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## House of Representatives

The House was not in session today. Its next meeting will be held on Tuesday, July 13, 2010, at 2 p.m.

## Senate

MONDAY, JULY 12, 2010

The Senate met at 2 p.m. and was called to order by the Honorable JEFF MERKLEY, a Senator from the State of Oregon.

### PRAYER

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

Let us pray.

Lord of life, we magnify Your Name this day, for Your mercies are new every morning.

Take our Senators by the hand and lead them on the road You desire them to travel. Help them to seek Your guidance as they establish their priorities, always remembering their accountability to You. May this accountability motivate them to never deviate from the path of integrity but to seek to ensure that Your will is done on Earth even as it is done in heaven. Remind them that You are with them and will guide them to a desired destination.

We pray in Your sovereign Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable JEFF MERKLEY 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. INOUE).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, July 12, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JEFF MERKLEY, a Senator from the State of Oregon, to perform the duties of the Chair.

DANIEL K. INOUE,  
President pro tempore.

Mr. MERKLEY 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 turn to a period of morning business. Senators will speak for up to 10 minutes each. This week, the Senate will likely resume consideration of the small business jobs bill, the emergency supplemental appropriations bill, the conference report on Wall Street reform or any other items on the legislative or executive calendar cleared for this particular work period.

I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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 I ask unanimous consent that the order for the quorum call be rescinded.

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

### MEASURE PLACED ON THE CALENDAR—H.R. 5552

Mr. REID. Mr. President, H.R. 5552 is at the desk and due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will read the bill for the second time.

The legislative clerk read as follows:

A bill (H.R. 5552) to amend the Internal Revenue Code of 1986 to require that a payment of the manufacturers' excise tax on recreational equipment be paid quarterly and to provide for the assessment by the Secretary of the Treasury of certain criminal restitution.

Mr. REID. Mr. President, I object to any further proceedings at this time.

The ACTING PRESIDENT pro tempore. Objection having been heard, the bill will be placed on the calendar.

### JOBS AGENDA

Mr. REID. Mr. President, I welcome back my colleagues and hope they are as eager to get to work as I am.

During the week I spent in Nevada, I saw again how desperate our unemployment situation has become. As I talked to Nevadans, I heard over and over how they need us to help create conditions to help businesses create jobs. For example, I met one man in Reno who is 51 years old. He said he

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



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had never missed a payment on his home since he had bought it many years ago. He was going to this month because he was unemployed and couldn't find a job, and he had worked very hard to try to find a job. But now, like 14 percent of Nevadans, he is out of work and can't find a new job. There are just too many people looking for too few jobs. Now he cannot make his mortgage payment, as I have indicated.

He is the kind of person we need to keep in mind when we talk about creating jobs. His family is the kind of family we need to keep in mind when we talk about helping the unemployed with emergency aid. This man knows he will not get rich off his unemployment check, but it might help him keep a roof over his head.

Those unemployment benefits we are working to extend—for every job that becomes available, five people line up for that job. And for every \$1 we spend in unemployment benefits, \$1.61 is returned to the economy because that money is spiraled into doing a lot of good things because they can pay their rent, make their house payment, buy some clothes.

I repeat what I have said here before: Mark Zandi, who was, during the Presidential run, JOHN McCain's chief economic adviser, said the most important money we could spend right now is for unemployment benefits.

As to my friend in Reno, NV, his struggle, his fears—what keeps this man up at night—is what we should remember when the other side pretends this is more about politics than it is about people.

This work period, like every work period, will be about jobs—the work period here in the Senate—how to create them, how to save them, and how to prevent another crisis such as the one that killed them in the first place.

We are going to build on momentum we have already seen from the economic recovery plan, also known as the stimulus. This jobs crisis was not created in a day, and it will not be solved overnight. But in a short time, we have come a long way.

Three million Americans who are going to work today have the Recovery Act to thank for their jobs. In Nevada, the Recovery Act created or saved more than 4,000 jobs this spring, and as more projects get underway, it will create even more jobs this summer. And don't forget that the stimulus also cut taxes for families, small businesses, students, home buyers, and the unemployed.

But it is just a step, a first step. Over the next month, we are going to do everything we can to make a few more big steps. One of these steps will be to pass the small business jobs bill. It is now on the floor. We know the best way to create jobs, innovate, and help our economy recover is through the private sector. We know the engine that runs the private sector is made up of small businesses. These businesses are the ones that have felt the most

pain in this recession. Two out of every three jobs we have lost were from small business. Our bill, which is fully paid for, will put people back to work through a number of initiatives.

First, it gives small business tax incentives to help them hire and grow more people. Two, it increases Small Business Administration loan limits. Three, it makes it easier for small businesses to export goods. And four, it creates a small business lending fund that will give small banks more capital.

Another step we will take this month is the long overdue—it is long overdue; and I have talked about it a little bit this morning—extension of emergency unemployment insurance for so many who have been out of work for so long. It is more than 2 million people.

When millions of Americans lost their jobs, they lost their incomes, their homes, their savings, their gas money, their tuition payments, and on and on and on—all through no fault of their own. Democrats are not about to turn our backs on out-of-work Americans, which is why we are trying to help them keep their heads above water in this crisis.

The third step is Wall Street reform. It is just as much a jobs bill as the first two I mentioned. We all know greed on Wall Street is what triggered the recession, suffocated the job market, and robbed millions of their incomes. By cleaning up Wall Street, we are going to make sure big bankers can never again gamble away our economy. We are going to make sure there is not a next time.

