (S. 3143) to provide that Members of Congress shall not receive a pay increase until the annual Federal budget deficit is eliminated.

A bill (H.R. 4851) to provide a temporary extension of certain programs, and for other purposes.

A bill (H.R. 4853) to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United

States Code, to extend authorizations for the airport improvement program, and for other purposes.

Mr. REID. Mr. President, I object to any further proceedings with respect to these three bills.

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

UNANIMOUS-CONSENT REQUEST—H.R. 4851

Mr. REID. Mr. President, we have an issue and a problem, as we had a long debate dealing with unemployment benefits. We moved forward and passed the bill that would extend them for 30 days. That extension is going to run out before we complete the conference on this bill.

As a result of that, I ask unanimous consent that the Senate proceed to the consideration of H.R. 4851, which is an act to provide for a 30-day extension of unemployment benefits, COBRA benefits, satellite television, poverty guidelines, and flood insurance; that the bill be read three times, passed, and a motion to reconsider be laid on the table.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. KYL. Mr. President, reserving the right to object, obviously we just received the papers yesterday and the indication about 30 minutes ago that this request would be made. It is Friday. Members aren't here. The leader is obviously not here, as explained by my presence.

Obviously, we will visit with our Members on Monday when everybody returns and determine what the appropriate way to proceed on this is. It doesn't expire until April 5, so there is plenty of time, and we will be happy to work with the majority leader to determine the best course of action to get this resolved before April 5.

I supported this extension last time, so this is necessarily obviously not based on a substantive objection but

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



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the need to inquire with our Members as to how they wish to proceed, as a result of which, at this moment, I would have to object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. REID. Mr. President, I agree with my friend from Arizona. I think there should be consultation with his Members, and we hope we can work something out next week.

RESERVATION OF LEADER TIME

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

TAX ON BONUSES RECEIVED FROM CERTAIN TARP RECIPIENTS

The ACTING PRESIDENT pro tempore. The Senate will resume consideration of H.R. 1586, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 1586) to impose an additional tax on bonuses received on certain TARP recipients.

Pending:

Rockefeller amendment No. 3452, in the nature of a substitute.

McCain amendment No. 3527 (to amend amendment No. 3452), to require the Administrator of the Federal Aviation Administration to develop a financing proposal for fully funding the development and implementation of technology for the Next Generation Air Transportation System.

McCain amendment No. 3528 (to amend amendment No. 3452), to provide standards for determining whether the substantial restoration of the natural quiet and experience of the Grand Canyon National Park has been achieved and to clarify regulatory authority with respect to commercial air tours operating over the park.

Mr. REID. Mr. President, has morning business been announced?

The ACTING PRESIDENT pro tempore. We are on the bill.

Mr. REID. We are on the bill. That is where we should be.

I note the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. DORGAN. Mr. President, this morning we are awaiting the opportunity to do a unanimous consent request that would then give us the road ahead to complete the FAA reauthorization bill on Monday. We have spent 5 days on the floor of the Senate, entertained a fairly large number of amendments and had votes on amendments. We have one large group of amendments that has been cleared by both sides. We will include that in the unanimous consent request as well.

We made a lot of progress last night in reaching some understandings about

a couple of the complicated and controversial issues. It appears now, when we get the unanimous consent request, which I think we have agreed to—we are just getting it prepared—we will be able to get that done this morning. That will give us the road forward, and we will complete this bill Monday evening.

This is a very big achievement because the FAA reauthorization bill has been extended 11 times rather than completed and reauthorized. It has been extended 11 times without what we needed to do, such as authorize the activities to modernize our air traffic control system, update some of the safety issues that are included in this legislation, update the essential air service program, including the passengers' bill of rights—a series of provisions that are very important to make certain we have a modern aviation system that is as safe as it can be and that is as protective of passengers as is possible, giving the airlines and those in general aviation, as well, the opportunity to have a modern air traffic control system, the most modern in the world.

This is a big achievement. I appreciate the cooperation of all of our colleagues, Republicans and Democrats, who joined last evening in wanting to finish this bill. We were able to reach some understandings to do that.

While we are waiting for the opportunity to do the unanimous consent request—it is not yet completely written—I am going to give a presentation this morning on the subject of energy.

I will withhold on that. I know our colleague from Arizona is on the floor. Let me at this point yield the floor, and at some appropriate point I will spend some time talking about energy.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I ask my friend from North Dakota, I intended to speak in morning business as well, if he has no objection.

I ask unanimous consent to address the Senate as in morning business.

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

HEALTH CARE

Mr. MCCAIN. Mr. President, there is a lot of excitement and interest, obviously, around the country about the impending, possibly, vote in the other body, perhaps as early as Sunday. I think it is time we talked a little bit about reality as well. I would like to mention one item.

I read from an article from the Dow Jones Newswires:

Caterpillar, Inc., said the health care overhaul legislation being considered by the U.S. House would increase the company's health care costs by more than \$100 million in the first year alone.

In a letter Thursday to [House] Speaker Nancy Pelosi and House Republican leader John Boehner of Ohio, Caterpillar urged lawmakers to vote against the plan "because of the substantial cost burdens it would place

on our shareholders, employees and retirees."

Caterpillar, the world's largest construction machinery manufacturer by sales, said it's particularly opposed to provisions in the bill that would expand Medicare taxes and mandate insurance coverage. The legislation would require nearly all companies to provide health insurance for their employees.

I would point out to my colleagues that this is one of the largest exporters the United States of America has.

Continuing to quote:

Caterpillar noted that the company supports efforts to increase the quality and value of health care for patients . . . unfortunately, neither the current legislation in the House and Senate, nor the President's proposal, meets these goals.

Most telling, perhaps, is the comment of the vice president, who said this:

We can ill-afford cost increases that place us at a disadvantage versus our global competitors.

So here we are with a huge trade deficit of almost unprecedented proportions. We owe the Chinese \$850 billion, or some huge amount, and more every day, so Caterpillar is going to have their expenses increased in 1 year by \$100 million or more. How in the world are they going to be competitive?

I probably should have begun with this. Yesterday, in my home State of Arizona, almost an unprecedented event took place. The Governor of the State of Arizona, Governor Jan Brewer, the majority leader of the senate, and the speaker of the house, held a press conference in which they talked about a letter they sent to the President of the United States. I want to quote from the letter:

Dear Mr. President: We share common ground in that we both have been called to lead during some of the most difficult times our Nation has faced. Like you, I hear painful stories on a regular basis from people who are struggling to survive. Yet in their time of need, our State government is on the brink of insolvency.

During this downturn, Arizona has lost the largest percentage of jobs in the United States. The flagging economy has resulted in a loss of State revenues in excess of 30 percent, placing tremendous pressures on our State budget. Today, Arizona faces one of the largest deficits of any State.

There is no doubt that this fiscal calamity has been compounded by the enormous spending increases we are facing as a result of our Medicaid, which has seen population growth of almost 20 percent in the past 12 months. It is for that reason I write to you today.

You have repeated on several occasions that the debate on health care reform has consumed the past year and you most recently called on Congress to vote the measure "up or down." As the governor of a State that is bleeding red ink, I am imploring our congressional delegation to vote against your proposal to expand government health care and to help vote it down.

The reason for my position is simple: We cannot afford it. And based on our State's own experience with government health care expansion, we doubt the rest of America can either.

Then the Governor of the State of Arizona, Jan Brewer, along with the

other legislative leaders, goes on to explain why this would cause such devastating harm to the State of Arizona, which is already suffering under unprecedented fiscal difficulties.

As the Governor pointed out in her letter, Medicaid has seen population growth of almost 20 percent in the last 12 months. All over America, Governors are saying: Don't do this to us. They are saying: Don't mandate this dramatic increase in our Medicaid expenses. Governors and legislatures and citizens all over the country are enacting laws and proposing constitutional amendments that say: You cannot force us to buy health insurance.

I want to congratulate the Governor of the State of Arizona and our legislative leaders for their courage in standing up and telling the American people and the President of the United States the reality of what they are facing.

I guess a lot of this may be coming to a head in some respects, although there still seems to be some speculation as to what "reconciliation" will take place over here, exactly what form that will take, and exactly what the rulings of the Parliamentarians and others will be to what sounds like arcane procedures and how they will unfold. But I think it is very clear that we are facing, possibly for the first time in our history, a major reform in the face of overwhelming opposition to it on the part of the American people.

This morning's Wall Street Journal has an interesting lead editorial entitled: "March Madness." "Scenes from a devolution as Democrats writhe towards 216 votes." I want to quote from the editorial of this morning:

Has there ever been a political spectacle like the final throes of Obama care? We can't recall one outside of a banana republic, or, more accurately, Woody Allen's 1971 classic "Bananas." Capitol Hill resembles nothing so much as that movie's farcical coup d'etat in San Marcos, as Democrats try to assemble a partisan minimum of 216 votes—if only for an hour or so at some point on Sunday—and no bribe is too costly, no deal too cynical, no last-minute rewrite too blatant.

That pretty much sums it up. One of the issues is, what are the tax increases in this? When do they kick in? How is it that the Congressional Budget Office can come up with such estimates, as they have? Well, the first principle, my friends, is: Garbage in, garbage out. If you give the Congressional Budget Office certain assumptions, they will have to give estimates based on those assumptions, even if those assumptions are totally out of the realm of possibility, such as cuts of \$½ trillion in Medicare, such as saying that we will have a so-called "doc fix"—a reduction in doctors' payments of some \$217 billion. We know that is not going to happen. We know that is not going to happen.

Let me quote again from the Wall Street Journal article:

Also yesterday the white smoke rose up from the Congressional Budget Office, which released its cost estimates for the "reconciliation bill" and the sundry fixes without

which Ms. Pelosi can't deem the Senate bill passed. Democrats preemptively released the topline numbers, which by themselves took weeks of tweaking to game the CBO's accounting conventions and officially stay under \$1 trillion in spending for 10 years. The real cost over a decade, once all the spending kicks in, is \$2.4 trillion.

Why is that? It is obvious that the first 4 years the taxes are raised and the benefits are cut, and it is only after 4 years that you begin to see benefits. That is a classic example of budget gimmickry.

Once again quoting from the article:

CBO Director Doug Elmendorf was thus obliged to release a "preliminary estimate," having "not thoroughly examined the legislative language." Mr. Elmendorf said at a hearing that his health-care staff members were close to burning out under "the almost round-the-clock schedule" of unrelenting Democratic demands about the budgetary effects of this or that provision. And all for a bill whose subsidies don't begin until 2014.

By the way, to make the deficit numbers "work," Democrats decided at the 11th hour to increase their new tax on investment income to 3.8 percent from 2.9 percent. Congratulations. White House budget director Peter Orszag quickly declared that "the CBO score today should leave no doubt that we are operating in a new fiscal era."

We certainly are.

One thing the score also made clear, however, is that Mrs. Pelosi's reconciliation fixes could easily be blown to pieces in the Senate. While the Democratic strategy is already a wholesale abuse of the traditional reconciliation process, it now bids to violate the actual rules of the reconciliation as well.

In a carom shot if there ever was one, excise tax on gold-plated health coverage has received one last tweak. It is expected to fund ObamaCare as employees take more of their compensation in wages rather than health insurance, thus exposing more income to ordinary taxes. The House demand to delay that tax until 2018—

And does anybody believe we are going to impose taxes in 2018?

—from 2013 in the Senate bill—to appease the likes of AFL-CIO president Richard Trumka, who met one-on-one with Mr. Obama on Wednesday—therefore reduces Social Security payroll tax revenues. But reconciliation expressly forbids such changes.

The reconciliation rules forbid changes to Social Security.

And CBO says this change will drain some \$53 billion from the program's trust fund.

Senate Republicans will therefore be entitled to raise a budget "point of order" against the entire reconciliation bill if it does arrive in the upper chamber.

North Dakota Senator Kent Conrad admitted the risks yesterday, asking rhetorically if he expected that some GOP "challenges will be upheld? Yeah, I do." By the way, Mr. Conrad and his House North Dakota colleague Earl Pomeroy are getting a special provision that exempts a state-owned North Dakota bank from the unrelated private student loan takeover that Democrats have included as part of ObamaCare. That multibillion-dollar baby was added to further rig the budget numbers and win over conflicted Members.

I understand that my colleague Senator CONRAD has now said he does not wish for that exemption to be in legislation.

I want to point out that there are new taxes—even more tax increases in

this bill—more than \$560 billion in taxes on Medicare patients, private health insurance plans, medical device manufacturers, small businesses, and much more, including Caterpillar's estimate, as I mentioned, of \$100 million more in cost. There is more than \$200 billion in taxes on individuals and small businesses; Medicare hospital insurance tax, \$210 billion; penalty payments by employers—these are penalty payments in taxes on employers that will be enacted between 2010 and 2019.

In other words, the assumption in this legislation is that we will plan on penalizing employers some \$52 billion over 10 years. I think employers might be interested in hearing that. Then, more than \$30 billion in taxes on private health insurance plans—\$32 billion—nearly \$20 billion in taxes on uninsured Americans, and \$20 billion in taxes on medical device manufacturers.

I want spend a minute on that—\$20 billion in taxes on medical device manufacturers. The excise tax on manufacturers and importers of certain medical devices, \$20 billion. Impose a 2.9-percent excise tax on manufacturers and importers of certain medical devices from 2010 to 2019, which will then count as \$20 billion in revenue.

Who pays? Who then pays when we raise taxes on the manufacturers of medical devices? Who at the end of the day is going to pay for that? We know who is going to pay for it. We know it will be the person who purchases these medical devices because the companies, obviously, cannot stay in business at a loss.

I note the presence of my colleague and friend from Arizona. I would bring this to his attention.

Mr. President, I ask unanimous consent to engage in a colloquy with my colleague from Arizona.

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

Mr. McCAIN. I mentioned earlier, I say to my friend, Senator KYL, the letter and press conference of our, I think very courageous, Governor and a speaker of our Arizona House and Senate. They held a press conference yesterday and announced the letter they were sending to the President of the United States. I think she graphically demonstrates not only the incredible burden this lays on our home State of Arizona but on States all over America.

Isn't it true, I ask my colleague from Arizona, that not only has the State of Arizona warned of the consequences of this legislation, in the State of Arizona we may have on our ballot a statement included in our State constitution that no one should be forced to buy health insurance. Isn't it true that other States both have enacted legislation and are working on their own State constitutions to prevent this mandatory health insurance purchase and the included tax increases and costs on their States?

Mr. KYL. Mr. President, I appreciate my colleague bringing that to light.

The answer, of course, is absolutely yes. I think at last count there were some 38 States that had expressed either through their attorneys general, Governor, or State legislature the intention to file litigation, and some of those States, such as Arizona, will have either ballot propositions or some have already passed legislation, such as Idaho, that has the effect of law to exempt their citizens from having to participate in this Federal mandate.

I ask my colleague, has this letter been printed in the RECORD yet?

Mr. MCCAIN. I had it printed in the RECORD, and also I highlighted the comments the Governor said, "imploping our Congressional delegation to vote against your proposal. . . ." Therefore, "the reason for my position is simple: we cannot afford it."

Mr. KYL. Mr. President, if I could, the Governor had sent a previous letter, which is also in the CONGRESSIONAL RECORD, in which she specified the amount of money, \$4 billion of extra costs, for the State of Arizona after our State has already slashed billions from the budget. In fact, our State is in such financial doldrums that they literally had to sell some of the buildings at the State capital in order to generate revenue, and then they are leasing those back.

Our State is in terrible financial condition. As my colleague pointed out before, with the number of homes in foreclosure and underwater, it is a terrible situation. Now to impose an additional \$4 billion expense on the people of the State of Arizona with this legislation, as the Governor said, is very objectionable. She has urged our colleagues in the House of Representatives, therefore, to oppose the legislation.

Mr. MCCAIN. I would like to bring to my colleague's attention—one of the major health care providers in our home State of Arizona and across the country is Banner Health, as my colleague knows. There is a letter.

Mr. President, I ask unanimous consent the letter from Peter Fine, CEO of Banner Health in Phoenix be printed in the RECORD.

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

MARCH 15, 2010.

Hon. JOHN MCCAIN,
U.S. Senate, Senate Russell Building, Washington, DC.

DEAR SENATOR MCCAIN: The President has called on Congress to pass H.R. 3590, the Senate's Patient Protection and Affordable Care Act, before Easter, along with some changes that the Administration recently outlined. This legislation would greatly expand Medicaid at a tremendous cost to Arizona. Our state cannot afford its current Medicaid program and your support for H.R. 3590 would be fiscally irresponsible.

The Arizona Legislature adopted an \$8.5 billion spending plan this past week for SFY 11, addressing one of the largest deficits of any state. This budget drastically reduces spending for the Arizona Health Care Cost Containment System (AHCCCS)—Arizona's version of Medicaid. Specifically, this budget cuts \$2.7 billion in state and federal dollars as follows:

Eliminates funding for the AHCCCS expansion population, known as Prop. 204, as of Jan. 1, 2011. As a result, nearly 310,000 adults at or below 100 percent of the federal poverty level will lose health care coverage under AHCCCS.

Repeals the KidsCare program, Arizona's version of SCHIP, as of June 30, 2010. KidsCare provides health care coverage for 47,000 children from low-income families.

Eliminates all Medicaid funding for Graduate Medical Education, which supports physician residence training programs.

Cuts \$14 million in Medicaid Disproportionate Share Hospitals (DSH) payments and reduces the number of hospitals eligible to receive DSH.

Cuts provider payments up to 5 percent beginning October 2010. If Prop. 100 (the one-cent sales tax referendum) fails to pass on May 18th, the AHCCCS Administration is authorized to cut provider rates up to 10 percent.

Eliminates behavioral and mental health services for 36,000 individuals, including 14,600 adults who have a serious mental illness.

Despite these and other drastic program cuts, Arizona's budget still has \$2.5 billion structural deficit—the difference between on-going expenditures and on-going revenues. And if Prop. 100 (the one-cent sales tax referendum) fails, the structural deficit will be a staggering 43.4 billion.

Arizona has run a budget deficit in eight of the last ten years. The state's reliance on long-term borrowing to finance operations has grown significantly and serves only to further exacerbate the on-going structural deficit. To put a finer point on it, our state's budget has become a house of cards.