Helping small businesses, helping the unemployed, and cracking down on Wall Street are three equally important approaches to the same problem—and to our No. 1 priority—jobs. But these three also have something else in common: A minority of Senators is standing in the way.

We have tried for months to help people. Nearly every Democrat has said yes, and nearly every Republican has said no. That opposition is stopping recovery in its tracks.

Every day we keep small businesses from creating jobs, or deny the unemployed the assistance they need, or let Wall Street get away with the same tricks that nearly sank our economy, we are making a difficult situation even worse. We are keeping people off payrolls, keeping businesses from hiring, and keeping our country from coming back stronger than ever.

Simply put, obstruction of these good bills is costing Americans jobs. The other side thinks saying “no” helps them. But it sure does not help the people we are supposed to represent.

I hope we will get our priorities straight this work period. It will be a productive one if we do. The next time we go back home to talk to our constituents, we will be able to deliver better news, and they will be able to tell us the same in return.

## RECOGNITION OF THE MINORITY LEADER

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

## RECESS APPOINTMENT OF DONALD BERWICK

Mr. McCONNELL. Mr. President, ordinarily Senators come to the floor to talk about the things that happen in Washington while we are here. Today I wish to talk about something that happened last week while we were not here. I am referring, of course, to the President's truly outrageous decision to take advantage of Congress's absence last week to sneak Donald Berwick in as the new head of Medicare and Medicaid.

As is well known, Congress has a constitutional duty to examine Presidential nominees such as Dr. Berwick. But apparently the prospect of giving the American people an opportunity to hear this nominee defend his past praise for government-run systems that ration health care was worrisome enough for the administration that it sought to ignore congressional oversight altogether.

As it turned out, the administration's plan backfired because even Democrats are outraged at this blatant attempt to prevent the American people from hearing this man talk about what he plans to do with Medicare and Medicaid. As usual, the administration wants to blame Republicans for its failures. But in this case, the administration's failure to respect the right of the American people to study Dr. Berwick's record is being criticized by just about everyone, including the Democratic chairman of the committee in charge of reviewing his nomination.

Here is what Chairman BAUCUS said shortly after the appointment was made. Senator BAUCUS said:

Senate confirmation of presidential appointees is an essential process prescribed by the Constitution that serves as a check on executive power and protects Montanans and all Americans by ensuring that crucial questions are asked of the nominee, and answered.

So despite what the administration wants people to think, this recess appointment had nothing whatsoever to do with Republicans. The fact is, Republicans were looking forward to the debate. We welcomed the hearing on Dr. Berwick, and anyone who looks at the facts knows any suggestion to the contrary is utter nonsense. So the charge is laughable.

This appointment had everything to do with the administration's fear of letting Americans hear Dr. Berwick's well-known views about government-run care and about how he plans to implement the President's plan to cut \$½ trillion from Medicare while limiting the choices seniors now enjoy.

Here is the irony in all of this: In an attempt to silence debate about Dr. Berwick and its own plans for health

care, this nomination has only reignited the debate over the Democratic health care plan. By recess appointing a man who has sung the praises of the government-run British health care service, the administration is only inviting Americans to ask more questions about its own plans.

I would have thought that anyone would be able to understand the significance of getting answers from an avowed admirer of rationed care before putting him in charge of implementing this administration's \$500 billion Medicare cut.

But by denying the American people an opportunity to hear Dr. Berwick defend his past statements and his future plans, the administration is now forcing the Democrats who voted for the Democratic health care plan to defend Dr. Berwick and his views themselves. The administration may have shielded this nominee temporarily, but it has only exposed Democrats in Congress who voted for this bill and everything that follows from it—including this truly outrageous appointment.

This appointment is the latest evidence of how little the administration has concerned itself with the views of the public. When a majority of Americans and an overwhelming majority of Kentuckians opposed its health care plan, they cut deals with Democratic Senators to squeeze it through Congress. Now they are not even bothering with Congress. They are unilaterally installing people such as Dr. Berwick to take charge of its plan for  $\frac{3}{2}$  trillion in Medicare cuts.

This has been the administration's approach all along: Go around the American people, and now go around Congress. The administration can try to blame Republicans for a debate they do not want to have. But by denying Congress the ability to scrutinize this nominee, it only raises Americans' suspicions about its health care plan and increases the burden on Democrats who supported it.

Back in March, Speaker PELOSI remarked that we would have to pass the health care bill to find out what is in it. This nomination is part of the same arrogant approach. The same administration that forced this bill on an unwilling public has now forced Don Berwick on to anyone with Medicare and Medicaid. Now Democrats who voted for this bill will have to answer for his statements and for his views.

Mr. President, I yield the floor.

#### RESERVATION OF LEADER TIME

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

#### MORNING BUSINESS

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

The Senator from Illinois.

#### HEALTH CARE APPOINTMENT

Mr. DURBIN. Mr. President, the speech which the Senate just heard from the minority leader on the Republican side is consistent with the Republican position on health care reform. They opposed it. They voted against it. They want it to fail. They do not want to give this health care reform a chance.

It is interesting that although they oppose health care reform, I have yet to hear the first Republican Senator come to the floor and suggest: Well, the first thing we need to do is to make sure we eliminate—eliminate—the tax credits and deductions for America's small businesses to help pay for health insurance that were part of the health care reform plan.

I have never heard them say that. They opposed the plan. Do they oppose the help we are going to give small businesses across America to afford health insurance for their employees? That is what repeal is all about.