Banner Health, Arizona's largest provider of health care services, supports expanding access to health care services for the uninsured but not as an unfunded mandate. According to the AHCCCS Administration, the Medicaid expansion in H.R. 3590 will cost Arizona \$3.9 billion from 2014 thru 2020. The state simply cannot afford this expansion. This state cannot financially support the first dollar to gain the federal match and if the legislation calls for expanded Medicaid coverage, the federal government will have to financially support it in total. While the legislation has many good things that could still be put in place by going after them individually rather than in a large complex bill, the negative impact of the unfunded mandates associated with the expansion of Medicaid will devastate Arizona. Therefore, I strongly urge you to oppose H.R. 3590 unless the unfunded Medicaid expansion is removed or fully funded by the federal government. If not, the effect on the state and its financial condition will be devastating and will reach unprecedented levels. Thank you.

Mr. MCCAIN. His letter states:

The President has called on Congress to pass H.R. 3590. . . .

This legislation would greatly expand Medicaid at a tremendous cost to Arizona. Our state cannot afford its current Medicaid program and your support for H.R. 3590 would be fiscally irresponsible. . . .

Despite these and other drastic program cuts, Arizona's budget still has a \$2.5 billion structural deficit—the difference between on-going expenditures and on-going revenues. . . .

Arizona has run a budget deficit in eight of the last ten years.

Banner Health, Arizona's largest provider of health care services, supports expanded access to health care services for the uninsured but not as an unfunded mandate. According to the AHCCS Administration—

That is our State's version of Medicaid—

the Medicaid expansion in H.R. 3590 will cost Arizona \$3.9 billion, from 2014 through 2020. The state simply cannot afford this expansion. The State cannot financially support the first dollar to gain the federal match and if the legislation calls for expanded Medicare coverage, the Federal Government will have to financially support it in total. While the legislation has many good things that could still be put in place by going after them individually rather than in a large complex bill, the negative impact of the unfunded mandate associated with the expansion of Medicaid will devastate Arizona.

Mr. KYL. Mr. President, I say to my colleague, Mr. Fine, a leader of one of the very large health systems in the State of Arizona, had been, I would say, very forward leaning, maybe even supportive of the health care reforms that had been proposed by the President initially. This comes from someone who wanted reform and who notes in this letter that there are some good things there, but he has finally concluded that the imposition of the unfunded mandates and other features of the legislation simply make it—unsustainable.

I ask my colleague for the exact word. I am not sure if it was "unsustainable." But he said: So this legislation should not be supported. Instead, he suggested the approach that we have taken, which is we should take the good features that address specific problems and try to deal with them one by one rather than in this comprehensive form.

This is from someone who initially was pretty supportive of trying to move forward with this and now has concluded it is just too much and the State cannot afford it.

Mr. MCCAIN. Also, I am very interested. I said earlier, before my colleague came to the floor, that the announcement this morning that Caterpillar has announced the health care bill would cost the company \$100 million more in the first year—\$100 million more, just Caterpillar, in the first year alone.

The hour is late. But what I think maybe my colleague and I should do is ask people from Raytheon and Boeing and other major manufacturing companies—by the way, many of them are export driven, Intel and others, that are located in our State—what the cost to them would be. If Caterpillar says it is \$100 million more in 1 year, I can imagine what the costs are going to be to the major manufacturers that are located in the State of Arizona as well.

Again, I want to repeat—I know Senator KYL agrees with me—I would like to congratulate our Governor for standing up for the people of Arizona, for the courage she has shown more than once in her press conference. The statement she, joined by the members of the legislature, made is an important aspect of this debate. We should know in Washington what our actions will do to the people of the States we represent.

As Senator KYL mentioned, 38 States are taking some kind of action or another to prevent this piece of legislation from—however it comes out, certainly in its present form, which we know will not change very much if it is passed—wanting us to stop and start over.

I hope our colleagues will recognize if this legislation passes through this weekend, through the House of Representatives, that the fight will then come back to the floor of the Senate. If in the worst case scenario this legislation is passed by the Senate and signed into law by the President of the United States, there will be a movement throughout the country that will be entitled “Repeal Now” or something like that, which will argue strenuously through demonstrations, at the ballot booth, and at tea parties and gatherings all over America that we will repeal this legislation.

Back in the 1990s there was a piece of legislation called catastrophic health care. We passed it through the Congress. The President signed it. The American people said no.

This fight goes on. All of us want to fix the health care system. All of us want to bring health care costs down. This is not the way to do it. It is certainly not the way to do it, which would be done strictly on a partisan basis for the first time in history that legislation of this magnitude is passed without a broad, bipartisan basis for it.

I yield the floor.

The ACTING PRESIDENT pro tempore, The Senator from Arizona.

Mr. KYL. Mr. President, I am going to be speaking on the legislation pending before us. Perhaps Senator DORGAN would like to lock in speaking time after I am done?

Mr. DORGAN. Let me ask unanimous consent to be recognized following the presentation by Senator KYL.

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

Mr. KYL. Mr. President, I am going to speak in more detail later, following up on comments that my colleague from Arizona, Senator MCCAIN, has made. He has rightly pointed out that the Governor of the State of Arizona and our legislative leaders discussed in press conference in Arizona the impact of this legislation in Arizona. They are very worried. They have urged our congressional delegation to oppose the legislation. I will make some comments about that.

But I do want to address this question of the so-called perimeter rule, which is relevant to the FAA bill that is before us, and an amendment that has been filed by Senator ENSIGN that will be modified and refiled sometime today, either by Senator ENSIGN or by Senator HUTCHISON. It is an amendment which I support.

I am going to discuss the perimeter rule and the way that the amendment would change it, briefly, today, and then after it is filed we will have a lit-

tle bit more to say about it. The Ensign amendment would have the effect of modifying an archaic regulation that has had the effect of limiting competition and travel options for those who fly in and out of Ronald Reagan Washington National Airport.

Many years ago, Congress restricted the departure or arrival of nonstop flights from airports that are more than 1,250 miles from Reagan National Airport. It is called DCA, in the terminology—1,250 miles. That established a perimeter beyond which planes could not fly into or out of Reagan National Airport. That is referred to, therefore, as the perimeter rule. Effectively, it forced passengers in the Western United States either to use Dulles Airport or to use some other hub partway through the country, change planes, and then fly into Reagan from that shorter distance.

Obviously, this is inconvenient and discriminatory against citizens in the western portions of the United States who, I submit, should have equal access to their Nation's Capital as citizens who are closer to the Capital.

The original purpose of it was a valid one, and it was to ensure the new Dulles Airport—I think now over 50 years old, but I still think of it as a new airport—would become successful. It did take a few years for Dulles to establish itself as a major national and international airport, now serving, I think—just 2 years ago, the last year for which I have statistics—over 24 million passengers, which is millions more than Reagan Airport.

So it is clearly both an international hub in the United States, as well as the long-haul airport serving the Washington, DC, area. It is thriving, as I said. It has something over 24 million passengers, and that was as of over 2 years ago.

Over the years because of not only the success of Dulles Airport but also improvements in technology and handling more airplanes and handling more planes on the ground and, importantly, in reducing the noise of jet engines, the desire of more people to be able to travel directly into Reagan Airport has obviously increased, and there has been pressure to grant at least a limited number of exceptions for the traveling public which is eager for options in getting in and out of the Washington, DC, area.

So a very few limited exceptions to this perimeter rule were created. Yet today there are only a dozen nonstop flights—12—between Washington National and the entire Western United States; specifically, 4 flights to Denver, 3 to Phoenix, 2 to Seattle; 1 to Las Vegas, 1 to Los Angeles, and 1 to Salt Lake City. And that is out of approximately 400 flights from Washington Reagan Airport. That is the only number—12—out of more than 400 flights traveling to those important cities in the United States—Los Angeles and Phoenix, 2 of the top 5 populated cities in the entire country.

In 1999, now more than a decade ago, the Transportation Research Board found that the perimeter rules “no longer serve their original purpose and have produced too many adverse side effects, including barriers to competition.” Of course, barriers to competition not only make it more costly for flyers but also reduce the ability of airlines to compete and create stress on them even to remain in business. With all of the other stresses that have impacted airlines recently, this is just one more.

The same Transportation Research Board found that these perimeter rules “arbitrarily prevent some airlines from extending their networks to these airports; they discourage competition among the airports in the region and among the airlines that use these airports; and they are subject to chronic attempts by special interest groups to obtain exemptions.” We all are aware of that latter point because we hear about it. Every month, it seems, there are people who are putting pressure on to try to get more exemptions.

There is also legislative precedent that supports this argument that this DC perimeter rule should be repealed. This was done just 4 years ago in 2006 in the Wright amendment reform of 2006.

In 1979, there was a Federal law passed, headed by Speaker Jim Wright, of the House, that restricted flights at Dallas's Love Field Airport. Love Field was the first airport in the Dallas region, and this legislation originally limited most nonstop flights from Love Field to destinations within Texas and neighboring States of Texas. But, as I said, in 2006 we passed the Wright Amendment Reform Act, which issued a full repeal of this Love Field perimeter rule. There were certain conditions to it, but the bottom line was that lifting the restrictions at Love Field gave the public a lot more flight options, it cut prices, and it made traveling for the traveling public much more efficient.

The Ensign amendment would have much the same effect with respect to the Washington, DC, area. Here is the key thing it does: It would amend the DC perimeter rule by allowing any carrier that currently has slots at Reagan Airport—not saying new air carriers would come in; only those that currently have slots—they could simply convert slots they currently have that serve large hub airports inside the perimeter to an airport outside the perimeter.

The first concern is, well, what about the cities that are served inside the perimeter? The amendment is limited to large hub cities, so there isn't an argument that some smaller city is going to be cut out. The only flights that could be transferred would be flights that already go into large hub cities, cities that are already served with plenty of flights and can be. So an airline, in order to take advantage of this amendment, would have to remove a

flight from one of its large hubs and transfer it to a city outside the perimeter, a city such as Phoenix or Las Vegas or Los Angeles or Salt Lake City, for example. This is referred to as the "slot conversion provision," and this is the guts of the amendment. It does not add flights; it does not take flights away from small communities; it simply allows the airlines to move up to 15 flights per carrier from a hub that they already have to some city outside of the perimeter, the 1,250-mile perimeter.

It ensures that service to small and medium hub airports is not affected, and it would not alter the slot regulations at DCA—no new flights in or out of DCA. The only difference is that when a plane takes off from Reagan National Airport, its destination may be Los Angeles rather than—pick a city—Omaha—well, Omaha may be a smaller city—perhaps Dallas or Chicago. So there are no new allowable flight operations. The airplanes are the same, no additional concentration at the airport, and obviously very little impact on Dulles because of the fact that there would be so few flights and they would be going to cities that presumably are already being served.

As I mentioned, it is capped at 15 round trips per carrier. It is expected that only five carriers could take advantage of the provision and that not all of them would be able to take full advantage of it. So the maximum number of flights would be 75, and it is likely that it would be far fewer than that. But even if you take the maximum of 75 flights, you are talking about well over 100 flights in and out of Dulles as it is right now. According to the Metropolitan Washington Airports Authority, Dulles has 333 daily flights to 83 U.S. cities and 59 daily flights to 43 international cities. Obviously, 75 beyond the perimeter would have a negligible impact on the operations or demand for Dulles Airport.

The key, as I said, is we will be able to create greater options for passengers, thus reducing their cost of travel, providing greater flexibility, access to the Nation's Capital at a somewhat more convenient location, and help for airlines that need to do everything they can to stay in business to serve the traveling public. Airlines are under a great deal of economic pressure these days, and what these airlines have said is this will help them continue to serve the traveling public if they are able to change this perimeter rule.

So we are going to be able to debate further the Ensign amendment, which is scheduled to be considered by the Senate at 5:30 on Monday. Because of the fact that it would simply increase the ability of—the airlines' flexibility to move from large hub cities today to similar cities outside the perimeter, it is our hope that our colleagues in Virginia, who naturally have been very concerned over the years about ensuring the continued success of Dulles Air-

port, concerned about the environment for their citizens both in the Dulles area and in the area of Reagan National Airport, that their concerns would be assuaged by the fact that this is very limited and it, as far as I can see, has no adverse impacts of any kind for the citizens of Virginia.

So we would hope eventually to be able to work something out here where we could modify the perimeter rule. It is anachronistic; it is decades old. As I said, a lot has changed since it was put into effect, and we are hoping this is the time to do it. There will be no better opportunity than on this FAA reauthorization bill. In fact, it is probably the only opportunity. Given that fact and given the fact that we have been trying to accomplish this for many years, I think it is safe to say that those of us who support this are going to insist this legislation be the vehicle for finally making a change.

I very much appreciate the ability of probably the key person on the Democratic side, Chairman ROCKEFELLER, but also the chairman of the subcommittee, Chairman DORGAN, to discuss this matter seriously, and the Senator from Virginia, Mr. WARNER, to discuss this, recognizing that the conference committee is presumably where all of these issues are going to be hashed out given the fact that the House of Representatives adopted an amendment relating generally to the subject matter but not the Ensign amendment at all.

So it would be my hope, with the kind of constructive conversation we have had in discussing this, that that kind of constructive conversation can continue and we can get this matter resolved as part of the FAA reauthorization legislation.

I yield the floor.

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

Mr. DORGAN. Mr. President, I thank the Senator from Arizona for his comments, and I think his comments describe, No. 1, the rather complicated set of issues—slot rules, perimeter rules for Washington National, which are rather complicated, somewhat controversial. Yet I think he knows and I know and everyone understands that when there is a conference on the FAA reauthorization bill, the House brings to that conference some provisions the House has completed on slot rules.

So it is going to be an open discussion, and it seems to me all of us understand that things change, and the slot and perimeter rules will always be a subject of change. My expectation is there will be a change coming out of that conference.

I think the discussion we had last evening, as all of us work together trying to understand what is the optimum solution that relates to the needs of all of the interests concerned, is something we can and should strive to achieve, and I think we will do that.

So I appreciate the cooperation of the Senator from Arizona and certainly

the strong feelings of the Senator from Virginia. My guess is that this will get resolved in the right way because I think all of us understand the good will here to do it, and that will allow us—in order to unlock this bill and get it finished Monday night, we needed to try to find a way to reach a common ending here. And if we can—and we will, I believe—on Monday evening finalize this bill, that will be a significant achievement at long, long last.

ENERGY

I want to talk about energy policy. I wanted to spend a little time speaking about another important subject. Right now, this Congress is very focused on health care, all the time these days, and for good reason because I think the health care debate is reaching a conclusion. It will get finished perhaps Sunday or Monday in the House and then taken up next week here in the Senate. But there is another issue out there that has had a lot of discussion, and it is very big, important, controversial, and urgent, in my judgment, and that is the subject of energy and climate change. There is a great deal of discussion about the intersection of energy and climate change; that is, energy security for our country and trying to protect our planet from climate change.

Typically, most of us do not think much about energy. We just use it, and we assume it comes from somewhere. But we use it, and we are pleased to be able to have access to it. Starting in the very early hours of the morning, when an electric alarm goes off, a sleepy hand reaches over and shuts off the alarm and then turns on a light and then perhaps even turns on a television or a radio. Then in many households, probably uses an electric toothbrush, a toaster, a coffee pot, and more. For those who shower in the morning, a hot water heater keeps that water nice and hot. For those who work really hard, of course, they shower after work, but all in all, it is the same hot water heater. And we do this all day long. We just take advantage of flipping a switch and a light goes on and putting a key in an ignition and the engine starts, but not realizing that all of this is made possible by energy, and we use a lot of it.

We had a circumstance in the Washington, DC, area a few years ago when a lot of homes were out of electricity, I should say, for upwards of a week. You know, only then did people understand what role it plays in their lives. All of a sudden, there was no television, no lights at night, or no hot water. So then people understood the importance and the role of energy.

So here is this issue of energy security. We import a lot of our oil from outside of our country. A substantial amount of the oil reserves in the world is produced in countries that don't like us very well. So is that a security issue? I think it is, and we ought to worry about that—being less dependent on others for our energy. Particularly in a day and age of terrorism, we

should be more concerned about the issue of national energy security.

Even as we do that and work on the issue of energy security, we are faced with questions about how we protect our planet. We now understand from the wide consensus of scientists is there is something happening to the global climate. Much of it is related to the amount of CO₂ and other greenhouse gases that are emitted into the atmosphere from man-made sources. So how do we have a future that addresses our energy production and use and that reduces the CO₂ to bring about a lower carbon future in order to protect our planet?

These two pieces must fit together and relate to each other: How do you promote greater energy security and how do you protect the planet with respect to global climate change?

Well, with energy security, there are about three major ways: one, you produce more energy; two, you conserve more energy and use it more efficiently in all kinds of ways; and three, you maximize renewable energy, even as you produce more from traditional sources. With respect to climate change, you take a look at what are the carbon emissions from fossil energy sources and then find ways to lower those emissions.

I want to talk a little about the dilemma we have, and I have spoken about it before. We wrote a bill in the Senate Energy Committee last June. We passed it out on a bipartisan vote, and it has been languishing on the Senate calendar ever since. The reason it has languished and not been brought to the floor of the Senate is because there is another group in this Chamber who says: We will not accept working on an energy bill—even though the bill, by the way, lowers carbon emissions and is taking steps to do exactly what you would do to actually reduce carbon. Even though that is the case, we have a group of other folks in this Chamber who say: We do not intend to allow an energy bill to come to the floor unless it is part of a cap-and-trade climate change bill. Well, I want to talk about that a bit.

My colleague, this past week—I probably will not name him—but, according to this article, “came out swinging . . . against the idea of passing just an energy bill.”

“It’s the ‘kick the can down the road’ approach,” said [one of our colleagues]. “It’s putting off to another Congress what really needs to be done comprehensively. I don’t think you’ll ever have energy independence the way I want until you start dealing with carbon pollution and pricing carbon. The two are interconnected.”

He pledged to fight against bringing the Energy and Natural Resources bill to the floor of the Senate. Then he said it is a “half-[blank]” approach bill, and so on.

He is wrong. Everybody has a right to be wrong, of course, but he is wrong. The bill the Energy Committee passed actually reduces carbon emissions. If

you want to reduce carbon emissions, you can have a debate in here about targets and timetables. But it is the actual energy policies that reduce carbon. That is exactly what we did in the Energy bill.

That Energy bill will maximize the production of energy where the wind blows and the Sun shines. If you can maximize renewable energy from the wind and the Sun, then you dramatically reduce carbon. The only way you can do that is to decide as a country: Here is where we want to go.