Secondly, I have never heard a Republican Senator come to the floor and say: We want to repeal the \$250 check which will be sent to thousands of Americans currently under Social Security, Medicare prescription Part D, to help pay for the gap in coverage in the so-called doughnut hole. That was part of the health care reform plan. So those who come to the floor asking for repeal of health care reform obviously want to repeal this check for senior citizens. I have not heard that said one time.

I have also been waiting for the Republicans who want to repeal health care reform to stand before the Senate and say, honestly, openly: We want to eliminate health care insurance coverage for 30 million Americans who will have it for the first time in their lives—30 million uninsured Americans who will have health care insurance coverage because of health care reform. To repeal health care reform is to repeal that coverage for 30 million Americans.

I have yet to hear the first Republican come to the floor and say they want to repeal extending health insurance coverage and the peace of mind that comes with it. I am waiting for the first Republican who wants to repeal health care reform to stand before the Senate and say: We want to take away the power given in this health care reform to individuals so they can fight health care insurance companies that turn down coverage for families because of preexisting conditions. It happens every day in Illinois, in Oregon, in Arizona, in Kentucky.

The bill we passed gives American families a fighting chance against those health insurance companies. Those who are calling for repeal want to take away the power of families to fight for health insurance coverage when they need it the most.

I have yet to hear the first Republican who calls for repeal of health care reform go to families with kids in college and tell them: We oppose that provision in health care reform which extends family health insurance coverage for young people until they reach the age of 26. Those of us who have raised college-aged students know that is a blessing to have those kids—I call them kids—those young people under your family health care plan after they graduate from college until they reach the age of 26—a period of time when some of them are off taking a trip of a lifetime after graduation or looking for a job and do not have health insurance coverage.

I can recall calling my daughter Jennifer: "This is Dad. I am so happy you graduated from college. Do you have health insurance?" "Oh, Dad, I feel fine. You know, I'm healthy and strong." "No, Jennifer. You need health insurance."

The law we passed, the health insurance we passed, is going to give a family coverage to protect their kids until the age of 26. Those who want to repeal it want to undo that provision. But I have yet to hear them say that on the floor.

They have a different strategy. Senator DEMINT of South Carolina made it clear when the health care reform debate started that the purpose of the Republican effort was to defeat health care reform. In his words: We want health care reform to be Barack Obama's Waterloo in politics. He was very clear. They wanted the President to fail, they wanted health care reform to fail, and they still do. Their latest strategy was to stop the President from putting in place a person to run the program—someone who would try to make it work, someone who would look at the things we have done in Congress and make sure they work in the real world.

Last week, President Obama made a very sensible move, after waiting patiently for the Republicans to give us a chance to vote on a man to serve and to oversee Medicare and Medicaid as Administrator of CMS. His name is Dr. Donald Berwick.

CMS has been without a permanent Administrator since 2006, and it is time this important position be held and filled for the good of American families. This man, Dr. Berwick, is eminently qualified for this role. He is a Harvard pediatrician and policy expert who was committed to improving health care long before our debate started and who today is one of the foremost experts and leaders in health care quality and patient safety. The President appointed him last week when we were gone because my colleagues on the other side of the aisle, the Republicans, had made it clear they intended to elongate this debate on his appointment as long as possible, to rehash argument after argument instead of just giving us an up-or-down vote to let this man serve the Nation

and serve all of us who want quality health care.

Rather than work in a bipartisan way to get things right, to make sure we implement the health care reform that is decades overdue, the Republicans took a political position and held to it. The President was right to come down on the side of helping American families deal with health care rather than to engage in this never-ending political battle.

The Republicans delayed Dr. Berwick's nomination by bringing up the same talking points and the same Republican arguments we have heard again today and over and over again. They are entitled to their point of view, but Dr. Berwick is entitled to an up-or-down vote. The President decided he couldn't wait any longer and made this recess appointment.

By blocking nominees such as Dr. Berwick, the Republicans are blocking progress on improving health care in America. According to RollCall, a publication on Capitol Hill, the coordinated Republican message is called second opinion. I have seen some of my friends on the Republican side of the aisle come to the floor with large posters that say "Second Opinion." A Republican Senate aide says the effort is intended "to draw attention to the consequences of the health care law that the White House hopes people miss."

Well, whose second opinion is this? It is the same opinion we have heard from Republicans from the start who consistently voted against health care reform and refused—refused during the course of the debate—to put on the table any proposal which would extend health care coverage to 52 million uninsured Americans, help to hold down the costs, and give people a fighting chance against health insurance companies. Time and again, they criticized our efforts and never proposed a viable, comprehensive alternative.

Starting this year, we know children will never again be excluded from health insurance because of a pre-existing condition. That is in health care reform. Adults will no longer be dropped just because they get sick. Young adults will be allowed to stay on their parents' plan, as I said earlier, until age 26. These are real changes we are going to see this year. That is the way it should be—health insurance that is there when you need it, not the kind of health insurance where you pay premiums for a lifetime and pray to God you don't go to the hospital and get a diagnosis that says you are headed in for a surgery or a long-term illness and you are not going to have health insurance coverage. That is the reality for too many American families.

The Republicans have never offered an alternative. They have voted against this consistently, and now they want to stop President Obama in every effort to try to make this work for America.

I believe most Americans, even those who have questions about health care reform, believe it deserves a chance. They believe we ought to give it our best human efforts to make it work for America. They want to see us work together. They don't want to see these filibusters, they don't want to see these blockages, and they don't want to see the consistent policy of saying no to everything.