It is interesting to me that if you ask someone about Social Security or Medicare or a number of other things 50 years from now, they will give you their estimates of this or that. Then you ask them this: What kind of an energy future do you want America to have? What do we aspire to achieve? How will we use energy 50 years from now? They do not have the foggiest idea. They have not thought much about it. Well, they should, and we should.

But here is the situation. I feel we ought to produce more here at home. We ought to conserve more. We ought to promote much greater efficiency. We ought to maximize the use of renewable energy. We ought to do all those things. But I feel we ought to find ways to put caps on carbon. I also am willing to price carbon. I think a price signal on carbon is important.

What I do not support, and have never supported, is offering a trillion dollar carbon securities market to Wall Street so they can trade carbon securities on Monday and Tuesday—with their inevitable bubble of speculation—and then tell us on Thursday and Friday how much our energy is going to cost, as a result of the trades they made early in the week. I have no interest in doing this, given the history of what has happened on Wall Street, with the bubbles; and there have been plenty of them. The last bubble threw us right into the ditch as a result of the most unbelievable avarice and greed and speculative behavior we have seen in this country in about six or eight decades. I have no interest in saying to them: Here is a new trillion dollar carbon security market. You all grab it and trade it. By the way, they are already prepared to trade carbon derivatives—and probably very quickly synthetic derivatives. I have no interest in helping them do that.

But that is not the only way to address this issue. We could consider other options. We can do a carbon fee. We can do some sort of hybrid approach in which there are auctions by the government, just as we auction T-bills. There are other ways to do that. I support a cap on carbon, and I support finding a way to price carbon. I just do not, and will not, support a new carbon securities market for Wall Street to decide what the price of carbon is going to be.

Having said all that, my hope is that perhaps we all could get together and

bring the Energy bill to the floor that actually takes steps to reduce carbon. By the way, if you are opposed to that, you are apparently opposed to reducing carbon. Bring that bill to the floor—and if somebody here wants to do cap and trade, have them offer an amendment and try to bolt that amendment onto the bill. If they have the votes, good for them. I am willing to vote for an amendment that puts a price on carbon when a bill comes to the floor. I will consider voting for something that caps carbon and puts a price on carbon. Yet, I will not vote for cap and trade with Wall Street manipulation. I will vote for the underlying Energy bill, which should be done because that is the way you begin to lower carbon.

There are many important aspects of the Senate Energy bill. We build an interstate highway of transmission capability so you can gather the energy from the wind where the wind blows and then send it on transmission lines to the load centers that need it. The same is true with solar energy. We would have the first ever national renewable energy standard in the history of this country—the first ever—saying 15 percent of electricity must be produced from renewable sources. I would offer an amendment on the floor that would take that to 20 percent. I believe it should be at least 20 percent.

We have provisions to support building retrofits and greater efficiency. We do all of the things: maximize renewable with a national RES, support the development of an interstate transmission capability and more. Why on Earth, then, would they oppose bringing that bill to the floor, to do exactly what they suggest has to be done ultimately to meet the targets they want to propose? I want to mention, as we deal with this issue—the very fact there is an urgency with respect to energy and also climate change—the very fact that urgency exists means there are a lot of things going on.

I want to describe some of them that I think are very positive. I want to do that because in this Chamber on health care and virtually every other subject, most of what is discussed is negative. I understand that problem. That is what we work on. We work on the things that do not work. We find out what is wrong and debate that. And the old saying that I have described often: Bad news travels half way around the world before good news gets its shoes on—is true in this Chamber as well. It is what sells. But there is a lot of good news.

Let me describe some good news with respect to energy and climate change. First, in terms of the production of oil, we have had some important successes. In North Dakota, my home State, the U.S. Geological Survey has identified the largest reserve of oil that is recoverable using today’s technology that they have ever surveyed in the history of the lower 48 States—4.3 billion barrels of technically recoverable oil. Here is how they get it. It is a 100-foot seam called the Bakken Shale which is about

10,000 feet below the Earth. They punch a hole in the planet with a little drilling rig. They go down 2 miles, make a big curve, and go out 2 miles. So they have one drilling rig. They are drilling a well down 2 miles, take a big curve out 2 miles, and then hydrofracture with high-pressure solution. With that, the oil begins to seep, and they pump the oil out. In North Dakota, they drill a new well about every 30 days.

We have 100 drilling rigs in North Dakota right now. Last year, for the first time in a long, long, long time, we actually produced more oil than we did in previous years. Over decades, we have been on a slow decline in production. But not last year because we are discovering more oil and more natural gas. So there is good news in those areas.

With respect to wind, take a look at wind turbines that are going up all across this country. We are seeing the same with solar. There is so much good news about the production of energy.

Let me tell you about the inventiveness because I think inventiveness is going to solve some of these problems. We have people coming in all the time wanting to get through what is called the valley of death, if they have a new idea. A new idea needs to get sustained funding and support in order to demonstrate at scale. Often it is hard to get the money. That is part of the problem in terms of the valley of death that they have to go through. Some of them never make it through.

There is a person who is developing synthetic microbes that can be used to consume, or in layman's terms, eat the coal and leave methane in its wake. Wouldn't that be interesting: synthetic microbes that would turn a coal seam into methane.

There is a person who has what he described as a lollipop-shaped microbe they discovered that breaks cellulose more efficiently than any other known microbe that would then make cellulosic ethanol that you would put in your car that is one-third less expensive. That would be a big deal. I do not know whether it works, but they claim it does.

I have had a presentation by a guy who says he has a diesel engine that gets 100 miles to the gallon that is being tested. We have had presentations from a guy who has invented a process for taking the flue gas from a coal plant, mineralizing it, and turning it into a product that is harder than concrete which also contains CO₂. So you get rid of the CO₂, which is the problem, by creating a product that has value that is harder than concrete.

We have projects around the country now of taking the CO₂ from a power plant and using the CO₂ to produce algae—that single-cell pond scum that you see in wastewater, the green stuff—producing algae with CO₂ and then harvesting the algae for diesel fuel. Isn't that something? You take a problem and you turn it into a fuel.

We have another group working on algae that excretes the lipids, and with

very little treatment it becomes the fuel. There are so many people doing so many things. I had a group come in to tell me about their new patent that will make a different kind of wind tower—blades and turbines—that they believe will reduce the cost of producing energy from wind towers by 50 percent. Well, maybe that is the better mouse trap. Maybe the world will beat a path to their door. I do not know.

But there are so many breathless new ideas that are being discovered. Our national laboratories are studying the guts system of a termite. Why are we studying 200 strains of bacteria in the guts system of a termite? Because when a termite eats your house, a termite creates methane gas. Well, that is not so unusual. That happens with a lot of organisms that eat something. But it also produces hydrogen. This little bug that eats your home produces hydrogen. If we can figure out a way to turn wood into fuel, just as a termite does, then we would have something interesting and important, and those experiments go on.

We can take the CO₂ from a coal-fired power plant, transport it, and invest that into oil wells and pull up much more oil from wells that were nearly depleted. This is called enhanced oil recovery and has been used for years. All of these things are happening around our country, and all of them, it seems to me, have very interesting potential.

We had testimony at one of our hearings from a Ph.D. from Sandia National Laboratory who talked about experiments they are doing there using a sunlight heat engine and putting CO₂ into one side, water into the other side, fracturing the molecules, and then chemically recombining them and producing a fuel, water, and CO₂. My point is this: There is a race to the finish here in this country by a lot of inventive people to find new ways to produce new energy and find new ways to be able to continue to use our abundant sources of energy while at the same time protecting the atmosphere and our planet. I am absolutely convinced that some of these ideas are going to be the ideas that represent the silver bullets.

We appropriated about \$37 billion to the Department of Energy through the Recovery Act funding, which has been described as the largest venture capital firm in energy in the history of humankind. Through the leadership of Dr. Chu, Matt Rogers and others at DOE, they are funding a lot of inventive, interesting new approaches to address these diverse energy challenges. How do you continue to use current fossil energy while protecting our planet? How do you continue to use coal through geologic sequestration or beneficial use of CO₂? How do you create new kinds of fuels? How do you expand the use of renewables? All of these things are happening now, and all of them, I think, are exciting, and I think will have a profound impact on what we do 5, 10, 25, and 50 years from now.

We are working very hard to try to electrify the automobile fleet, and I believe in the years ahead we will see a much greater movement to a predominantly electric vehicle fleet. So those are the kinds of changes we will see.

I know this is important for two reasons. We stick holes in the Earth, and we suck out about 85 million barrels a day. We also know that of that roughly 85 million barrels a day, one-fourth of it needs to come to the United States of America because that is our appetite for that oil. We are a country whose people depend on and whose economy runs on oil and on energy.

We know the Chinese and Indians look at this, and in India and China, we know there are people who want to drive vehicles. In the very near future, I expect that hundreds of millions of additional people will be driving cars around this planet. They are going to want to find a gas station to stop at once a week to put fuel in those cars.

What does that mean for us, for our supply of energy that is necessary to run the American economy? That is why all of these things are important.

Let me go back to where I started. We are having this debate about whether the Energy bill that was passed out of the Senate Energy Committee on a bipartisan basis should come to the floor of the Senate. My response is, yes, it should come to the floor of the Senate. I am a little tired of somebody saying it is not a worthwhile bill to debate. This person isn't on the Energy Committee. This person doesn't know the specifics of that bill or at least misrepresents it in a press article.

If there are those who wish to have a cap-and-trade debate in the Chamber, let them come, but let's bring the Energy bill to the floor. That is the way the Senate works. You work a bill up through the Energy Committee, doing something you think is good for the country. In this case, our bill increases energy security and begins to reduce carbon emissions. We should bring that bill to the floor through the regular order. Then, if somebody wishes to offer amendments to cap carbon, I will be supportive of those amendments. If somebody wants to offer amendments to put a price on carbon, I could be supportive of that. However, I will not support the aspect of cap and trade which creates a further abyss by giving Wall Street a \$1 trillion carbon security market with which to trade for our energy future.

I know I have given this speech five or six times, the first five times to no avail. Perhaps, I hope, now that we are nearing D-day, wherein if we don't get an energy bill to the floor, we will have finished last year and this year having done nothing about what I think is an urgent national need. We will not have taken steps to bring about greater energy security and doing the kind of things that are necessary to reduce carbon emissions.

The Senate Energy Bill takes both of those steps. The fact is, we have now

lost nearly a year's time because others have wanted to bolt on cap-and-trade provision, or they won't allow it to come to the floor unless they bring their cap-and-trade proposal to the floor.

Understand that I am in favor of capping carbon. I am willing to price carbon. However, I am not willing to agree that we ought to abandon the work of the committee which actually begins to reduce carbon. I am also not willing to agree, given Wall Street's recent history, to dive into a pool of carbon derivatives with carbon securities so they can determine our energy pricing future.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

HEALTH CARE

Mr. KYL. Mr. President, I wish to go back to the subject my colleague, Senator MCCAIN, was discussing earlier today. He had printed in the CONGRESSIONAL RECORD a letter sent by the Governor of the State of Arizona to the Speaker and to the majority leader of the Senate relating to the health care legislation, imploring them not to impose the new mandates that would cost the State of Arizona additional funds for covering Medicaid patients and urging the Members of the Congressional delegation to reject the legislation that does that.

It is not clear yet, because it has been hard to go through the entire legislation, what all the changes are in the last bill, but I do wish to discuss those that have at least been identified by the staff who have had an opportunity to read the bill since it was put on the Web site yesterday.

To back up a little bit, let's remember there was a bill that passed the House of Representatives. Then there was a bill that came out of the Finance Committee in the Senate. It was combined with the bill that came out of the HELP Committee in the Senate. This was done behind closed doors. It was essentially done by the majority leader in the Senate. That bill was not the subject of the normal committee process, but it was presented to the Senate floor. The Senate then modified that legislation and voted on it and sent that back to the House of Representatives. So the latest bill represents a piece of legislation drafted by representatives of the White House, the Senate, and primarily the House of Representatives, behind closed doors, primarily to add elements to it that the President desired and to "fix" parts of the Senate bill that Members of the House of Representatives did not want.

There is an editorial in the Wall Street Journal today called "March Madness," which discusses this a little bit. In the first paragraph they say:

No bribe is too costly, no deal too cynical, no last-minute rewrite too blatant.

The first sentence says:

Has there ever been a political spectacle like the final throes of Obama care?

I admit I have never seen anything in my roughly 24 years in the Congress such as this, either in terms of substance or in terms of process.

I note that several days ago the President said several times he wants an up-or-down vote on this legislation. "We just ask for an up-or-down vote," he said. But it now turns out the President and his colleagues in the House of Representatives don't want an up-or-down vote. In fact, yesterday, on a purely party-line basis, Democrats defeated, 222 to 200—some Democrats supporting the Republican resolution—but defeated the resolution offered by Republicans that would have required them to vote up or down on the Senate bill.

So what the President requested—an up-or-down vote—is, in fact, not going to occur in the House. Instead, they are going to pretend the Senate bill has been passed. The word they use is "deem." We are going to deem it passed. We are not going to vote on it, but it is going to be passed anyway. One might say: How on Earth could that happen?

Well, there is a way they have figured out in which they can include the Senate-passed bill in a rule they will then pass, and by passing the rule, they will deem the Senate bill passed and send it to the President and he would then sign it. Then, later, they will amend that bill through what they call the reconciliation process. But there is a little problem with that, too, because when the reconciliation bill comes back over here, as the chairman of the Budget Committee has acknowledged, it will be changed. There are points of order that lie against it and those points of order will be upheld and potentially the bill could be amended as well so it will have to go back to the House of Representatives. The reality is, what the House Members are hoping will correct the Senate-passed bill will not, in fact, do all they hope it will do.

The Speaker of the House, NANCY PELOSI, told reporters last week: "Nobody wants to vote for the Senate bill."

I guess this is the way they avoid that vote, by having the deeming. They will assume it has passed, even though they haven't taken a vote on it. The reason they don't want to vote on it is because it has a lot of bad features from their perspective—and I think from mine as well—but their hope to fix all those bad features is going to fail as well.

This editorial I mentioned in the Journal points out one of them, and it is the House demand to delay the tax on insurance plans from 2013 to 2018. That is something labor unions have very much wanted, and they want to respond to labor unions. They note that Richard Trumka, who met one on one with President Obama Wednesday—he is the head of the AFL-CIO—has wanted to accomplish this. The effect it would be to reduce Social Security payroll tax revenues. The rec-

onciliation bill expressly forbids any impact on Social Security. So that would be subject to a point of order, and 41 Republicans have said we will vote to uphold the points of order. So this particular change the labor unions very much want in the taxation of the so-called Cadillac plans is not going to be able to be made in reconciliation. It will be subject to a point of order. The point of order will be sustained. The bill will have to go back to the House of Representatives. One of the big things they wanted to fix will not be fixable by reconciliation. That is just one example.

There are several changes we are aware of in the bill, and let me identify those for my colleagues. I am sure there will be others we will discover. Those of us who opposed the bill complained about the roughly \$½ trillion in new taxes. Well, this latest bill increases the taxes by over \$70 billion. The taxes will now be increased by almost \$570 billion; to be precise, \$569.2 billion. The Senate bill increased taxes by \$493.6 billion. So we have now about \$77 billion more taxes in this legislation than in the bill the Senate passed—\$77 billion in more taxes. The CBO has, of course, said these taxes will be passed on to the consumers of health care and the buyers of health insurance through higher rates.

Medicare. Medicare was cut in the Senate bill by \$464.6 billion, but under this new bill, Medicare will be cut by \$523.5 billion, obviously well over \$½ trillion, and much of that will be in the Medicare Advantage area we have all been complaining about.

The individual mandate is the requirement that individuals will pay a tax if they don't buy a federally approved insurance policy. This is going to be raised by a couple billion dollars. The Senate bill had it at \$15 billion. It is now going to be \$17 billion. I don't know whether that is because they assume more people will fail to buy the policy and, therefore, will simply be collecting more revenue or the amount of the tax has been increased. Either way, it is an individual tax increase, all of which, of course, is administered by the Internal Revenue Service.

The employer mandate. This imposes \$52 billion in new taxes on employers that don't offer government-approved insurance. That is almost double from the Senate bill, which was at \$27 billion. I can guarantee the small business folks are up in arms about this additional new tax on employers.

I mentioned the Medicare Advantage plans. They are now cut by \$131.9 billion. The Senate bill cut them by \$118.1 billion.

The payroll taxes, which is probably the most destructive of all these tax increases because it goes right to job creation, are increased. These are now \$210 billion. All these figures are over 10 years. The Senate bill was \$86.8 billion, and that was enough. But think about this: From \$86 billion in the Senate-passed bill, the higher payroll taxes

are now up to \$210 billion—so from \$86 billion to \$210 billion. That is 2½ times higher, and that is a direct tax on employment.

We just considered a bill that gives a break to employers, a payroll tax break to employers that hire people who have been unemployed. We understand there is a direct relationship between how much an employer pays in payroll taxes and how many people he can afford to hire or to retain—and I say “he”—about half of small businesses are women owned, so I should obviously say he or she. We understand the relationship between the amount of payroll tax you have to pay and the amount of people you can afford to hire. Yet, in this legislation, we now impose \$210 billion worth of new payroll taxes on employers. This will be a job killer. Whatever minuscule efforts we have been making in these other stimulus plans to try to increase jobs, with not much effect, I might say, and at huge cost per job, all that gets wiped out when you impose this kind of tax directly on hiring or retaining employees.

Then there is the 40-percent excise tax on the high-premium plans. This raises \$32 billion. As I say, this is a problem because reconciliation, by its terms—this isn’t a matter of interpretation. Reconciliation precludes an effect on Social Security. That is the way it is written. You cannot affect Social Security in reconciliation. Because of the effect that this provision has, this is not going to be able to remain in the bill.

All these estimates, according to CBO, are preliminary. In fact, I think their phrase was that there is substantial uncertainty in their estimates. So these are not final estimates. Never before, I think, have we passed a bill without having final estimates from the CBO.

It is interesting to me that as much as folks don’t like the IRS, we are now going to have to add about 16,500 additional IRS employees, at a cost of up to \$10 billion, just to administer the IRS-enforced provisions of this health care legislation. For example, every citizen is required to buy an insurance policy. There are certain exceptions, depending upon your wealth, but you have to buy an insurance policy the government identifies for you. If you do not, then you have to pay a tax, and that is administered through the Internal Revenue Service. That is why they are going to need 16,500 more employees. How do you like that for increasing the size and the power of the Federal Government?