Don Berwick is a well-respected, accomplished, leading authority in health care. We are fortunate to have his expertise at the forefront of the agency charged with making many of the changes in health care delivery. He has the respect of Democratic and Republican leaders, including Mark McClellan, the CMS Administrator under President George W. Bush; Gail Wilensky, the CMS Administrator under President George H.W. Bush; Nancy Nielsen, immediate past president of the American Medical Association; Rich Umbdenstock, president and CEO of the American Hospital Association; John Rother, executive vice president of the AARP; and Ron Pollack, executive director of Families USA. The list goes on and on. He deserved a vote. The President deserves a team to make the law work. The American people deserve something more from the Republicans than the word "no." That is all we have heard in this session.

Now comes an election in just a few months, and the party of no is asking for another chance. This is the same party whose economic policies drove us into this economic recession under the previous President. After driving that car in the ditch, as the President has said, they are asking in November for the American people to give them the keys again and let them start it up all over. Well, we have learned a bitter lesson, and we are not going to repeat it. With so many millions of Americans out of work, with this economy struggling to survive, we cannot and should not return to the policies of the past. We cannot accept no for an answer when it comes to moving America forward.

I am glad the President made this decision to make a recess appointment of Dr. Berwick. He deserved a vote on this floor. He deserved a chance to have his day of service to our country. Sadly and unfortunately, the Republican policy of voting no and saying no to the President has led him to this conclusion and this interim appointment. I wish Dr. Berwick the best. We should now try to work with him to make this policy even better, to make sure more Americans have the peace of mind of having affordable health insurance when their family needs it the most.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. KYL. Thank you, Mr. President.

Now let me set the record straight. Republicans have never said no to Dr. Berwick. We have never blocked a vote on Dr. Berwick. There has never been a

vote called on Dr. Berwick. In fact, there has never even been a hearing on Dr. Berwick. Republicans have not stopped his nomination.

It is true there hasn't been a permanent director of the agency that Dr. Berwick will now head since 2006. When Barack Obama became President on January 20, he could have corrected that problem. But I suspect the reason he didn't nominate anyone to head CMS during the debate on the health care bill is because if Dr. Berwick was his nominee, the last thing the President wanted was a discussion of Dr. Berwick's views on health care. His views are antithetical to the views of the majority of the American people, supporting rationing, as he does, and his love affair with the British single payer system, as he has described it. This is not something the American people would have countenanced. So Barack Obama, the President, rather than filling the position, decided to hold off on nominating a person to head CMS until after the health care debate was over.

Now, this is bait and switch. This is not the transparency that Barack Obama promised when he campaigned for the job of President. Instead, in my view, it is hiding the ball: Let's get health care passed, not tell anybody we are going to nominate Dr. Berwick to head CMS, and then, after the bill is passed—in fact, I think about 4 months after the bill is passed—nominate Dr. Berwick, and then have the gall to say Republicans stopped his nomination. We haven't stopped his nomination. There has been nothing for us to stop. There has been no vote.

I am on the Finance Committee. The chairman of the Finance Committee, a Democrat, MAX BAUCUS from Montana, was very upset about the fact that the President appointed Dr. Berwick because he said: I haven't even had a chance to call a hearing yet.

Republicans stopped the nomination? No, we didn't stop it. Has there been a vote on the floor of the Senate? No. Has there been an attempt to have a vote? No. So how could we have filibustered a nominee who hasn't had a hearing, when his name hasn't even been brought up in committee, and who hasn't been sent to the Senate floor for action?

Well, they say: We anticipated you would have objected to him. Yes, that is true. Knowing all we know about him, you are right; a lot of us would have objected to him. So bring him up for a vote, and let's have the vote, up or down. If he has the votes to pass, he passes. If he doesn't, then perhaps the American people's will has been expressed.

I wish to remind my colleagues that the ranking Republican on the Senate Finance Committee, CHUCK GRASSLEY, requested a hearing for Dr. Berwick. He requested that it take place the week of June 21. Why? That was before the hearings for the Supreme Court nominee, Elena Kagan. The reason Senator

GRASSLEY did that was because he wanted to make sure for the several of us—there are three Republicans and I know at least one Democrat who serve on both the Judiciary Committee and the Finance Committee. He wanted to make sure we would have an opportunity to attend both hearings because we knew the time the Elena Kagan hearings were going to be held in the Judiciary Committee. He specifically requested that Senator BAUCUS schedule the hearing for Dr. Berwick the week of June 21. He would have been happy to be there. I would have been happy to be there.

For anybody to suggest that Republicans are to blame for the fact that Dr. Berwick's nomination didn't come to a vote or wasn't brought to the Senate floor is sheer fantasy. We have not held up the nomination. We have not prevented a vote. We have not blocked the vote. Yes, we have been critical of Dr. Berwick. Since when is that a crime? Since when is that the party of no?

Let me mention a few of the reasons we are critical of Dr. Berwick and why the American people are going to rue the day that the President, while we were gone from Washington over the July 4 recess, recess-appointed Dr. Berwick. He didn't go through the regular Senate process. He made a recess appointment before Senators had an opportunity to have a hearing or to have a vote.

Well, I think I know some of the reasons. First of all, his radical views on health care policy. I am not going to quote all of the things he has said, but he did describe his love of the British single payer system in very poetic terms. He said he was in love with it. He has described it in the most glowing terms. He said his preference is for absolute caps on health care expenditures in the United States. He says competition is one of the biggest problems in American health care. He says he believes in one-size-fits-all care. That is a direct quotation. Everything I have said here are quotations from different things he has written, all the way from 1992 through 2008.

We wanted to hear more about some of these views, especially since the CMS, or Center for Medicare and Medicaid Services of the Department of Health Care that he will head up, is in charge of administering the health care law we passed, a law that does—let me just mention four specific things it does, with a budget, as I said, larger than the Pentagon budget. I think he has something like \$803 billion in benefits this fiscal year that he has the opportunity to dole out. So there is a great deal of power.

First of all, we know the bill establishes a Medicare commission which is given the responsibility of finding sources of excess cost growth, meaning tests and treatments that are too expensive or whose coverage would mean too much government spending on seniors. There is an opportunity for rationing.

The law will redistribute Medicare payments to physicians based on how much they spend treating seniors.

That is a way they can adjust the payments and, therefore, determine care.

Third, it will rely on recommendations from the U.S. Preventive Services Task Force—that is the entity that last year recommended against mammograms for women under the age of 50—in order to set preventive health care benefits, which is another form of rationing.

Finally, it will authorize the Federal Government to use comparative effectiveness research, or CER, when making Medicare determinations. Republicans tried to get on a simple amendment to that to say: OK, you can compare effectiveness research but not to deny coverage based on cost. Our attempts to get that amendment passed were defeated. Why? Because they wanted to leave the flexibility in the law for the head of CMS, now Dr. Berwick, to ration care.

What is done in Great Britain is what he says is good policy. He said:

It's not a formula for comfort; it's a formula for constructive discomfort.

He described in several other ways the fact that this would be something people would not like but they would get used to it and have to abide by it. He said:

The decision is not whether or not we will ration care; the decision is whether we will ration with our eyes open.

Indeed, at least his eyes will be open—the people who make the decisions on whether we can get health care for our families and what it is. He will know what is happening, but will we know until it is too late? We didn't even have a chance to ask Dr. Berwick questions about this because he never was given a hearing. We weren't given that opportunity. Instead, the President waits until we are out of town over the Fourth of July recess and recess appoints the individual so that he doesn't have to have a hearing or a Senate vote.

Here is another comment from Dr. Berwick:

I would place a commitment to excellence—standardization to the best-known method—above clinician autonomy as a rule for care.

That means the doctor gets to decide what happens to the patient, along with the patient, as opposed to standardization of the best known method, with a bunch of bureaucrats figuring out in a cookie-cutter way what kind of treatment is less costly and therefore best for people who receive government-paid health care. True, this is the way it is done in some other countries that he thinks are great in terms of their health care system. That is not the way it ought to be in the United States. By this individual now receiving this nomination and this appointment, he now will be the person who helps to determine that standardization rather than the clinician autonomy we have today.

Again, Dr. Berwick will head the agency in charge of implementing much of the new health care law. He will have the responsibility to determine what your health care coverage entails. He is the person whom the President appointed to reduce the government's health care costs. I can guarantee you how that reduction will occur: it will occur when they decide that standardization requires that the government only approve the following kinds of treatment or drugs or services, and too bad if you expected something greater than that.

Given Dr. Berwick's philosophy, public comments, and writings about rationing, I think we have a pretty clear picture of where he will look to achieve those savings.

In 1996, he wrote a book entitled "New Rules." He and his coauthor recommended "protocols, guidelines, and algorithms for care," with the "common underlying notion that someone knows or can discover the best way to carry out a task to reach a decision, and that improvement can come from standardizing processes and behaviors to conform to this ideal model."

This is extraordinarily distressing when we are learning every day of innovative ways physicians and scientists have come up with to treat diseases and chronic conditions and illnesses—with new kinds of drugs, with other kinds of treatment, avoiding surgery in many cases, and now, importantly, using genomic research. The TGEN Institute in Phoenix, AZ, for example, is pioneering work involving the human genome so that ultimately we can determine what is best for each individual person in terms of a treatment. You may have breast cancer, for example, but physicians know all breast cancers are not the same and they are not all treated the same way. One woman can be treated with a particular form of radiation or chemotherapy or surgery, and yet for another person who seemingly has the same cancer, that treatment doesn't seem to work. Through human genome research, they basically map out each person's gene history, family history, and gene makeup in such a way as to know whether various kinds of treatment will be accepted or tolerated or successfully completed for each patient. They can tailor the treatments or the drugs for each particular patient.

If you have standardization of processes and behaviors to conform to this "ideal model," to quote Dr. Berwick, you are going to get away from the kinds of treatments that could really be breathtakingly innovative for the future and could save many lives and improve our quality of life for as long as we live. This is the future. The future isn't cookie-cutter medicine where the doctor has to do exactly what some group of bureaucrats says because they performed a test someplace and that was the most efficient way to treat the particular patient.

Another couple of things.

Dr. Berwick expressed his disapproval for costly cutting-edge medical technologies and has said prevention services such as “annual physicals, screening tests, and other measures” are “over-demanded.” One of the things we did in the health care legislation was provide a lot of different incentives for preventive care, for screening, to try to help people avoid illnesses on the theory that it would be a lot cheaper if we didn’t do a lot of treatment that was unnecessary. If you could identify in advance that an individual had a need for some treatment, maybe you could catch the disease, say, the cancer, early and not have the expensive treatment, the end-of-life kind of care that is frequently very expensive.

Let me close with a couple of things. The Wall Street Journal editorialized about Dr. Berwick’s vision, saying this:

Such a command-and-control vision is widespread among America’s technocratic medical left, but it is also increasingly anachronistic amid today’s breakneck medical progress. There isn’t a single “ideal model” in a world of treatments tailored to the genetic patterns of specific cancers, or for the artificial pancreas for individual diabetics, or other innovations that are increasingly common. This is nonetheless where Dr. Berwick . . . will look for his “savings.”