Let me mention some of the other effects of the legislation. One of the payroll tax increases is a brand new tax. It is destructive, especially to senior citizens or others who have investment income because, for the first time in our history, we would be applying the Medicare payroll tax to all investment income of people with incomes over \$200,000. That includes, as I said, in-

vestment income—dividends, capital gains, income of that sort. We have never taxed that in the past.

Moreover, this is going to hit people with far less income very quickly because it is not indexed for inflation. Just as the alternative minimum tax, which originally applied to about 218 millionaires, was never intended to apply to the vast majority of middle-income Americans, now it applies to over 23 million American taxpayers because we did not index it for inflation. Likewise, this tax, too, will be applied to more and more Americans as the years go on.

I mentioned the higher premiums. The Congressional Budget Office has specifically said these taxes will be passed on to all Americans. The taxes are imposed in a variety of ways: If you have insurance, you get taxed. If you do not have insurance, you get taxed. If you are an employer, you get taxed. If you do not have insurance for your employees, you get taxed. If you do and one of your employees goes to an exchange and is subsidized, you get taxed. You get taxed if you need a new device, such as a heart stent or a diabetes pump, even a wheelchair, if you need new drugs to take care of you. Why would we impose taxes? We are trying to help people with their health care. You need medical devices and you need pharmaceutical products to help you stay well or get better. Why tax those items? It is just beyond imagination.

I can imagine why we would tax alcohol or tobacco or some other sin, but the very things we need to make us healthy we are going to tax. Amazing.

We are going to tax insurance. Of course, that immediately gets passed on to you in the form of higher insurance premiums, which is one of the reasons that CBO says, yes, insurance premiums will go up under this bill. Why do that? Because insurance companies are bad. This is brilliant. This is like shooting yourself in the foot. We do not like insurance companies, so we are going to tax them and then turn right around and add that tax to your insurance premiums. The politicians then say: We punished the insurance companies. We are on your side. Right, they are on your side so they make sure you pay higher insurance premiums.

What does the Congressional Budget Office say? We are not even talking about where your employer provides the insurance. Take the individual insurance market where you have to buy it; the premiums as a result of the legislation will go up between 10 and 13 percent, and in some States it is a lot more than that.

Oliver Wyman Group, which is a very respected third party, has estimated that it is in the neighborhood of 50 percent for most folks, and in my State of Arizona it is 72 percent in insurance premiums. That is wrong. When Congress passes legislation that we are warned in advance is going to increase

insurance premiums, whether it is 10 percent or 70 percent because of the legislation, it is wrong to pass that kind of legislation. Even in the nonprivate markets, CBO says the cost will go up because of medical inflation. We are not bringing insurance premiums down.

There will be more lost jobs. This bill nearly triples the penalty on businesses that cannot afford to provide their workers with health care coverage. It was \$750. Now it is \$2,000 for every worker. This applies to part-time workers as well as full-time workers. This does not make sense. Businesses are trying to stay in business, keep people on their payroll or, hopefully, one of these days hire new people. Yet we impose these kinds of burdens on them. This is wrong.

What about the idea that we are going to affect the deficit? First of all, as I said, the Congressional Budget Office has said their estimates are subject to revision. They are offered with substantial uncertainty and are preliminary estimates only. They make these estimates based on what Congress gives them. If Congress includes in the legislation a provision that says we will cut \$500 billion from Medicare, then the Congressional Budget Office has to score that as a \$500 billion cut to Medicare, even though about half of that cut is the same kind of thing we have tried to do over the years to eliminate waste, fraud, and abuse. Of course, if it could be done, it would have been done.

The President, when he talked about this over a year ago in his State of the Union speech, could have spent this last year cutting out a lot of waste, fraud, and abuse. If it is there to be cut out, he could have done it. It is hard to do. But in the law, the way this has been written, it will be done; therefore, the Congressional Budget Office must score it as having been accomplished. It is not going to happen. As a result, this bill will be in deficit. It will not create the budget surpluses.

Think about it. One of my friends said: This is a pretty neat deal. We are going to add 30 million people to the insurance rolls and reduce the size of the deficit. He said: I have a great idea. Let’s get rid of the deficit by insuring everybody in China. Of course, the absurdity of the argument makes the point. You do not save money by spending money to insure more Americans. Every American understands that, which is why when we look at the surveys, they all laugh.

When they are asked the question: Do you think adding more people to the insurance rolls and paying for that is going to reduce the deficit? They say: Of course not, and it is ludicrous to suggest that it is.

I feel sorry for CBO that has to, with a straight face, say this will reduce the deficit. The only reason they have to say that, or can say it, is Congress gives a bill that says: You must assume it will reduce the deficit because we

are going to make all of these savings in waste, fraud, and abuse. It will not happen.

There are so many different gimmicks in it. Let me mention two: the physician payment cliff for Medicaid whereby payments for primary care physicians are increased for 2013 and 2014, and then it goes away. Do you really think we are going to pay physicians at the same rate we are paying them today, or slightly increase the payments in 2013 and 2014, and then they are going to suffer a 22-percent or 23-percent cut every year thereafter? Of course not. Yet that is how they balance this out. They assume a 23-percent cut in physician payments. It is not going to happen. It would be an abomination.

How do you with a straight face ask physicians to take a 23-percent cut in what they receive in reimbursements from the government? It is already difficult for them. In fact, the Mayo Clinic in Phoenix says it has to cut out many of the services and not take any additional Medicare patients because the reimbursement from the government is not enough to keep them in business.

By the thousands physicians are leaving the Medicare and Medicaid Programs. They cannot stay in it right now. Yet we are to assume we are going to cut them another 23 percent? It will not happen. Yet that is what the CBO must assume in making the budget projections.

The bill also hides the cost of filling in the so-called doughnut hole by not phasing it in. There are a whole variety of these gimmicks. I will mention one more.

This is the so-called CLASS Act, a long-term entitlement. They generate a bunch of revenue up front to make payments later on. However, the bill steals that money, reduces the cost of this new entitlement program, and never tells us how it is going to make it up later when it has to pay for the CLASS Act. It is a Ponzi scheme. The first dollar in they use to take care of the last investor, and eventually there isn't enough money to take care of the last investor, so that investor loses all the money, just like what happened with Bernie Madoff. No idea how they are going to pay for the CLASS Act once they use all the money they collected for it, spend it all on the new entitlement, and then have nothing in the till when they have to pay off benefits under the CLASS Act.

Social Security, same thing. They count the money twice. They say: We are going to extend the Social Security Program for 17 more years; it will be viable. However, we are going to take the same money we are applying to that, and we are going to pay for this new entitlement out of it, \$500 billion.

You cannot count the money twice, as the CMS Actuary pointed out.

The bill is rife with these gimmicks that say it is going to be balanced. It is not going to be balanced. Everybody

knows it is going to cost trillions of dollars. Mr. President, \$2.3 trillion is a low estimate for the first 10 years of operation.

Let me close with a couple other points.

One of the things that has caused people so much angst about this is the sweetheart deals. The Senate bill was stuffed with them. Our House colleagues and, I might say, some of our Senate colleagues, too, said: That is wrong; we are going to fix some of them. I applaud those who realized, perhaps after the fact, but at least realized this was totally inappropriate. Things such as the "Cornhusker kick-back" to Nebraska, that is being fixed in the bill. My guess is, even though some of these may be subject to budgetary points of order, some of them can be fixed through the reconciliation process. But there are still a bunch of them in the bill.

For those who said we have to take all of these sweetheart deals out of the Senate bill and fix that with reconciliation, no. Some are still there, and there are new ones added.

We talked before about the "Louisiana purchase." It is still in the bill. Medicare coverage for folks in Libby, MT, still in here. Mr. President, \$100 million for a Connecticut hospital, still in here. There is a new one. Tennessee, it turns out, is an important State in terms of votes in the House of Representatives. So Tennessee hospitals get more money for the so-called DSH payments, the disproportionate share. Tennessee hospitals—is that going to stay in here?

Another one was put in to help North Dakota relating—this is a whole other story. We have now taken over student loans for college education in the health care bill. In case you did not realize, it is not just health care. After taking over GM, Chrysler, and insurance companies, AIG, and a bunch of other sectors, now we are going to take over student loans. That is going to be put in the health care bill.

It turns out that hurts banks. Obviously, banks have a lot of employees who provide students with these loans. North Dakota has some banks that were going to get hurt. At least one bank in North Dakota was going to be able to continue to offer the student loans. To his credit, I am informed the chairman of the Budget Committee, the Senator from North Dakota, said: Wait a minute, we cannot do that, so I will try to get that out somehow or another. That is an appropriate thing to do.

You see how this happens when bills are written behind closed doors and there is an effort to make sure there are enough votes to pass it? They need to sweeten the pot, and this is the kind of thing that happens. These are some of the provisions. I am sure we will discover others that are in the bill.

One of my colleagues pointed out there are going to be some deals that have been made that do not show up in

this bill. He is going to be looking for those deals wherever they do show up.

I note the last two items. We did not want to put more people in Medicaid, but there are another 2 million people in Medicaid. Still 23 million are uninsured after all is said and done. The whole idea was to get 30 million people more insured and try to reduce costs.

We know it does not reduce costs. It does not get all the people insured, and those who are covered, the majority are put into the Medicaid Program that we know is broken.

Finally, the bill does not prohibit Federal funds flowing to insurance plans that cover elective abortions. This is a matter of concern to a great many people in both the House of Representatives and the Senate. They did not try to fix it in the reconciliation bill. But even if they had, that would be subject to a point of order as well.

The bottom line is that this legislation, crafted behind closed doors yet again, is replete with special deals, is worse in virtually every respect that I can see from the Senate bill. It increases the top line spending, increases taxes by maybe close to \$70 billion or a little more, cuts Medicare now by \$523 billion, adds to the individual mandate, adds to the employer mandate, hurts Medicare Advantage plans even more, a much higher payroll tax—\$210 billion increased payroll tax, a job killer—increases insurance premiums even more. It is hard to see how you can say that this is going to help the American people.

As the editorial in the Wall Street Journal that I cited before concludes:

This is what happens when a willful President and his party try to govern America from the ideological left, imposing a reckless expansion of the entitlement state that most Americans, and even dozens of Democrats in Congress, clearly despise.

I hope, Mr. President, that colleagues in the House of Representatives will have the courage to stand up and represent their constituents rather than the President and the Speaker of the House. They owe their obligation to respond to the message their constituents are sending: They want to stop this bill, to start over, and get it right.

The ACTING PRESIDENT pro tempore. The Senator from Ohio.

Mr. BROWN of Ohio. Mr. President, I have only been in the Senate about 3 years, but you don't have to be too quick around here to figure out that it is pretty easy to attack and to oppose and to try to stop things.

I am fairly amazed at the number of people I see—and I will share some letters of people from Ohio, from my home State, about this health care bill and about what this means personally to them. I will do that in a second, but just putting aside ideological arguments and political attacks, these attacks that there is nothing good in this bill, it is a government takeover, it is socialism, it is putting a government bureaucrat between you and your doctor—the same argument the John

Birch Society used against Medicare we are hearing again. I hear those things, but I really never hear anything constructive.

They talk about the deals, forgetting about the deals they made when they were in the majority, which were huge giveaways to the drug companies and to the insurance companies and giveaways to the oil companies and to these big companies that outsource jobs to China. Whoever had their hand out, whoever the special interests were, they got what they wanted. Now I see my colleagues just shrink back and say how horrible all this is. Well, they have nothing to offer.

They say: Let's stop; let's work together; let's start with a blank sheet of paper and do this over. Well, they have no intention of doing that. We spent a year answering their objections, and we accepted 160 Republican amendments in the Health, Education, Labor, and Pensions Committee, amendments from Senator McCAIN, Senator ALEXANDER, Senator ENZI, Senator BURR, and Senator COBURN—from one Republican Senator after another, one hundred sixty Republican amendments. It is never enough. They continue to oppose. But in the 8 years when President Bush was here and in the several years when they were in the majority in both Houses, the only thing consequential they could do for health care to insure the uninsured, to do anything, was to give hundreds—not tens of billions but hundreds of billions of dollars of giveaways to the Nation's largest drug companies and insurance companies.

Then I hear my Senate colleagues talk about we are blowing a hole in the budget. The fact is, the Congressional Budget Office—and the Presiding Officer understands this, because we all know the Congressional Budget Office is not comprised of Democrats or Republicans; they are not on our side or their side; they are simply accountants and lawyers and actuarial people who play this straight—the CBO says this bill more than pays for itself.

I wonder, Mr. President, if this water we drink here causes amnesia for some of my colleagues because all of a sudden they are for balancing the budget. But in 2000, when President Bush took office, there was a budget surplus—a trillion-dollar budget surplus, year after year, as far as the eye could see—and we had tax cuts for the rich that they never even tried to pay for, and they never even tried to pay for the Iraq war. Even Senator Simpson, one of the most distinguished Senators of the Republican Party, who sat in this Chamber for 18 years, said in the paper yesterday: Never, to my knowledge, have we gone to war without paying for it. But they did that in those days, and I didn't hear my colleagues saying: Let's pay for this Iraq war, which cost us billions of dollars a month, month after month, year after year. When they did the Medicare privatization—the giveaway to the drug and insurance companies—they didn't try to pay for

that either. But now they are saying we have to balance the budget. And I think we do, and I know the Presiding Officer and his constituents in Chesapeake and Arlington and Richmond think the same thing because we do need to balance the budget. But I find it curious, when the CBO says this actually creates a budget surplus—and they are not willing to believe them—that they were also not willing to pay for anything when they were in the majority.

But putting that aside, this bill is too important for that. It is too important to throw political accusations around. What is particularly important is what this bill means to individual Americans.

I hear my Republican friends talking about we are cutting Medicare. Yet this is the party that opposed Medicare, the party that tried to privatize Medicare. Yet they accuse us of cutting Medicare? I know nobody really believes that. They probably ought to quit saying it. It undercuts anything else they say because, as I say, nobody really believes that.

They say this bill was done behind closed doors. We had hearing after hearing, negotiation after negotiation, and floor debates. This has been going on, well, for 75 years, some would say, because Franklin Roosevelt tried to do it, Harry Truman tried to do it, John Kennedy tried to do it, Richard Nixon and Lyndon Johnson, who had some success between Kennedy and Nixon on Medicare.

Instead, my colleagues would rather talk about process and deals. In Washington, there is a buzz about process and deals, but in the country there isn't because people in the country know why we are here and why we are doing this. And as a result, Mr. President, let me take 5 or 10 minutes to read a handful of letters from constituents of mine because this is really why we are doing this. We are not doing it to score political points: This may help the Democrats or it may help Republicans win the election.

That doesn't really matter. It may help or it may hurt a reputation. None of that matters. What matters is this bill, and this matters to so many Americans.

I have read letters on the Senate floor for months now as we have debated this bill, and what is most common in these letters are two things. One of the most common things I hear from so many people is that a year or 2 years before they wrote these letters, they would have said: I am satisfied with my health insurance; it seems to work pretty well. Then something happened and they lost their job and then lost their insurance or they got sick and it was so expensive that the insurance company cut them off or they had a child born with a preexisting condition and they couldn't get insurance.

The insurance company model is why this is important, because of what it does individually for people. In a sort

of macro way, think about how insurance companies operate. I have a lot of insurance companies in my State. I have no malice aimed toward them or their executives. I think their executives are paid too much. The CEOs in the average largest 10 insurance companies make \$11 million a year. When they are cutting people off from their insurance, I think that is a bit of an overreach.

But I also think the insurance companies, because they compete with each other, in a for-profit model, do things they probably would rather they didn't have to do. Let me explain that for a moment. Insurance companies hire a whole bunch of bureaucrats to decide they do not want to insure potential customers. They look at all the new applicants, do tests, find out things about them, and these bureaucrats make the decision: We don't want to insure that person because that person has a preexisting condition and will get sick and it will be expensive. So they hire a bunch of bureaucrats to keep customers away. Then, on the other end, they hire a bunch of bureaucrats to deny claims of their customers when they get really sick sometimes.

So their business model is to keep customers away who are too expensive, too costly, and to deny payments for those who actually get expensive. That is their business model. That business model serves their profitability, to be sure, but that business model doesn't serve the American people.

So while we will continue to use private insurance in this country for health care—many countries in the world do, although no country uses private for-profit insurance. Many countries use private insurance to run their health care systems, in whole or in part, but they are nonprofit insurance companies. We will continue to use for-profit insurance companies, but we are going to have a whole set of rules around what they do. No more denying care for a preexisting condition; no more putting a cap on coverage so that once you get sick and get expensive, you could lose your insurance; people will be allowed to stay on their parents' insurance until they are 26—a whole host of things. Eighty-five percent of the insurance premium dollar must go to health care, not to executive salaries and marketing and to hire all those bureaucrats that the insurance companies do.

So that is the one thing mentioned by people in most of these letters, people who were satisfied with their insurance a year or 2 years earlier but then found out it wasn't such good insurance.

The second thing in these letters—and a lot of this comes from people in their early sixties—is many of them say they simply just need to hang on until they reach 65 and become Medicare eligible because then they will have the security and stability of something they trust.

As Senator CARDIN of Maryland knows, government really can provide

health care, as it does with Medicare, as it does with Medicaid, as it does with TRICARE for all the Active military people in Maryland and Virginia and Ohio. Government knows how to do this and can do it very well. But this bill is not a government takeover. It uses the parts of government that run the insurance, that do the insurance now, but it is certainly not a government takeover.

Let me now share these three letters from constituents, and then I will turn it over to Senator CARDIN.

This first letter is from Melanie, Erie County in northern Ohio, the county next to mine, along Lake Erie.

I have a health condition that requires me to be on thyroid hormone replacement the rest of my life. But before my condition was diagnosed, I had to undergo all kinds of tests. And instead of being able to afford a 6 month and 1 year prescription, I have to buy my pills monthly, depending if I can afford them or not. We need a health care system that doesn't let insurance companies decide whether I can afford the medicine I need.

When someone is sick, they want to put their efforts into, how do I get well, not into, how can I afford this? Do I have to cut the pills in half? Do I have to take the pill every other day and hope that works out right? How am I going to pay for it this month?

There is a mind-boggling statistic that a woman in this country with breast cancer, without insurance, is 40 percent more likely to die than a woman with breast cancer who has insurance. Part of the reason for that is the anxiety and the fear people have when they are sick and trying to get well but who have to worry about so many other things in their lives and, most importantly, how are they going to pay for their medical treatment and how is their family going to deal with this. This bill will obviously help with that.