As CMS Administrator, Dr. Berwick will not only oversee billions in Federal spending but will be responsible for programs that cover millions of lives. It is perplexing, to say the least, that such an important position would bypass Senate consideration, without even so much as holding a hearing.

Moreover, this appointment is just the latest self-contradiction of an administration that claimed it would be the most transparent in history. We now have another example of the lack of transparency—the President recess-appointing someone, I believe, in order to avoid having a hearing and to avoid having a debate that would inform the American people of the kind of person the President was putting into this enormously important position.

Mr. President, I express the same concern Leader MCCONNELL expressed. We regret that the President has seen fit to do this. I understand he can appoint anybody he wants, but what I really resent is turning around and having a spokesman for the President say that somehow or other the fact that he didn’t have a hearing or the fact that he never was voted on is somehow the Republicans’ fault. We had nothing to do with the fact that he didn’t have a hearing. We asked for a hearing. We had nothing to do with the fact that he never had a vote. We never objected to any vote. There has never been a question of having a vote. Nobody ever said, in the Finance Committee or on the Senate floor, let’s vote on Dr. Berwick. We had nothing to object to. The President can make the appointment if he wants to. We can still debate his qualifications even though he will now serve in this posi-

tion. But to blame Republicans for having to do it in this nontransparent way is wrong, and I think Republicans are going to continue to demonstrate to the American people why this is a nominee who should have been aired out in public rather than appointed during the July 4 recess.

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

Mr. WHITEHOUSE. Mr. President, I rise to discuss the appointment by President Obama of Dr. Donald Berwick as Administrator of the Center for Medicare and Medicaid Services.

I disagree, respectfully, with my distinguished colleague from Arizona. I guess I agree that it is regrettable that this was a recess appointment, but I believe that on the part of the President it was both prudent and necessary to make this a recess appointment, given, A, the urgency of moving forward with health care reform and, B, the relentless blockade the Republicans have maintained.

Dr. Berwick is perhaps the most qualified person in the country to wield the vast apparatus of the Federal health care bureaucracy toward the comprehensive change we need, to lower the cost of health care, while improving the quality of health care.

In evaluating this urgency, I ask my colleague to consider the situation we are in right now. We are in the midst of an accelerating and unsustainable rise in health care expenditures in America. In 1955—the year I was born—we spent a little bit over \$12 billion a year on health care. That was the annual health care expenditure in the United States in 1955—\$12 billion. Last year, we spent more than \$2.5 trillion. The increase over the previous year was \$134 billion—from 2008 to 2009, an increase of \$134 billion, which is the largest year-to-year increase in history, by the way, and 200 times what we spent in 1955—200 times. Anybody who is looking at this can see both the trend and the increasing acceleration of this curve. It is accelerating, it is unsustainable, and it adds up to, at this point, a stunning 17.3 percent of our national domestic product, our GDP, spent on health care every year. No other nation even comes close to spending that much of its annual domestic product on health care.

In my home State of Rhode Island, had we done nothing on health care, by 2016 a family of four would have faced more than \$26,000 in premiums for family health insurance—\$26,000 per year in 2016 average costs. Last year, premiums for Medicare Advantage plans jumped an average of 14.2 percent nationally—just in 1 year. So there is a clearly unmistakable case that our health care costs are out of control and we have to do something about it.

The escalation, as I pointed out, is unsustainable and accelerating, but it is not inevitable. Indeed, experts from across the ideological spectrum agree that a great deal of health care cost is

simply waste—waste resulting from an irrational, disorganized status quo that too often encourages the wrong choices by patients, payers, and by providers of health care services. That status quo has to change.

As you consider our health care system, set aside for a moment the problem of duplicative tests, the problem of lost medical records, the problem of unnecessary treatments, and the problem of uncoordinated care for patients working between multiple doctors. Set aside all those problems and look just at the administrative overhead of our private insurance market.

By way of reference, administrative costs for Medicare run about 3 to 5 percent. Overhead for private insurers is an astounding 20 to 27 percent. A Commonwealth Fund report indicates that the private insurer administrative costs more than doubled from just 2000 to 2006. In those 6 years, the overhead, the administrative costs of the private insurance industry, more than doubled, up 109 percent. The McKinsey Global Institute estimates that Americans spend roughly \$128 billion annually just on what the report called “excess administrative overhead.” There is \$128 billion that we pay for every year in excess administrative overhead—not health care but administrative overhead—in our health care system in the private health insurance market.

On top of that, you have the duplicative tests, lost medical records, unnecessary treatment, and the uncoordinated care for patients with multiple and chronic conditions. I won’t dwell on those particular topics because I have spoken about them so often on the Senate floor in the past. My point is that because of all this waste in the system, the President’s Council of Economic Advisers concludes that it should be possible to cut total health expenditures about 30 percent. Let me repeat that quote.

It should be possible to cut total health expenditures about 30 percent without worsening outcomes . . . which would suggest that savings on the order of 5 percent of GDP could be feasible.

Five percent of GDP is over \$700 billion a year, and other experts agree. The New England Healthcare Institute reports as much as \$850 billion a year in excess cost “can be eliminated without reducing the quality of care.” Former Bush administration Treasury Secretary O’Neill has written that the excess cost is \$1 trillion a year in our health care system. The Lewin Group, which is often cited in this Chamber on both sides of the aisle as a respectable organization that does authoritative work in this area, finds that we burn over \$1 trillion a year through excess cost and waste.

So is it \$700 billion a year in excess cost and waste, is it \$850 billion a year, is it \$1 trillion or over a year in excess cost and waste? Whatever it is, it is a big number, and we needed to do something about it. This Congress rose to the challenge in the health care reform

bill and passed what health economist David Cutler has called “the most significant action on medical spending ever proposed in the United States.”

This isn't just a partisan view. Analysts of all stripes agree the reform law does more than any previous measure to begin to lift the dead weight of all this wasteful health care cost off our economy. The Commonwealth Fund has projected that the law will reduce the annual growth of national health expenditures—that is the amount that private and public sectors would otherwise spend on health care every year—by 0.6 percentage points annually and nearly \$600 billion over the next 10 years. The Council of Economic Advisers writes that “total slowing of private-sector cost growth” will be approximately 1 percentage point per year—more than \$1 trillion over the next 10 years. That is just what they can prognosticate, what they can anticipate, what they can project.

Here is something that is interesting. Nobel laureate Paul Krugman writes:

There are many cost-saving efforts in the proposed reform, but nobody knows how well any one of these efforts will work. And as a result, official estimates don't give the plan much credit for any of them. Realistically, health reform is likely to do much better at controlling costs than any of the official projections suggest.

Health reform is likely to do much better at controlling costs than any of the official projections suggest.

He is not alone. Other respected health economists—Len Nichols of George Mason, Ken Thorpe of Emory, and Alan Garber of Stanford, described the bill's cost controls as vital, a significant improvement on the status quo. And MIT Professor Jonathan Gruber, one of our leading health economists, said of the bill's cost control measures:

I can't think of a thing to try that they didn't try. They really make the best effort anyone has ever made. Everything is in here. You couldn't have done better than they are doing.

So that frames the picture for the appointment of Dr. Berwick because the President's signature of our health care law was just the beginning of the reform project that lies ahead. This law gives those unprecedented tools to fight health care waste and inefficiency, but those tools are meaningless, they are useless unless they are applied both vigorously and wisely. Don Berwick is simply, hands down, the best person to do that. He has vast experience, proven expertise, and he has earned the respect of colleagues in the public and private sectors and on all sides of the ideological spectrum.

For instance, Dr. Nancy Nielsen, immediate past president of the American Medical Association, said Dr. Berwick is “widely known and well-respected for his visionary leadership efforts that focus on optimizing the quality and safety of patient care in hospitals and across health care settings.”

Gail Wilensky, the Administrator of CMS under President George H.W.

Bush, said Dr. Berwick “has long-standing recognition for expertise and for not being a partisan individual, so I think that will assist him in his dealings with Congress, both with the majority and hopefully the minority, as well.”

Tom Scully, George W. Bush's CMS chief said:

You're not going to do any better than Don Berwick.

And Steven D. Findlay, health policy analyst at Consumers Union, has applauded what he calls “a spectacular appointment.”

Don has been an intellectual force in health care for decades. He helped forge many ideas incorporated in the new health care law.

So given this chorus of praise from across the ideological spectrum and the urgency of the task at hand to control those costs, one might think that bipartisan support for Dr. Berwick's nomination would be strong and swift.

Well, you heard the Senator from Arizona. Unfortunately, my Republican colleagues, regrettably, threaten the familiar old Washington playbook of delay and obstruction.

I have spoken many times about how the Republican minority has delayed without substantive justification far too many of the President's executive branch nominees, jamming up the administration's ability to administer the government; usually not because they have any objection to the nominee but just to jam up the administration's ability to administer the government.

On our Executive Calendar right here we have the names of everybody who is waiting on the Senate floor languishing, waiting for a vote. That doesn't even count all the names that are stuck in committees. These are the people on the Senate floor waiting for a vote. Some have been on for months. Some of them have cleared committee unanimously with full Republican support in the committee. Yet they are jammed up here. That is the quagmire into which they were going to stick Dr. Berwick, notwithstanding the urgency of the need.

Since his nomination was first announced, the Republicans made clear they would subject Dr. Berwick to this treatment. There is no doubt about that. It was confirmed just now by the Senator from Arizona. A recess appointment was the only way for the President to ensure that CMS is fully equipped to handle the vital and voluminous and immediate tasks that we have asked CMS to perform.

So why do my colleagues on the other side of the aisle clamor in opposition to Dr. Berwick, the foremost expert in the field of reducing cost by improving quality of care? There are innumerable ways to reduce health care costs by improving quality. Reducing and eliminating hospital-acquired infections is a perfect example. The North Carolina Medicaid effort to provide coordinated care of a medical

home for people who are high users of the health care system is another example.

My Republican colleagues, who so loudly championed cost control, now claim this reducing cost by improving quality is rationing—rationing. Well, here is my question: Whose side are they on? One trillion dollars a year in waste, and they are lining up to defend the waste and call efforts to restrain it rationing? Protecting you and your family from expensive and dangerous hospital-acquired infections, that is rationing? Organizing complex care of people who have multiple diagnoses and chronic conditions into coordinated medical homes, rationing? Whose side are they on when they attack the reforms, the quality improvement, cost-reducing reforms that are Dr. Berwick's signature expertise?