Here is a letter from John from Hancock County, Findlay, OH, not too far south of Toledo.

I am a 44-year-old diabetic who has had this condition for 43 years. Most people who know me thought I would never make it past 25.

He was diagnosed with diabetes at the age of 1, which is pretty astounding.

What my insurance company has done to me may make bankruptcy my only option. In 2008, I needed a new insulin pump. I filled out all the paperwork that was required by my insurance company. I received my insulin pump via mail and thought everything was all right. I received a bill from my pump supply company for \$8,500, along with the supplies to use the pump for an additional \$5,500. That is a \$14,000 bill that my insurance company said they would not pay because of preexisting condition.

What is the point of health insurance? What is the point of a system where a man diagnosed as an infant with diabetes is faced with charges such as this, when diabetes is a terrible affliction that an increasing number of Americans have? We know how to manage it pretty well so that people such as John can live a pretty long, produc-

tive life. Yet the insurance company puts him through that. What will that do to his diabetes and health generally, to have to worry about how he is possibly going to come up with the \$14,000?

Here is the last letter. It comes from Hayden, a young woman who is a Peace Corps volunteer from Delaware County, outside Columbus. She e-mailed us from Thailand, but she is an Ohioan.

I am thousands of miles away from you. I am far away from family, friends, and my hometown of Sunbury, OH. I am a member of the U.S. Peace Corps in Thailand. I believe I help to provide for the common good. I am creative, courageous and compassionate, and I believe my abilities can make a difference. In 15 months I will return to the United States, and I would like nothing more than to continue to work in community development. But I might not be able to.

Unfortunately, my life depends on two pills, each no bigger than your smallest fingernail. Without insurance, the cost of these two small pills is often more than my rent. And I am unlikely to get insurance unless I go to work with a large company.

Too many of my friends are in the same situation. We are young and bright, products of an American school system that has taught us to think independently and pursue our dreams. We want to be entrepreneurs, researchers, and community activists.

We need the opportunity to start our own ventures, to take responsible risks, and to go out into our communities—

Work to start businesses such as the Presiding Officer has.

I work everyday to give voice to those who have none [in the Peace Corps]. But today I need you to be my voice. I need you to speak for my generation.

So please let me come home—

She writes, to Delaware, OH, now working in the Peace Corps in Thailand; she e-mails:

... please let me come home to a system that is better than the one we have now. My future depends on it.

She is serving this great country, the United States, in the Peace Corps is doing the right thing with her life. When she comes back to the United States, I hope this bill is passed. I hope the President of the United States has signed this bill, and we can be a better country as a result.

I yield the floor.

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

Mr. CARDIN. Mr. President, I understand the Republican leader will be coming to the floor and I will yield the floor as soon as the Republican leader is here and then, after that, I ask that I will have the opportunity to speak. But until the Republican leader comes to the floor, let me compliment my colleague from Ohio, Senator BROWN. He points out this debate is about allowing every American to be able to tell their children that when they get sick, they will have an opportunity to see a doctor. It is about a small business owner who should not have to choose between insuring his employees or maintaining his workforce or expanding his workforce. It is about our seniors having to decide whether they

can take a pill or have to split that pill because they fall within the doughnut hole and cannot afford prescription medicines.

This debate is about whether we are, as a nation, going to be able to bring down the growth rate of health care costs and guarantee that every American has access to affordable health care and also bring down our budget deficit in health care, which clearly we have to do in this Nation.

I look forward to engaging in that debate. I came to the floor to talk about the FAA bill, and I will do that after the Republican leader has his opportunity on the floor, but I wished to thank Senator BROWN for pointing out how critically important this debate on health care is to the American people.

I suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

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

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

The Republican leader is recognized.

HEALTH CARE

Mr. MCCONNELL. Mr. President, well, it has come down to a few wavering votes.

That is what this year-long debate has come to: a handful of Democrats had been holding out to see the final bill.

Now we have it.

Anyone who was waiting to see what the final bill meant for government spending should vote no, because this bill spends even more.

Anyone waiting to see what the final bill meant for Medicare should vote no, because the Medicare cuts in this bill are even deeper than the Senate bill that Speaker PELOSI said Democrats didn't want to vote on.

Anyone waiting to see what the final bill meant for taxes should vote no, because the tax increases in this bill are even higher than the Senate bill.

Anyone waiting to see what the final bill did to the cost curve should vote against this bill, because this bill is likely to bend the cost curve up even further than the Senate bill, not down.

If you were waiting for a bill without the CLASS Act in it—a provision that even top Democrats describe as a Ponzi scheme, then you will vote against this bill, because it is still in there.

If you were waiting to see if they had cut out the sweetheart deals that have outraged the Nation and soured the public on the entire legislative process, then you have to vote against this bill, because there are even more of them in there now.

If you were waiting for a bill that costs less, then you will vote against this bill, because it costs even more than the last one.

And if you were waiting for a bill that wouldn't compel taxpayers to

cover the cost of abortions, then you will vote against this bill because this is, the National Right to Life Committee says, the most abortion-expansive piece of legislation ever to reach the floor of the House of Representatives.

Americans are outraged at what is going on here: a bill that aims to shift a major segment of our economy into the hands of the government, and which accomplishes that goal by imposing crushing burdens on already-struggling seniors, middle class families, and small businesses, is being rammed through Congress against the clear will of the public. No amount of spin will change the fact that Medicare will be deeply cut, insurance premiums and taxes will go up, the Federal bureaucracy will grow, and as demand increases, the quality of care in this country will get worse and worse.

Taking a bill that House Democrats are too embarrassed to vote on, adding more than \$50 billion in new taxes and slashing \$60 billion more from our seniors' Medicare and keeping sweetheart deals may make some Washington Democrats "giddy," but it is not reform.

This bill isn't an excuse to vote in favor of the Democrat plan for health care. It is a reason to vote against it.

Anyone who votes for this bill is clearly less concerned about responding to their constituents than responding to the pressure tactics of Democrat leaders in Congress.

Some may have concluded that there is more merit in following the cajoling voices in Washington than the clear voices of their constituents back home, more merit in choosing to side with Democrat leaders in their quest to ram this bill through over the wishes of the American people.

Some may argue that the details we have seen since yesterday are reason to support it. But if anything is clear in this debate, it is that yesterday's CBO score is conclusive proof that this health care bill is unsalvageable.

This is something the American people realized a long time ago, and now they are counting on the final holdouts to vote on their behalf this weekend. Now that they have seen the final bill, they can't understand why anyone would do otherwise.

I suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. CARDIN. Mr. President, first, let me respond very briefly to the Republican leader and say that, looking at what the Congressional Budget Office has said, the objective scorekeeper, it says this bill will accomplish bringing down the growth rate of health care

costs, it will substantially increase the number of Americans who have access to affordable health care, and it will bring down our budget deficit. It will bring down our budget deficit by over \$130 billion during the first 10 years but \$1.3 trillion during the second 10 years.

That is making progress on dealing with health care costs and bringing down the Federal budget deficit. The overwhelming majority of Americans will see their health insurance premiums under this bill go up at a slower growth rate than they would otherwise go up, and it will cover another 31 million Americans who currently do not have health insurance. They will be covered.

The appropriate question that should be asked is how will this legislation affect health care versus what will happen if we do not get health care reform passed, and I think it is clear this bill will improve health care for Americans and bring down the cost of health care for Americans.

Mr. President, I take this time to talk about the modernization of the Federal Aviation Administration bill, and I wish to first thank Senators ROCKEFELLER, HUTCHISON, DORGAN, and so many others who have worked on the FAA Modernization Act. Our aviation system clearly needs modernization. Air traffic control needs to get into modern technology. What I like most about this bill is what it does under facilities and equipment, the NextGen flight guidance system using GPS satellite-based guidance in order to control air traffic in America. That will substantially cut down travel time for air passengers.

It will save us energy, which we all are talking about. Let me give one example that will demonstrate how dramatic it is to go to a GPS system. I think most Americans will be surprised to learn they are using more high-tech technology in their cell phones than they are on airplanes in America. I think they would be surprised to learn that. But this bill will allow us to put that type of satellite technology into the way that we control air traffic in America.

As I said, it will save time for the passenger, save energy for our Nation. To give an example, today a flight from Washington, DC, Reagan National Airport to Boston takes about 537 miles of air travel and consumes over 7,000 pounds of fuel. Using GPS, using NextGen, we can save over 20 percent of the mileage traveled and the fuel consumed. We actually save over 1,000 pounds of fuel. That is just one flight. Multiply that times the hundreds of thousands of flights throughout our Nation. We can make a substantial improvement on productivity, efficiency, and on energy consumption. We can significantly reduce the number of delays. The delay not only inconveniences that one passenger but, as you know, the whole system gets thrown into a morass when we have delays. We will have much better on-time arrival

rates because it will be a more predictable flight using NextGen GPS technology.

The legislation also provides for new technology training requirements for pilots and air traffic controllers. That is the safety issue. We know air travel is safe, but we want to make it safer. This legislation will give us the tools in order to do that.

It provides for grants for improvements to our airports around the Nation. Let me talk for one moment about BWI, Thurgood Marshall Airport, the largest airport in the State of Maryland. We have over \$400 million in projects ready to go to improve the efficiency of that airport. I know Senator WARNER is aware, at Washington Dulles Airport, they have projects ready to go that will help in regard to not just convenience for the people who use that airport, which is important, but also safety issues, providing for the types of improvements necessary to deal with the newer aircraft that are coming on board. All this will reduce noise in the community, which is also another issue that is important and I am sure Senator WARNER has heard about.

We had 21 million passengers in 2009 use BWI Thurgood Marshall Airport—21 million passengers. We have to keep up with that, and these grant programs will allow us to do it. But let me tell you something else. We have 35 other airports in Maryland. These are commercial, municipal, regional, and general aviation airports. These airports are in need of improvement. I have visited many of them.

That will not only be important for air traffic to our rural areas, but it is also about economic development. This FAA modernization bill is about jobs. It is about creating new jobs. But it is also about communities being able to have the type of improvements to their regional airports that will allow businesses to come in and take advantage of that regional airport, bringing jobs to parts of Maryland and our Nation that are, at times, difficult to find. Of course, today, we need to find more jobs for America. This bill will help us in our goal to increase the number of jobs.

I have talked about rural air service. I wish to talk particularly about the essential air service, EAS, issue. I offered an amendment—and I wish to thank the managers for accepting that amendment—that would extend the expiration date on the mileage determination for those rural airports that can qualify for essential air service.

That is important to the people of Hagerstown and that region because that is the difference between the Hagerstown airport being eligible for EAS help.

I have visited that airport in Hagerstown. I can tell you how critically important it is to have passenger service. As a result of that amendment, we have Cape Air service at Hagerstown. If we did not have EAS, we would not

have that passenger service. That means that airport is much more viable. That is the reason for the EAS program, the viability of airports in rural areas.

That is important for passenger service, but it is equally important to have a viable airport so it can bring in the type of economic activities that are associated by having an airport close by. Hagerstown, that area, has been able to attract industry relating to the aircraft industry because it has an airport there.

I must tell you, I do not think they would have the type of airport if they did not have passenger service. So all of this comes together and helps us create jobs in a part of Maryland that otherwise could find it difficult to bring in new economic opportunities.

This bill is very important. I thank the managers again for including that amendment in the managers' package. It includes the passengers' bill of rights. Many of my colleagues have talked about the passengers' bill of rights. We all know about passengers being stranded on the tarmac for hours, strapped to their seats in a very uncomfortable position. Well, that is inexcusable. Congress needs to speak to that.

I am pleased the passengers' bill of rights is included in this legislation that will provide passengers with certain basic rights that airlines will need to adhere to.

I also am pleased it includes workers, pilots, flight attendants. This bill is about helping not just the passengers but helping all those who work in the industry. It will help all the workers. That is an important issue.

Before I yield the floor, I wish to talk about one other issue that I understand the distinguished Senator from Arizona, Mr. KYL, talked about a little bit earlier; that is, amendments that are being considered and several have been filed, I understand negotiations are taking place as to the modification of the perimeter and slot rules as it relates to Reagan National Airport.

Let me tell you, before we start fooling around with this, let's make it clear that my colleagues understand how important this issue is to the people of the District, Virginia, and Maryland. In 1987, a peace agreement was entered into between the three jurisdictions and the three airports that are located here: Washington Dulles International, BWI Thurgood Marshall Airport, and Reagan National Airport.

All were involved in that agreement because, quite frankly, having an airport located in a residential community is an issue of concern of safety and noise and economic activities. So we have to be very mindful what is done at Reagan National.

For that reason, we entered into these restrictions in regard to the number of slots and the perimeters in which the flights originating from Reagan National can travel. They were carefully negotiated, and I urge us to

be very careful about any modifications in those slots and perimeter rules.

We also created the Metropolitan Washington Airport Authority to deal with Reagan National and Washington Dulles International. But then the slot issue and the perimeter issue were very important for the development of BWI Thurgood Marshall Airport in Maryland. These are very delicate balances.

The growth airports are clearly Washington Dulles and BWI Thurgood Marshall. They have the capacity for growth; Reagan National does not. It has a serious issue in regard to noise and safety to the community. We know that. I would urge my colleagues to be very cautious on modifying either the slot rule or the perimeter rule.

If we modify the slot rule, obviously, we are putting more traffic into Reagan National that it cannot handle. The aviation experts have told us that, that Reagan National is at capacity. It cannot handle more slots. If you change the perimeter rule, then you are talking about flights that currently go to cities such as Atlanta, Charlotte, Philadelphia, Providence, Minneapolis, Miami, Boston, Detroit, Cincinnati. All those flights are going to be affected.

So this is not about giving the airplanes more flexibility, it is about affecting a delicate balance that currently exists when you have three major airports located within a very short distance. I would urge my colleague to be very cautious as we consider these amendments.

The ones I have seen so far are ones that I would oppose. I would urge my colleagues to respect the three jurisdictions in which these airports are located. We are not coming to you suggesting changes in the slots and perimeter rules. We are not the ones coming to you asking for it. It is our communities that are affected by the decisions. I would hope my colleagues would respect the judgment of the Senators from Maryland and Virginia.

This is a very important bill. It is a very good bill. It modernizes our FAA. It provides for safety, convenience, and, as I said earlier, will save time, save energy, and make our air traffic meet the growing needs of those of who use our airports and Nation.

I yield the floor.

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

Mr. DORGAN. Mr. President, we have reached a unanimous consent agreement, which I will read momentarily, with the minority and the majority agreeing to the request. It is the way forward to a final vote on the FAA reauthorization bill on Monday afternoon.

It is an important moment because it has taken a long while to get an FAA reauthorization bill through the Senate. Finally, on Monday that will be achieved. It will accomplish many objectives that are so important for our country, air safety, and investment in

infrastructure, the passengers' bill of rights.

It is bipartisan. It represents all the best of what we should be doing around here. It came out of the Commerce Committee on a bipartisan basis. We have had this long discussion.

There are a couple discussions prior to the completion of the bill, and one of them deals with the subject my colleague from Maryland was just describing. But let me read the unanimous consent request. It has been agreed to by the minority and the majority.

Mr. President, I ask unanimous consent that no further amendments, other than those covered in this agreement, be in order to H.R. 1586; and that when the Senate resumes consideration of the bill on Monday, March 22, the time until 4:30 p.m. be for debate only, equally divided and controlled between Senators ROCKEFELLER and HUTCHISON or their designees; further, that at 4:30 p.m., the Ensign amendment No. 3476 be reported for consideration and that it be modified with the changes at the desk; with the time until 5:30 p.m. for debate with respect to that amendment, and that the time be equally divided and controlled between Senators WARNER and KYL or their designees; that at 5:30 p.m., the Senate proceed to vote in relation to amendment No. 3476, as modified, that adoption of the amendment require an affirmative 60-vote threshold, and that if the amendment achieves that threshold, it be agreed to and the motion to reconsider be made and laid upon the table; that if it does not achieve the threshold, then it be withdrawn; further, that it also be in order for the amendment to be withdrawn prior to the vote; that upon disposition of amendment No. 3476, as modified, the pending McCain amendment No. 3527 be withdrawn; the pending McCain amendment No. 3528, if not disposed of, the Senate then proceed to vote in relation to the amendment; that upon disposition of the McCain amendment No. 3528, the managers' amendment, which is at the desk and cleared by the managers and leaders, be considered and agreed to, and the motion to reconsider be laid upon the table; that the substitute amendment, as amended, be agreed to and the motion to reconsider be laid upon the table; that the bill, as amended, be read a third time, and the Senate then proceed to vote on passage of the bill; that upon passage, the title amendment, which is at the desk, be considered and agreed to, and the motion to reconsider be laid upon the table.

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

Mr. DORGAN. Mr. President, that is a long unanimous consent request. The potential would be only one vote on Monday or the potential might be three votes or somewhere in that neighborhood. But it does, upon its execution on Monday, allow us as a Senate to finish the FAA reauthorization bill. It has so much to commend

for our country. I am pleased to have negotiated with so many people—Senator HUTCHISON, Senator KYL on that side, Senator WARNER and others—that we were able to reach agreements so we will have a way forward dealing with only a couple controversial issues that will remain and then we will have final passage.

I know the Senator from Florida wishes to speak.

MORNING BUSINESS

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

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

The PRESIDING OFFICER (Mr. FRANKEN.) The Senator from Florida.

SPACE PROGRAM

Mr. LEMIEUX. Mr. President, I am here to speak on this FAA bill and on an amendment that I filed on this bill concerning the space program.

For decades, the space shuttle has been a symbol for American innovation and ingenuity and the pioneering spirit that has made our Nation the most technologically advanced country in the world.

Today, our space program, however, stands at a crossroads, between one project and the next. For years, we have had soaring aspirations about space without funding. Now we have a plan that includes the money but lacks the vision.

In our Nation's space program, we cannot have money without ambition. The result will be directionless spending. As sure as winter follows fall, that directionless spending will lead to cuts in spending and eventually, I believe, the demise of our space program.

In 2004, the Constellation Program was announced as a followup to the space shuttle program. That vision was endorsed by Congress in 2005 and in 2008. In both years, we directed NASA to focus its efforts on returning to the Moon by 2020 and someday sending Americans to Mars and worlds beyond.

In fact, I have here the public law that was passed just about a year and a half ago, October 15 of 2008. It is Public Law 110-422. If I may read from it, it says:

The Congress finds, on this, the 50th anniversary of the establishment of the National Aeronautics and Space Administration, the following:

It goes on to say that one of the points they find is:

Developing United States human space flight capabilities to allow independent American access to the International Space Station, and to explore beyond low Earth orbit, is a strategically important national imperative, and all prudent steps should thus be taken to bring the Orion Crew Exploration Vehicle and Ares I Crew Launch Ve-

hicle to full operational capability as soon as possible and to ensure the effective development of a United States heavy lift launch capability as soon as possible and to ensure the effective development of a United States heavy lift launch capability for missions beyond low Earth orbit.

Mr. President, I ask unanimous consent to have that portion of the public law printed in the RECORD.

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

SEC. 2. FINDINGS.

The Congress finds, on this, the 50th anniversary of the establishment of the National Aeronautics and Space Administration following:

(1) NASA is and should remain a multimission agency with a balanced and robust set of core missions in science, aeronautics, and human space flight and exploration.

(2) Investment in NASA's programs will promote innovation through research and development, and will improve the competitiveness of the United States.

(3) Investment in NASA's programs, like investments in other Federal science and technology activities, is an investment in our future.

(4) Properly structured, NASA's activities can contribute to an improved quality of life, economic vitality, United States leadership in peaceful cooperation with other nations on challenging undertakings in science and technology, national security, and the advancement of knowledge.

(5) NASA should assume a leadership role in a cooperative international Earth observations and research effort to address key research issues associated with climate change and its impacts on the Earth system.

(6) NASA should undertake a program of aeronautical research, development, and where appropriate demonstration activities with the overarching goals of—

(A) ensuring that the Nation's future air transportation system can handle up to 3 times the current travel demand and incorporate new vehicle types with no degradation in safety or adverse environmental impact on local communities;

(B) protecting the environment;

(C) promoting the security of the Nation; and

(D) retaining the leadership of the United States in global aviation.

(7) Human and robotic exploration of the solar system will be a significant long-term undertaking of humanity in the 21st century and beyond, and it is in the national interest that the United States should assume a leadership role in a cooperative international exploration initiative.

(8) Developing United States human space flight capabilities to allow independent American access to the International Space Station, and to explore beyond low Earth orbit, is a strategically important national imperative, and all prudent steps should thus be taken to bring the Orion Crew Exploration Vehicle and Ares I Crew Launch Vehicle to full operational capability as soon as possible and to ensure the effective development of a United States heavy lift launch capability for missions beyond low Earth orbit.

(9) NASA's scientific research activities have contributed much to the advancement of knowledge, provided societal benefits, and helped train the next generation of scientists and engineers, and those activities should continue to be an important priority.

(10) NASA should make a sustained commitment to a robust long-term technology development activity. Such investments represent the critically important "seed corn"

on which NASA's ability to carry out challenging and productive missions in the future will depend.

(11) NASA, through its pursuit of challenging and relevant activities, can provide an important stimulus to the next generation to pursue careers in science, technology, engineering, and mathematics.

(12) Commercial activities have substantially contributed to the strength of both the United States space program and the national economy, and the development of a healthy and robust United States commercial space sector should continue to be encouraged.

(13) It is in the national interest for the United States to have an export control policy that protects the national security while also enabling the United States aerospace industry to compete effectively in the global market place and the United States to undertake cooperative programs in science and human space flight in an effective and efficient manner.

Mr. LEMIEUX. That was a year and a half ago. This is now. The President's 2011 budget cancels this program, the Constellation Program, and what it does, in effect, is put our efforts for space exploration in severe jeopardy, potentially risking the jobs of more than 7,000 rocket scientists in Florida as well as jobs throughout this country in more than 20 States.

I understand there are many private conversations going on between Members of this body and the administration concerning this topic. But I think it is important to reflect back upon what then-Senator Obama, then-candidate Obama said about space exploration and compare it to what his administration has proposed in his budget.

In August of 2008, Senator Obama was campaigning in Florida, in Titusville, FL, on our space coast. He said this:

One of the areas where we are in danger of losing our competitive edge is our space program. When I was growing up, NASA inspired the world with achievements we are still proud of. Today, we have an administration—

He is referring to the Bush administration—

that has set ambitious goals for NASA without giving NASA the support it needs to reach them. As a result, they've had to cut back on research, and trim their programs, which means that after the Space Shuttle shuts down in 2010, we're going to have to rely on Russian spacecraft to keep us in orbit.

He goes on to say:

More broadly, we need a real vision for space exploration. To help formulate this vision, I'll reestablish the National Aeronautics and Space Council so that we can develop a plan to explore the solar system—a plan that involves both human and robotic missions, and enlists both international partners and the private sector. And as America leads the world to long-term exploration of the moon, Mars, and beyond . . .

And he goes on to say a few more things.

So we know the Congress passed a law that was reaffirmed in 2008, on October 15, that said we were going to go into low-Earth orbit with the Constellation Program. We know the President of the United States, when

campaigning for this office, said we must be exceptional in the space program, continue with our vision, properly funded, go to the Moon and Mars and planets beyond.

But today the President's budget scraps that plan. We have no plan to get into low-Earth orbit after the Space Shuttle is retired. We are going to rely upon the Russians to take us to the International Space Station—exactly what candidate-Obama said we should be worried about.

So to this end, I have filed an amendment, an amendment to the FAA Reauthorization Act, to prohibit NASA from terminating the Constellation Program. It is the prerogative of this institution, the Congress—that our Founders put forth—it is our prerogative to deem how money is spent, how programs are funded. This Congress twice has said we will fund the Constellation Program, that we will fund these programs for the next generation of spacecraft to take us into low-Earth orbit.

This amendment reiterates the Federal law prohibiting NASA from using funds in fiscal year 2010 to cancel Constellation contracts. Several of my colleagues have joined me in this amendment: Senator WICKER from Mississippi, Senator SHELBY from Alabama, Senator SESSIONS from Alabama, Senator HATCH from Utah, and Senator BENNETT from Utah.

The problem is, NASA is ignoring the will of Congress in already beginning to cancel the Constellation Program. That is not their right. They must follow the law, and this amendment intends to hold them to that. The amendment sends a clear message that there are no loopholes, exclusions, or other routes the agency can use to kill the program.

I say publicly here on the floor of the Senate, whether this amendment passes on this bill, whether this amendment passes in the coming weeks, the law of the land is this: fund the Constellation Program. NASA is on notice that it is their legal requirement to do so, that they should not cancel contracts, they should not tell contractors to stop working. They cannot do that until the Congress makes a change in the law, and to do so would be unlawful.

The ultimate determination on the future of the space program rests with Congress, not a budget proposal submitted by this administration or, in fact, any administration.

As candidate-Obama agreed, without Constellation, the United States will be relying on Russia for any manned space missions. The United States has led the world in space exploration since the early 1960s. We cannot, and we should not, cede this leadership to any other country. We must summon the same vision that guided President Kennedy whose vision put a man on the Moon at the end of the 1960s. He said: Why should we settle for anything less? To quote him:

We choose to go to the moon . . . because that challenge is one that we are willing to accept, one we are unwilling to postpone, and one which we intend to win. . . .

It is my sincere hope we will adopt this amendment, if not on this bill, on another bill soon. I hope my colleagues and our President will also come to say we choose to continue to be the leader in space exploration to the Moon, to Mars, and planets beyond because the challenge is one we are willing to accept, one we are unwilling to postpone, and one we intend to win.

Mr. President, I yield the floor.

SPRING

Mr. BYRD. Mr. President, "From winter, plague and pestilence, good Lord, deliver us!" wrote Thomas Nashe in 1600, in "Summer's Last Will and Testament," to which I add a hearty, "Amen!"

At last, this Saturday, March 20, spring arrives, both by calendar and weather, and we are all happier for it. Blue skies, warming breezes, and the faint blush of buds upon the trees—this year, especially, spring is a sight for sore eyes too long blinded by the glare of Sun upon sparkling snow. The cheerful chorus of springtime frogs is welcome music after the almost silent whisper of falling snowflakes.

This year in particular, spring seemed a long time coming. Rarely have we seen so much snow in West Virginia—storm after storm, flurry upon flurry, until roofs groaned under the weight and plows could find nowhere to push the drifts. Even children home from school day after day edged slowly from delight to cabin fever. And just when it seems we could not stand one more session with the snow shovel, we must now fear the flooding snowmelt, the menacing legacy of this epic winter.

In time to prevent our moods from mirroring, like our yards, in the mud, come the first bright petals of crocus and daffodil to give us hope. Their petals glow among the wet leaves and drab grasses of winter. The American poet, Amy Lowell, knew how daffodils could revive one's flagging spirits:

Thou yellow trumpeter of laggard Spring!
Thou herald of rich Summer's myriad flowers!

The climbing sun with new recovered powers
Does warm thee into being, through the ring
Of rich, brown earth he woos thee, makes
thee fling

Thy green shoots up, inheriting the dowers
Of bending sky and sudden, sweeping showers,

Till ripe and blossoming thou art a thing
To make all nature glad, thou art so gay;
To fill the lonely with a joy untold;
Nodding at every gust of wind to-day,
To-morrow jeweled with raindrops. Always
bold

To stand erect, full in the dazzling play
Of April's sun, for thou hast caught his gold.

As we all slowly unfurl from our winter burden of coats, scarves, hats, and boots, shedding them like the dark mulch of winter's leaves, we, too, rejoice in the colors of springtime. Our

petals may only be cheerful t-shirts or bright windbreakers, but what a welcome change from fleece and wool.

Warm weather will bring out walkers and gardeners and allow children to play in yards and parks, doing more to improve our outlooks, health, and waistlines than all the fitness reality shows we watch on television during the cold, dark months of winter.

I hope that many Americans will revive their flagging New Year's resolutions and take advantage of spring's surge of energy to spend more time outdoors. I hope that my fellow Senators will note the beauty of the blossoms and the greening of the city as they hurry between hearings and the Senate floor. There is much work that we need to do, to be sure, but a short moment spent in spring sunshine can only warm our hearts, put a smile on our faces, and expand our thinking.

Mr. President, as America celebrates the vernal equinox and return of spring to our winter-weary Nation, let us simply take a moment to heed the words of the ironically named poet, Robert Frost, in his poem, "A Prayer in Spring":

Oh, give us pleasure in the flowers to-day;
And give us not to think so far away
As the uncertain harvest; keep us here
All simply in the springing of the year.

ADDITIONAL STATEMENTS

50TH ANNIVERSARY OF THE PACIFIC UNIVERSITY LUAU

• Mr. INOUE. Mr. President, my colleague, Senator DANIEL K. AKAKA, and I commend the Hawaiian students' club of Pacific University, Na Haumana O Hawaii, for their steadfast commitment to the preservation of the rich cultural heritage of Hawaii. For 50 proud years, its strong membership has championed educational opportunities to ensure the survival of a distinct history, beautiful language, and long-standing traditions. The story of our State is one of a strong native people who have persevered against forces that nearly extinguished their existence, of struggling immigrants whose hope sustained them while they toiled to achieve the American dream, and of a remote chain of islands who overcame obstacles to attain statehood in the 20th century. Hawaii began with a proud people and continues to serve as a home for proud people. Through the efforts of Na Haumana O Hawaii, those ancient stories and values upon which our island home is founded will endure for future generations to come.

The Annual Luau hosted and facilitated through the leadership of Pacific University shares and exemplifies the "aloha spirit." This event allows others to experience the unique qualities of Hawaiian culture in an atmosphere that encourages fellowship. We would like to express our appreciation to faculty, staff and students of Pacific University, Na Haumana O Hawaii, and the

local community for their great efforts in making this event so memorable and for spreading the aloha spirit.

Mr. President, we ask our colleagues to join us in recognition of this momentous occasion.●

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

At 10:10 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S. 1147. An act to prevent tobacco smuggling, to ensure the collection of all tobacco taxes, and for other purposes.

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

At 11:35 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1769. An act to expand the Alpine Lakes Wilderness in the State of Washington, to designate the Middle Fork Snoqualmie River and Pratt River as wild and scenic rivers, and for other purposes.

H.R. 3509. An act to reauthorize State agricultural mediation programs under title V of the Agricultural Credit Act of 1987.

H.R. 3542. An act to direct the Architect of the Capitol to fly the flag of a State over the Capitol each year on the anniversary of the date of the State's admission to the Union.

H.R. 4214. An act to designate the facility of the United States Postal Service located at 45300 Portola Avenue in Palm Desert, California, as the "Roy Wilson Post Office".

H.R. 4252. An act to direct the Secretary of the Interior to conduct a study of water resources in the Rialto-Colton Basin in the State of California, and for other purposes.

MEASURES REFERRED

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

H.R. 3509. An act to reauthorize State agricultural mediation programs under title V of the Agricultural Credit Act of 1987; to the Committee on Agriculture, Nutrition, and Forestry.

H.R. 3542. An act to direct the Architect of the Capitol to fly the flag of a State over the Capitol each year on the anniversary of the date of the State's admission to the Union; to the Committee on Rules and Administration.

H.R. 4214. An act to designate the facility of the United States Postal Service located at 45300 Portola Avenue in Palm Desert, California, as the "Roy Wilson Post Office"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 4252. An act to direct the Secretary of the Interior to conduct a study of water resources in the Rialto-Colton Basin in the State of California, and for other purposes; to the Committee on Energy and Natural Resources.

MEASURES PLACED ON THE CALENDAR

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

S. 3143. A bill to provide that Members of Congress shall not receive a pay increase until the annual Federal budget deficit is eliminated.

H.R. 4851. An act to provide a temporary extension of certain programs, and for other purposes.

H.R. 4853. An act to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes.

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 1769. An act to expand the Alpine Lakes Wilderness in the State of Washington, to designate the Middle Fork Snoqualmie River and Pratt River as wild and scenic rivers, and for other purposes.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-91. A resolution adopted by the Senate of the Commonwealth of Puerto Rico urging the Federal Deposit Insurance Corporation (FDIC) to show temperance in the application of asset valuation rules to minority-owned banks established in Puerto Rico, to establish effective measures so as to expedite the granting of credit, and to help local banks in their financial recovery and capitalization; to the Committee on Banking, Housing, and Urban Affairs.

SENATE RESOLUTION NO. 860

During the last year, the finances of a significant number of banking institutions around the world were severely impacted as a result of the worldwide economic crisis. Puerto Rico was not the exception in this serious and complex financial problem. We see more often news reporting such problems and governments assessing financial proposals and alternatives to provide mechanisms so as to address and stop the loss suffered by this sector, as well as strengthening their economies by promoting and revitalizing banking activities. Certainly, success in the recovery of the global economy lies in achieving the delicate balance between the needs and rules of the different economies, their applicability to consumers, and their implementation by the regulating bodies of such governments.

The press in Puerto Rico recently published data furnished by the Federal Deposit Insurance Corporation, known as the FDIC, reporting that as of September 30, 2009, local banks maintained a diminishing trend by reporting a reduction in their total assets equal to 9%, and a net loss, as of such date, of approximately \$147 million. They also reported on the efforts made by the Administration of Governor Luis Fortuño to reach financing agreements that would allow the Government of Puerto Rico to purchase assets from domestic banks through the "Troubled Asset Relief Program" (TARP) in order for them to lower their loan-in-default reserves and grant new loans.

The importance of the Banking Industry in the economy of Puerto Rico is unquestionable. Banks in Puerto Rico generate over 15,000 direct jobs and countless indirect jobs by financing the business activity in Puerto Rico. Furthermore, in the beginning of this decade, banks were major taxpayers into the treasury of Puerto Rico, with taxes over \$200 million. In light of the difficult financial sit-

uation faced by banks, the FDIC has decided to establish stringent regulatory examinations that contravene the public policy of President Barack Obama and Governor Luis Fortuño of reactivating and making regional and national economies feasible. Specifically, in times requiring that temperance be shown in the valuation of assets, the FDIC, through its examiners, is suggesting proposals whose effect would be detrimental to the value of assets used as collateral for loans in the banks of Puerto Rico. This could entail significant increases in the loan reserve of financial institutions in Puerto Rico and a potential reduction on the net worth of domestic banks. Therefore, this would cause a reduction in the lending and economic activity in Puerto Rico.

It is necessary to mention that, according to FDIC data, most banks in Puerto Rico are among the top twenty largest minority-owned banks of the Nation. For example, Banco Popular of Puerto Rico holds the first position; First Bank of Puerto Rico holds the second position; Westernbank of Puerto Rico holds the third position; R-G Premier Bank of Puerto Rico holds the eighth position; and Eurobank holds the thirteenth position, respectively.

As in Puerto Rico, this issue has been experienced at the national level, as recently stated by Congressman Barney Frank, Representative for the 4th congressional district of the State of Massachusetts and Chairman of the House Financial Services Committee, in a letter addressed to the members of the Federal Reserve System, the Office of the Comptroller of the Currency, the Office of the Thrift Supervision, the Federal Deposit Insurance Corporation, and the National Credit Union Administration. In said letter, Congressman Frank calls on them to show temperance in the application of the rules that govern national banks and urges federal regulating entities to take into account safety and soundness standards established by them.

Said official also recognized that one of the challenges currently faced by national banks is how to respond to the call from the United States Congress to stimulate the national economy by establishing measures so as to promote lending activities and to work with troubled borrowers facing foreclosure proceedings, while dealing with the directives from federal government regulators. It has been proven on different occasions that the construction and execution of these regulatory standards do not allow for the expected market stimulus, since the same are counter to the message of Congress. Such has been the case when regulatory agencies representatives have intervened with community banks, such as those of Puerto Rico, requiring compliance with even more stringent directives in the banking industry, which preclude banks from recovering their assets promptly and efficiently.

On the other hand, on October 30, 2009, federal regulators established a new policy on commercial loan restructuring. The new policy establishes, among other things, temperance and prudence in the decision-making process regarding loan restructuring, the timely identification of losses, and the proper classification of loans. The new policy establishes that the classification of a loan should not be based solely on the fact that the value of the collateral has declined, in absence of other adverse factors. Loan restructurings are generally in the best interest of both the banking institutions and the borrowers. Furthermore, the new policy establishes that examiners should give a reasonable amount of deference to collateral valuation assumptions when these are made by qualified appraisers or banking institutions. This practice by the FDIC is not consistent with the principles of this new policy.

For all of the above, the Senate of Puerto Rico concludes that the application by the FDIC of stringent asset valuation rules would have a severe impact on the participation of minority-owned banks and would substantially reduce the access of minority populations to credit and financial sources. Thus, the FDIC is hereby urged to show temperance in its practices with minority-owned banks established in Puerto Rico; to establish effective measures so as to expedite the granting of credit; and to help domestic banks in their financial recovery and capitalization.

Be it Resolved by the Senate of Puerto Rico:

Section 1.—To urge the Federal Deposit Insurance Corporation (FDIC) to show temperance in the application of asset valuation rules to minority-owned banks established in Puerto Rico, to establish effective measures so as to expedite the granting of credit, and to help local banks in their financial recovery and capitalization.

Section 2.—This Resolution shall be officially notified, in both official languages, to the Honorable Sheila C. Bair, Chairman of the Federal Deposit Insurance Corporation, Federal Deposit Insurance Corporation 550 17th Street NW, Washington, D.C. 20429; to the Honorable Ben S. Bernanke, Chairman of the Board of Governors of the Federal Reserve System, Board of Governors of the Federal Reserve System 20th Street and Constitution Avenue NW, Washington, D.C. 20220; and to the Honorable Timothy F. Geithner, Secretary of the United States Department of the Treasury, Department of the Treasury 1500 Pennsylvania Avenue NW, Washington, D.C. 20220.

Section 3.—Furthermore, the Office of the Secretary of the Senate of Puerto Rico is hereby directed to remit a copy of this Resolution, in both official languages, to: the Honorable Barack H. Obama, President of the United States; to the Honorable Joseph R. Biden, Vice President of the United States; to the Honorable Barney Frank, Chairman of the Committee on Financial Services of the United States House of Representatives, U. S. House Financial Services Committee, 2129 Rayburn House Office Building, Washington, D.C. 20515; to the Honorable Christopher J. Dodd, Chairman of the Committee on Banking, Housing, and Urban Affairs of the United States Senate, U.S. Senate Committee on Banking, Housing and Urban Affairs, 534 Dirksen Senate Office Building, Washington, D.C. 20510; and to all other members of the United States Congress.

Section 4.—This Resolution shall be made public by forwarding a copy thereof to the state and national media.

Section 5.—This Resolution shall take effect immediately after its approval by the Senate of Puerto Rico.

POM-92. A resolution adopted by the Senate of the General Assembly of the State of Tennessee urging Congress to stimulate markets for recycled materials, recycling, and source reduction and the development of comprehensive solid waste management plans; to the Committee on Environment and Public Works.

SENATE RESOLUTION No. 176

Whereas, recognizing the need to manage solid waste in an environmentally, economically, and politically acceptable manner, states are enacting comprehensive solid waste management plans; and

Whereas, in the long run, source reduction and recycling offer the most economically and environmentally sound methods for dealing with a significant percentage of the solid waste stream; and

Whereas, the Senate of the One Hundred Sixth General Assembly of the State of Ten-

nessee believes that properly designed and operated landfills will continue to be a component of any comprehensive solid waste management plan; and

Whereas, the volume of waste to be landfilled should be reduced and minimized through environmentally sound methods such as source separation to retrieve recyclable or reusable materials; and

Whereas, yard waste and some biodegradable materials should be composted rather than landfilled, and source separation should occur in all waste streams; and

Whereas, solid waste incinerators without energy recovery and landfilling should be limited, whenever practical, to non-toxic and non-hazardous materials that cannot be treated by any other economically and environmentally sound method; and

Whereas, with respect to waste-to-energy or resource recovery facilities, their capacity should be designed for the solid waste volume remaining after source separation, toxic materials removal, recycling, and pollution prevention measures have been implemented; and

Whereas, the states are in need of the full cooperation and assistance of the federal government to accomplish their diverse solid waste management objectives: Now, therefore, be it

Resolved by the Senate of the One Hundred Sixth General Assembly of the State of Tennessee, That recognizing the importance of a state-federal partnership and in support of the objectives of the Resource Conservation and Recovery Act (RCRA), the Senate of the One Hundred Sixth General Assembly of the State of Tennessee hereby urges the United States Congress to stimulate markets for recycled materials, recycling, and source reduction and the development of comprehensive solid waste management plans. Be it further

Resolved, That the Senate of the One Hundred Sixth General Assembly of the State of Tennessee urges the federal government to significantly increase technical assistance to state and local governments in developing comprehensive source reduction, source separation, reuse, and recycling programs while fully recognizing the primacy of state and local governments in solid waste management. The development of solid waste management plans is a state and local government responsibility and the federal government should restrict its role to reviewing these plans by setting performance standards. Be it further

Resolved, That the Senate of the One Hundred Sixth General Assembly of the State of Tennessee urges that regulation, tariffs, and transportation policies be revised to remove artificial price supports in order to create regulatory parity between recyclable and reusable material and virgin material. Be it further

Resolved, That the Senate of the One Hundred Sixth General Assembly of the State of Tennessee urges the full implementation of the provisions of RCRA requiring the federal government to promulgate regulations for federal procurement of recycled products. The federal government should give priority consideration to the purchase of reusable and recycled products and allow a temporary price differential, where applicable, for goods made from recycled materials. Be it further

Resolved, That the Senate of the One Hundred Sixth General Assembly of the State of Tennessee urges Congress to provide the states with the greatest authority possible to manage solid waste. Such an authorization should allow states to restrict imported waste and allow restrictions on the exportation of waste, including the imposition of differential fees. Be it further

Resolved, That it is the sense of the Senate of the One Hundred Sixth General Assembly

of the State of Tennessee that funds received from any permits authorized by federal law and issued by states for purposes of management of solid waste should be expended as determined by state legislatures. Be it further

Resolved, that an enrolled copy of this resolution be transmitted to the Speaker and the Clerk of the U.S. House of Representatives; the President and the Secretary of the U.S. Senate; each member of Tennessee's Congressional delegation; and the Honorable Barack Obama, President of the United States.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. AKAKA:

S. 3145. A bill to amend section 1004 of title 39, United States Code, to include that it is a policy of the Postal Service to ensure reasonable and sustainable workloads and schedules for supervisory and management employees and to clarify provisions relating to consultation and changes or terminations in certain proposals; to the Committee on Homeland Security and Governmental Affairs.

ADDITIONAL COSPONSORS

S. 1275

At the request of Mr. WARNER, the name of the Senator from Colorado (Mr. UDALL) was added as a cosponsor of S. 1275, a bill to establish a National Foundation on Physical Fitness and Sports to carry out activities to support and supplement the mission of the President's Council on Physical Fitness and Sports.

S. 1343

At the request of Mr. BROWN of Ohio, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 1343, a bill to amend the Richard B. Russell National School Lunch Act to improve and expand direct certification procedures for the national school lunch and school breakfast programs, and for other purposes.

S. 1791

At the request of Mr. BROWN of Ohio, the name of the Senator from Illinois (Mr. BURRIS) was added as a cosponsor of S. 1791, a bill to establish the Honorable Stephanie Tubbs Jones Fire Suppression Demonstration Incentive Program within the Department of Education to promote installation of fire sprinkler systems, or other fire suppression or prevention technologies, in qualified student housing and dormitories, and for other purposes.

S. 2749

At the request of Mrs. GILLIBRAND, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 2749, a bill to amend the Richard B. Russell National School Lunch Act to improve access to nutritious meals for young children in child care.

S. 3035

At the request of Mr. BAUCUS, the name of the Senator from Idaho (Mr. RISCHE) was added as a cosponsor of S. 3035, a bill to require a report on the establishment of a Polytrauma Rehabilitation Center or Polytrauma Network Site of the Department of Veterans Affairs in the northern Rockies or Dakotas, and for other purposes.

S. 3122

At the request of Mr. ENSIGN, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of S. 3122, a bill to require the Attorney General of the United States to compile, and make publicly available, certain data relating to the Equal Access to Justice Act, and for other purposes.

AMENDMENT NO. 3543

At the request of Mr. KERRY, his name was added as a cosponsor of amendment No. 3543 intended to be proposed to H.R. 1586, a bill to impose an additional tax on bonuses received from certain TARP recipients.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. AKAKA:

S. 3145. A bill to amend section 1004 of title 39, United States Code, to include that it is a policy of the Postal Service to ensure reasonable and sustainable workloads and schedules for supervisory and management employees and to clarify provisions relating to consultation and changes or terminations in certain proposals; to the Committee on Homeland Security and Governmental Affairs.

Mr. AKAKA. Mr. President, today I am introducing a bill to clarify certain provisions relating to pay and benefits consultation between the United States Postal Service and supervisors' and postmasters' organizations.

The Postal Reorganization Act of 1970 created a process for postmasters and other non-union postal employees to negotiate pay and benefits through consultation. In the 108th Congress, I sponsored the Postmaster Equity Act which extended additional protections for postmasters to provide for fact-finding in the event that consultation reached an impasse. The same protections already applied to supervisors. However, it has come to my attention that there may be ambiguity in the interpretation of these provisions.

The legislation I am introducing, along with Representative GERALD CONNOLLY in the House of Representatives, should eliminate any ambiguity in existing law regarding consultation with management organizations. It reiterates that any changes to pay policies or benefits for postmasters, supervisors, and other managerial positions be done in conjunction with consultation process required under title 39 section 1004(e). The bill also requires the Postal Service to ensure policies to provide for reasonable and sustainable workloads and schedules for supervisory and management employees.

In light of the unprecedented challenges faced by the Postal Service today, fostering close cooperation and consultation on pay and benefits between the Postal Service and management organizations is essential. It is my hope that the Postal Service and all of its employee organizations will continue to work cooperatively to keep the Postal Service an employer of choice, and to promote advancement across the organization.

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

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

S. 3145

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

SECTION 1. POSTAL SERVICE SUPERVISORY AND OTHER MANAGERIAL ORGANIZATIONS.

Section 1004 of title 39, United States Code, is amended—

(1) in subsection (a), by inserting “to ensure reasonable and sustainable workloads and schedules for supervisory and management employees;” after “other managerial personnel;”;

(2) in subsection (b), in the second sentence, by inserting “as provided under subsection (d) and any changes in, or termination of, pay policies and schedules and fringe benefit programs for members of the supervisors' organization as provided under subsection (e)” before the period; and

(3) in subsection (e)(1), by inserting “, or termination of,” after “any changes in”.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. DORGAN. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar Nos. 497, 498, 499, 655, 710, 711, 712, 736, 737, 738, 739, 744, 745, 746, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, all nominations on the Secretary's desk in the Air Force, Army, Marine Corps, and Navy; that the nominations be confirmed en bloc, the motions to reconsider be laid upon the table en bloc; that no further motions be in order; that any statements relating to the nominations appear at the appropriate place in the RECORD as if read; that the President 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:

LEGAL SERVICES CORPORATION

Robert James Grey, Jr., of Virginia, to be a Member of the Board of Directors of the Legal Services Corporation for a term expiring July 13, 2011.

John Gerson Levi, of Illinois, to be a Member of the Board of Directors of the Legal Services Corporation for a term expiring July 13, 2011.

Martha L. Minow, of Illinois, to be a Member of the Board of Directors of the Legal

Services Corporation for a term expiring July 13, 2011.

DEPARTMENT OF VETERANS AFFAIRS

Raul Perea-Henze, of New York, to be an Assistant Secretary of Veterans Affairs (Policy and Planning).

DEPARTMENT OF STATE

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

Harry K. Thomas, Jr., of New York, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of the Philippines.

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

NUCLEAR REGULATORY COMMISSION

William Charles Ostendorff, of Virginia, to be a Member of the Nuclear Regulatory Commission for the remainder of the term expiring June 30, 2011.

William D. Magwood, IV, of Maryland, to be a Member of the Nuclear Regulatory Commission for the term of five years expiring June 30, 2015.

William D. Magwood, IV, of Maryland, to be a Member of the Nuclear Regulatory Commission for the remainder of the term expiring June 30, 2010.

George Apostolakis, of Massachusetts, to be a Member of the Nuclear Regulatory Commission for the term of five years expiring June 30, 2014.

NATIONAL COUNCIL ON DISABILITY

Gary Blumenthal, of Massachusetts, to be a Member of the National Council on Disability for a term expiring September 17, 2010.

Chester Alonzo Finn, of New York, to be a Member of the National Council on Disability for a term expiring September 17, 2012.

Sara A. Gelser, of Oregon, to be a Member of the National Council on Disability for a term expiring September 17, 2011.

Dongwoo Joseph Pak, of California, to be a Member of the National Council on Disability for a term expiring September 17, 2012.

Carol Jean Reynolds, of Colorado, to be a Member of the National Council on Disability for a term expiring September 17, 2010.

Fernando Torres-Gill, of California, to be a Member of the National Council on Disability for a term expiring September 17, 2011.

Jonathan M. Young, of Maryland, to be a Member of the National Council on Disability for a term expiring September 17, 2012.

BARRY GOLDWATER SCHOLARSHIP & EXCELLENCE IN EDUCATION FOUNDATION

Gwendolyn E. Boyd, of Maryland, to be a Member of the Board of Trustees of the Barry Goldwater Scholarship and Excellence in Education Foundation for a term expiring August 11, 2014.

Peggy Goldwater-Clay, of California, to be a Member of the Board of Trustees of the Barry Goldwater Scholarship and Excellence in Education Foundation for a term expiring June 5, 2012.

LEGAL SERVICES CORPORATION

Sharon L. Browne, of California, to be a Member of the Board of Directors of the Legal Services Corporation for a term expiring July 13, 2010.

Charles Norman Wiltse Keckler, of Virginia, to be a Member of the Board of Directors of the Legal Services Corporation for a term expiring July 13, 2010.

Victor B. Maddox, of Kentucky, to be a Member of the Board of Directors of the Legal Services Corporation.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

Patrick K. Nakamura, of Alabama, to be a Member of the Federal Mine Safety and Health Review Commission for a term of six years expiring August 30, 2010.

Patrick K. Nakamura, of Alabama, to be a Member of the Federal Mine Safety and Health Review Commission for a term of six years expiring August 30, 2016.

DEPARTMENT OF JUSTICE

Christopher Tobias Hoyer, of Nevada, to be United States Marshal for the District of Nevada for the term of four years.

Kelvin Corneilius Washington, of South Carolina, to be United States Marshal for the District of South Carolina for the term of four years.

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

Jessie Hill Roberson, of Virginia, to be a Member of the Defense Nuclear Facilities Safety Board for a term expiring October 18, 2013.

Joseph F. Bader, of the District of Columbia, to be a Member of the Defense Nuclear Facilities Safety Board for a term expiring October 18, 2012.

Peter Stanley Winokur, of Maryland, to be a Member of the Defense Nuclear Facilities Safety Board for a term expiring October 18, 2014.

IN THE AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brig. Gen. Byron C. Hepburn

The following named officer for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Robert R. Redwine

IN THE ARMY

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be general

Lt. Gen. James D. Thurman

The following named United States Army Reserve officer for appointment as the Chief, Army Reserve and appointment to the grade indicated under provisions of title 10, U.S.C., sections 3038 and 601:

To be lieutenant general

Lt. Gen. Jack C. Stultz, Jr.

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. John W. Morgan, III

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. David M. Rodriguez

IN THE NAVY

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Vice Adm. Paul S. Stanley

IN THE MARINE CORPS

The following named officer for appointment to the grade of lieutenant general in the United States Marine Corps while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Walter E. Gaskin, Sr.

The following named officer for appointment in the United States Marine Corps to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brig. Gen. Melvin G. Spiese

The following named officer for appointment in the United States Marine Corps to the grade indicated under title 10, U.S.C., section 5046:

To be major general

Col. Vaughn A. Ary

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE AIR FORCE

PN1513 AIR FORCE nominations (7) beginning ELWOOD M. BARNES, and ending REX A. WILLIAMS, which nominations were received by the Senate and appeared in the Congressional Record of March 3, 2010.

PN1514 AIR FORCE nominations (23) beginning CALVIN N. ANDERSON, and ending ROGER M. WELSH, which nominations were received by the Senate and appeared in the Congressional Record of March 3, 2010.

PN1515 AIR FORCE nominations (38) beginning BRIAN L. BENGIS, and ending LISA F. WILLIS, which nominations were received by the Senate and appeared in the Congressional Record of March 3, 2010.

PN1516 AIR FORCE nominations (9) beginning DONNETTE A. BOYD, and ending PAUL D. SUTTER, which nominations were received by the Senate and appeared in the Congressional Record of March 3, 2010.

PN1517 AIR FORCE nominations (21) beginning RICHARD S. BEYEA III, and ending TRAVIS C. YELTON, which nominations were received by the Senate and appeared in the Congressional Record of March 3, 2010.

PN1518 AIR FORCE nominations (76) beginning AFSANA AHMED, and ending REGGIE D. YAGER, which nominations were received by the Senate and appeared in the Congressional Record of March 3, 2010.

IN THE ARMY

PN1424 ARMY nominations (15) beginning DOUGLAS R. DIXON, and ending VICKI J. WYAN, which nominations were received by the Senate and appeared in the Congressional Record of February 1, 2010.

PN1425 ARMY nominations (79) beginning ROMNEY C. ANDERSEN, and ending D002085, which nominations were received by the Senate and appeared in the Congressional Record of February 1, 2010.

PN1426 ARMY nominations (18) beginning CHARLES E. BANE, and ending D003028, which nominations were received by the Senate and appeared in the Congressional Record of February 1, 2010.

PN1427 ARMY nominations (75) beginning RICHARD ACEVEDO, and ending D005704, which nominations were received by the Senate and appeared in the Congressional Record of February 1, 2010.

PN1428 ARMY nominations (143) beginning JOSEPH C. ALEXANDER, and ending DON H. YAMASHITA, which nominations were received by the Senate and appeared in the Congressional Record of February 1, 2010.

PN1429 ARMY nominations (153) beginning DAVID A. ALLEN, and ending YOUNG J.

YAUGER, which nominations were received by the Senate and appeared in the Congressional Record of February 1, 2010.

PN1502 ARMY nominations (75) beginning MATTHEW H. ADAMS, and ending MATTHEW H. WATTERS, which nominations were received by the Senate and appeared in the Congressional Record of March 3, 2010.

IN THE MARINE CORPS

PN1459 MARINE CORPS nominations (2) beginning HENRY C. BODDEN, and ending DAVID M. SOUSA, which nominations were received by the Senate and appeared in the Congressional Record of February 22, 2010.

PN1460 MARINE CORPS nominations (2) beginning JAMES R. REUSSE, and ending JEFFREY P. WOOLDRIDGE, which nominations were received by the Senate and appeared in the Congressional Record of February 22, 2010.

PN1461 MARINE CORPS nominations (2) beginning ANTHONY REDMAN, and ending GARY J. SPINELLI, which nominations were received by the Senate and appeared in the Congressional Record of February 22, 2010.

PN1462 MARINE CORPS nominations (3) beginning MARK E. DUMAS, and ending JAMES SMILEY, which nominations were received by the Senate and appeared in the Congressional Record of February 22, 2010.

PN1463 MARINE CORPS nominations (3) beginning STEVEN S. DEVOST, and ending WILLIAM E. LANHAM, which nominations were received by the Senate and appeared in the Congressional Record of February 22, 2010.

PN1464 MARINE CORPS nominations (5) beginning TONY C. ARMSTRONG, and ending SHELTON WILLIAMS, which nominations were received by the Senate and appeared in the Congressional Record of February 22, 2010.

PN1465 MARINE CORPS nominations (4) beginning CHARLES R. BAUGHN, and ending JOHN P. MULLERY, which nominations were received by the Senate and appeared in the Congressional Record of February 22, 2010.

PN1466 MARINE CORPS nominations (5) beginning RANDALL E. DAVIS, and ending BRIAN L. WHITE, which nominations were received by the Senate and appeared in the Congressional Record of February 22, 2010.

PN1467 MARINE CORPS nominations (5) beginning BRENT L. ENGLISH, and ending ANTHONY C. LYONS, which nominations were received by the Senate and appeared in the Congressional Record of February 22, 2010.

PN1468 MARINE CORPS nominations (7) beginning ROBERT BOYERO, and ending ANDREW R. STRAUSS, which nominations were received by the Senate and appeared in the Congressional Record of February 22, 2010.

PN1504 MARINE CORPS nomination of Dennis L. Parks, which was received by the Senate and appeared in the Congressional Record of March 3, 2010.

PN1506 MARINE CORPS nominations (2) beginning STEVE K. BRAUND, and ending STEVEN E. SPROUT, which nominations were received by the Senate and appeared in the Congressional Record of March 3, 2010.

PN1507 MARINE CORPS nominations (2) beginning CHARLES E. DANIELS, and ending JAY A. ROGERS, which nominations were received by the Senate and appeared in the Congressional Record of March 3, 2010.

PN1508 MARINE CORPS nominations (2) beginning TIMOTHY L. COLLINS, and ending STEVEN J. LENGQUIST, which nominations were received by the Senate and appeared in the Congressional Record of March 3, 2010.

PN1509 MARINE CORPS nominations (2) beginning MICHAEL R. GLASS, and ending

DONALD L. HULTZ, which nominations were received by the Senate and appeared in the Congressional Record of March 3, 2010.

PN1510 MARINE CORPS nominations (3) beginning STEVEN M. DOTSON, and ending JAMES I. SAYLOR, which nominations were received by the Senate and appeared in the Congressional Record of March 3, 2010.

PN1511 MARINE CORPS nominations (3) beginning JACK G. ABATE, and ending JASON A. HIGGINS, which nominations were received by the Senate and appeared in the Congressional Record of March 3, 2010.

IN THE NAVY

PN1469 NAVY nominations (6) beginning CRAIG E. BUNDY, and ending YARON RABINOWITZ, which nominations were received by the Senate and appeared in the Congressional Record of February 22, 2010.

PN1512 NAVY nomination of Michael C. Biemiller, which was received by the Senate and appeared in the Congressional Record of March 3, 2010.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

WELCOME HOME VIETNAM VETERANS DAY

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be discharged from further consideration and the Senate now proceed to S. Res. 451.

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

The legislative clerk read as follows:

A resolution (S. Res. 451) expressing support for designation of a "Welcome Home Vietnam Veterans Day."

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

Mr. DORGAN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

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

The resolution (S. Res. 451) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 451

Whereas the Vietnam War was fought in the Republic of South Vietnam from 1961 to 1975, and involved North Vietnamese regular forces and Viet Cong guerrilla forces in armed conflict with United States Armed Forces and the Army of the Republic of Vietnam;

Whereas the United States Armed Forces became involved in Vietnam because the United States Government wanted to provide direct military support to the Government of South Vietnam to defend itself against the growing Communist threat from North Vietnam;

Whereas members of the United States Armed Forces began serving in an advisory role to the Government of the Republic of South Vietnam in 1961;

Whereas, as a result of the Gulf of Tonkin incidents on August 2 and 4, 1964, Congress overwhelmingly passed the Gulf of Tonkin Resolution (Public Law 88-408), on August 7,

1964, which provided the authority to the President of the United States to prosecute the war against North Vietnam;

Whereas, in 1965, United States Armed Forces ground combat units arrived in Vietnam;

Whereas, by the end of 1965, there were 80,000 United States troops in Vietnam, and by 1969, a peak of approximately 543,000 troops was reached;

Whereas, on January 27, 1973, the Treaty of Paris was signed, which required the release of all United States prisoners-of-war held in North Vietnam and the withdrawal of all United States Armed Forces from South Vietnam;

Whereas, on March 30, 1973, the United States Armed Forces completed the withdrawal of combat units and combat support units from South Vietnam;

Whereas, on April 30, 1975, North Vietnamese regular forces captured Saigon, the capitol of South Vietnam, effectively placing South Vietnam under Communist control;

Whereas more than 58,000 members of the United States Armed Forces lost their lives in Vietnam and more than 300,000 members of the Armed Forces were wounded;

Whereas, in 1982, the Vietnam Veterans Memorial was dedicated in the District of Columbia to commemorate those members of the United States Armed Forces who died or were declared missing-in-action in Vietnam;

Whereas the Vietnam War was an extremely divisive issue among the people of the United States and a conflict that caused a generation of veterans to wait too long for the United States public to acknowledge and honor the efforts and services of such veterans;

Whereas members of the United States Armed Forces who served bravely and faithfully for the United States during the Vietnam War were often wrongly criticized for the policy decisions made by 4 presidential administrations in the United States;

Whereas the establishment of a "Welcome Home Vietnam Veterans Day" would be an appropriate way to honor those members of the United States Armed Forces who served in South Vietnam and throughout Southeast Asia during the Vietnam War; and

Whereas March 30, 2010, would be an appropriate day to establish a "Welcome Home Vietnam Veterans Day": Now, therefore, be it

Resolved, That the Senate—

(1) honors and recognizes the contributions of veterans who served in the United States Armed Forces in Vietnam during war and during peace;

(2) encourages States and local governments to also establish "Welcome Home Vietnam Veterans Day"; and

(3) encourages the people of the United States to observe "Welcome Home Vietnam Veterans Day" with appropriate ceremonies and activities that—

(A) provide the appreciation Vietnam War veterans deserve, but did not receive upon returning home from the war;

(B) demonstrate the resolve that never again shall the Nation disregard and denigrate a generation of veterans;

(C) promote awareness of the faithful service and contributions of such veterans during their military service as well as to their communities since returning home;

(D) promote awareness of the importance of entire communities empowering veterans and the families of veterans to readjust to civilian life after military service; and

(E) promote opportunities for such veterans to assist younger veterans returning from the wars in Iraq and Afghanistan in rehabilitation from wounds, both seen and unseen, and to support the reintegration of younger veterans into civilian life.

ORDERS FOR MONDAY, MARCH 22, 2010

Mr. DORGAN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it recess until 2 p.m. on Monday, March 22; that following the prayer and pledge, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then proceed to a period for the transaction of morning business until 3 p.m., with Senators permitted to speak therein for up to 10 minutes each and with the time equally divided and controlled between the two leaders or their designees; that following morning business, the Senate resume consideration of H.R. 1586, as provided for under the previous order.

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

PROGRAM

Mr. DORGAN. Mr. President, on Monday, the Senate will resume consideration of the Federal Aviation Administration reauthorization legislation. Senators should expect up to three votes to begin at approximately 5:30 p.m. on Monday.

RECESS UNTIL MONDAY, MARCH 22, 2010, AT 2 P.M.

Mr. DORGAN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it recess under the previous order.

There being no objection, the Senate, at 12:46 p.m., recessed until Monday, March 22, 2010, at 2 p.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate, Friday, March 19, 2010:

LEGAL SERVICES CORPORATION

ROBERT JAMES GREY, JR., OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE LEGAL SERVICES CORPORATION FOR A TERM EXPIRING JULY 13, 2011.

JOHN GERSON LEVI, OF ILLINOIS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE LEGAL SERVICES CORPORATION FOR A TERM EXPIRING JULY 13, 2011.

MARTHA L. MINOW, OF ILLINOIS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE LEGAL SERVICES CORPORATION FOR A TERM EXPIRING JULY 13, 2011.

DEPARTMENT OF VETERANS AFFAIRS

RAUL PEREA-HENZE, OF NEW YORK, TO BE AN ASSISTANT SECRETARY OF VETERANS AFFAIRS (POLICY AND PLANNING).

DEPARTMENT OF STATE

DAVID ADELMAN, OF GEORGIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SINGAPORE.

HARRY K. THOMAS, JR., OF NEW YORK, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER—COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF THE PHILIPPINES.

ALLAN J. KATZ, OF FLORIDA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE PORTUGUESE REPUBLIC.

NUCLEAR REGULATORY COMMISSION

WILLIAM CHARLES OSTENDORFF, OF VIRGINIA, TO BE A MEMBER OF THE NUCLEAR REGULATORY COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING JUNE 30, 2011.

WILLIAM D. MAGWOOD, IV, OF MARYLAND, TO BE A MEMBER OF THE NUCLEAR REGULATORY COMMISSION FOR THE TERM OF FIVE YEARS EXPIRING JUNE 30, 2015.

WILLIAM D. MAGWOOD, IV, OF MARYLAND, TO BE A MEMBER OF THE NUCLEAR REGULATORY COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING JUNE 30, 2010.

GEORGE APOSTOLAKIS, OF MASSACHUSETTS, TO BE A MEMBER OF THE NUCLEAR REGULATORY COMMISSION FOR THE TERM OF FIVE YEARS EXPIRING JUNE 30, 2014.

NATIONAL COUNCIL ON DISABILITY

GARY BLUMENTHAL, OF MASSACHUSETTS, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 2010.

CHESTER ALONZO FINN, OF NEW YORK, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 2012.

SARA A. GELSER, OF OREGON, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 2011.

DONGWOO JOSEPH PAK, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 2012.

CAROL JEAN REYNOLDS, OF COLORADO, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 2010.

FERNANDO TORRES-GILL, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 2011.

JONATHAN M. YOUNG, OF MARYLAND, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 2012.

BARRY GOLDWATER SCHOLARSHIP & EXCELLENCE IN EDUCATION FOUNDATION

GWENDOLYN E. BOYD, OF MARYLAND, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION FOR A TERM EXPIRING AUGUST 11, 2014.

PEGGY GOLDWATER-CLAY, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION FOR A TERM EXPIRING JUNE 5, 2012.

LEGAL SERVICES CORPORATION

SHARON L. BROWNE, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE LEGAL SERVICES CORPORATION FOR A TERM EXPIRING JULY 13, 2010.

CHARLES NORMAN WILTSE KECKLER, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE LEGAL SERVICES CORPORATION FOR A TERM EXPIRING JULY 13, 2010.

VICTOR B. MADDOX, OF KENTUCKY, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE LEGAL SERVICES CORPORATION FOR A TERM EXPIRING JULY 13, 2010.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

PATRICK K. NAKAMURA, OF ALABAMA, TO BE A MEMBER OF THE FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION FOR A TERM OF SIX YEARS EXPIRING AUGUST 30, 2010.

PATRICK K. NAKAMURA, OF ALABAMA, TO BE A MEMBER OF THE FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION FOR A TERM OF SIX YEARS EXPIRING AUGUST 30, 2016.

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

JESSIE HILL ROBERSON, OF VIRGINIA, TO BE A MEMBER OF THE DEFENSE NUCLEAR FACILITIES SAFETY BOARD FOR A TERM EXPIRING OCTOBER 18, 2013.

JOSEPH F. BADER, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE DEFENSE NUCLEAR FACILITIES SAFETY BOARD FOR A TERM EXPIRING OCTOBER 18, 2012.

PETER STANLEY WINOKUR, OF MARYLAND, TO BE A MEMBER OF THE DEFENSE NUCLEAR FACILITIES SAFETY BOARD FOR A TERM EXPIRING OCTOBER 18, 2014.

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 JUSTICE

CHRISTOPHER TOBIAS HOYE, OF NEVADA, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF NEVADA FOR THE TERM OF FOUR YEARS.

KELVIN CORNELIUS WASHINGTON, OF SOUTH CAROLINA, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF SOUTH CAROLINA FOR THE TERM OF FOUR YEARS.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. BYRON C. HEPBURN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. ROBERT R. REDWINE

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. JAMES D. THURMAN

THE FOLLOWING NAMED UNITED STATES ARMY RESERVE OFFICER FOR APPOINTMENT AS THE CHIEF ARMY RESERVE AND APPOINTMENT TO THE GRADE INDICATED UNDER PROVISIONS OF TITLE 10, U.S.C., SECTIONS 3038 AND 601:

To be lieutenant general

LT. GEN. JACK C. STULTZ, JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JOHN W. MORGAN III

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. DAVID M. RODRIGUEZ

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

VICE ADM. PAUL S. STANLEY

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE UNITED STATES MARINE CORPS WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. WALTER E. GASKIN, SR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. MELVIN G. SPIESE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 5046:

To be major general

COL. VAUGHN A. ARY

IN THE AIR FORCE

AIR FORCE NOMINATIONS BEGINNING WITH ELWOOD M. BARNES AND ENDING WITH REX A. WILLIAMS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 3, 2010.

AIR FORCE NOMINATIONS BEGINNING WITH CALVIN N. ANDERSON AND ENDING WITH ROGER M. WELSH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 3, 2010.

AIR FORCE NOMINATIONS BEGINNING WITH BRIAN L. BENGS AND ENDING WITH LISA F. WILLIS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 3, 2010.

AIR FORCE NOMINATIONS BEGINNING WITH DONNETTE A. BOYD AND ENDING WITH PAUL D. SUTTER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 3, 2010.

AIR FORCE NOMINATIONS BEGINNING WITH RICHARD S. BEYEA III AND ENDING WITH TRAVIS C. YELTON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 3, 2010.

AIR FORCE NOMINATIONS BEGINNING WITH AFSANA AHMED AND ENDING WITH REGGIE D. YAGER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 3, 2010.

IN THE ARMY

ARMY NOMINATIONS BEGINNING WITH DOUGLAS R. DIXON AND ENDING WITH VICKI J. WYAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 1, 2010.

ARMY NOMINATIONS BEGINNING WITH ROMNEY C. ANDERSEN AND ENDING WITH D002085, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 1, 2010.

ARMY NOMINATIONS BEGINNING WITH CHARLES E. BANE AND ENDING WITH D008028, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 1, 2010.

ARMY NOMINATIONS BEGINNING WITH RICHARD ACEVEDO AND ENDING WITH D005704, WHICH NOMINA-

TIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 1, 2010.

ARMY NOMINATIONS BEGINNING WITH JOSEPH C. ALXANDER AND ENDING WITH DON H. YAMASHITA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 1, 2010.

ARMY NOMINATIONS BEGINNING WITH DAVID A. ALLEN AND ENDING WITH YOUNG J. YAUGER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 1, 2010.

ARMY NOMINATIONS BEGINNING WITH MATTHEW H. ADAMS AND ENDING WITH MATTHEW H. WATTERS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 3, 2010.

IN THE MARINE CORPS

MARINE CORPS NOMINATIONS BEGINNING WITH HENRY C. BODDEN AND ENDING WITH DAVID M. SOUSA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 22, 2010.

MARINE CORPS NOMINATIONS BEGINNING WITH JAMES R. REUSSE AND ENDING WITH JEFFREY P. WOOLDRIDGE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 22, 2010.

MARINE CORPS NOMINATIONS BEGINNING WITH ANTHONY REDMAN AND ENDING WITH GARY J. SPINELLI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 22, 2010.

MARINE CORPS NOMINATIONS BEGINNING WITH MARK E. DUMAS AND ENDING WITH JAMES SMILEY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 22, 2010.

MARINE CORPS NOMINATIONS BEGINNING WITH STEVEN S. DEVOST AND ENDING WITH WILLIAM E. LANHAM, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 22, 2010.

MARINE CORPS NOMINATIONS BEGINNING WITH TONY C. ARMSTRONG AND ENDING WITH SHELTON WILLIAMS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 22, 2010.

MARINE CORPS NOMINATIONS BEGINNING WITH CHARLES E. BAUGHN AND ENDING WITH JOHN P. MULLEARY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 22, 2010.

MARINE CORPS NOMINATIONS BEGINNING WITH RANDALL E. DAVIS AND ENDING WITH BRIAN L. WHITE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 22, 2010.

MARINE CORPS NOMINATIONS BEGINNING WITH BRENT L. ENGLISH AND ENDING WITH ANTHONY C. LYONS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 22, 2010.

MARINE CORPS NOMINATIONS BEGINNING WITH ROBERT BOYERO AND ENDING WITH ANDREW R. STRAUSS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 22, 2010.

MARINE CORPS NOMINATION OF DENNIS L. PARKS, TO BE LIEUTENANT COLONEL.

MARINE CORPS NOMINATIONS BEGINNING WITH STEVE K. BRAND AND ENDING WITH STEVEN E. SPROUT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 3, 2010.

MARINE CORPS NOMINATIONS BEGINNING WITH CHARLES E. DANIELS AND ENDING WITH JAY A. ROGERS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 3, 2010.

MARINE CORPS NOMINATIONS BEGINNING WITH TIMOTHY L. COLLINS AND ENDING WITH STEVEN J. LENGQUIST, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 3, 2010.

MARINE CORPS NOMINATIONS BEGINNING WITH MICHAEL R. GLASS AND ENDING WITH DONALD L. HULTZ, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 3, 2010.

MARINE CORPS NOMINATIONS BEGINNING WITH STEVEN M. DOTSON AND ENDING WITH JAMES I. SAYLOR, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 3, 2010.

MARINE CORPS NOMINATIONS BEGINNING WITH JACK G. ABATE AND ENDING WITH JASON A. HIGGINS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 3, 2010.

IN THE NAVY

NAVY NOMINATIONS BEGINNING WITH CRAIG E. BUNDY AND ENDING WITH YARON RABINOWITZ, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 22, 2010.

NAVY NOMINATION OF MICHAEL C. BIEMILLER, TO BE COMMANDER.