One Senator even stood in this Chamber and said Dr. Berwick endorsed an end-of-life pathway to death. Oh boy, looks like the death panels are back. Dr. Berwick is not just a pioneer in health care quality improvement, he is the pioneer. He was a lead author of the Institute of Medicine's watershed report, “To Err Is Human,” and the follow-on report, “Crossing the Quality Chasm.” “To Err Is Human” launched the quality movement in this country. That report exposed the breathtaking fact that 100,000 Americans die needlessly in this country every year from medical errors—100,000 Americans dead every year in this country because of needless medical errors. Is getting rid of the errors that killed those 100,000 Americans rationing? Don Berwick has devoted his life to saving those lives. Whose side are my colleagues on when they oppose Dr. Berwick?

The connection between quality improvement and cost savings which Don Berwick has spent his career exploring is demonstrated by global maternal mortality figures. Maternal mortality is a cold and statistical way of saying moms who die in childbirth. We in the United States are 39th in the world. Thirty-eight countries, including most of Europe, do a better job of keeping moms alive through childbirth. We would be willing to spend money to get better at that, I would bet. But the strange thing is the many medical errors and the process failures that cause those deaths—and that cause us to be 39th in the world at maternal mortality—also cause a lot of other complications which cost lots of money to treat and recover from. So if you make those quality improvements, you save money. That is the win-win connection between cost saving and quality reform.

That is the area where Don Berwick specializes and has specialized for years—improving care, eliminating process failures, and saving cost. But my Republican colleagues are standing against him and want to talk about rationing. When it improves care, when it lowers maternal mortality, that is the kind of reform I think we could use. If



you are against that, and if you are against Dr. Berwick, whose side are you on?

Dr. Berwick founded the Institute for Healthcare Improvement, one of the first organizations to promote systematic and sustainable health care quality improvement. He has worked on quality initiatives as a board member of the American Hospital Association, as chair of the Advisory Council for the Agency for Healthcare Research and Quality, and as a member of President Clinton's Advisory Commission on Consumer Protection and Quality. That is his work.

That is probably why Tom Scully, CMS Administrator under President George W. Bush, said:

You are not going to do any better than Don Berwick.

So I ask my colleagues: Do we really need to raise the phony scarecrows of rationing, of death panels, of socialized medicine?

Do we really need to go there against \$1 trillion in waste and inefficiency every year? Do you really want reform efforts to fail against 100,000 American lives lost every year due to avoidable medical errors?

Do you really want reform efforts to fail against eliminating hospital-acquired infections and providing better coordinated care for patients who have multiple doctors and multiple conditions? Do you really want the reform effort to fail? Is this how far we have fallen?

There is a huge window where we could work together on a win-win path, where we could improve the quality of health care for Americans while reducing its cost by coordinating the care better, by coordinating electronic health records better, by avoiding hospital-acquired infections, by avoiding unnecessary care, by making sure doctors know what the best evidence is for treatment as they have to take on patients with multiple difficulties and symptoms. We could do this together. This is a win-win, and Dr. Berwick is an expert with bipartisan public/private—or Republican and Democratic support and recognition of his particular expertise in this area. I urge my colleagues to treat Dr. Berwick as the highly qualified individual he is, not as an opportunity for political grandstanding—we do enough of that around here—not as a way to wish failure on America in this vital task that lies before us. At long last, my friends and colleagues, are we not better than that?

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming.

#### A SECOND OPINION

Mr. BARRASSO. Mr. President, I come to the floor today, having just returned from spending a wonderful week over the Fourth of July in Wyoming, visiting with people across the Cowboy State at senior centers, Kiwanis clubs,

Rotary clubs, and repeatedly the issue came up of this appointment of Dr. Berwick to head Medicare and Medicaid.

My colleague who just left the floor talked about the playbook of delay and obstruction. I will tell you that this recess appointment and the overall appointment of Donald Berwick is absolutely a page out of the playbook of the U.S. President of delay and obstruction.

Last year I came to this floor and said we should have somebody in charge of Medicare and Medicaid. When this body is talking about cutting \$500 billion from our seniors on Medicare, not to save Medicare but to start a whole new government program, there ought to be somebody in charge of Medicare in this country who can answer the questions about what are the impacts going to be. But the President of the United States refused to name anyone.

At a time when this body was debating how to handle 16 million more Americans jammed and crammed into Medicaid, a program where half the doctors in the country will not see those patients, it is like giving somebody a bus ticket when a bus isn't coming. Those people may have coverage but they are not able to get care. There should have been somebody in charge of Medicaid. I came to this floor and said: Mr. President, it is time to make someone take over the responsibilities, to be in charge of Medicare and Medicaid so they can come and explain to this Senate and this country what the impacts are going to be of the cuts in Medicare and the cramming of more and more people into Medicaid. But the President of the United States refused.

The playbook of delay and obstruction belongs to this administration. The playbook of delay and obstruction is what led us here today, to a situation where no one was even named to be in charge of Medicare and Medicaid for the United States until after an extremely unpopular and unwise health care bill was signed by the President of the United States. Then and only then did the President of the United States decide who he would want to put in charge of Medicare and Medicaid. To me, this is an insult to the American people, an insult that the American people would never ever have an opportunity of having open congressional hearings to have explained to them the positions of this man nominated to head Medicare and Medicaid for this country.

I think the President of the United States has made a mockery of his pledge to be accountable as an administration, to be transparent as an administration. That is what I heard at senior centers in Rock Springs, WY, and in Riverton, WY, at a Kiwanis club, people there as well as at a meeting in Powell, WY, at the Rotary club. People all across Wyoming and all across the country are very concerned, saying how is this going to affect me

personally. Seniors know if you take \$500 billion away from their Medicare, not to help seniors, not to help Medicare, but to start a whole new government program—they are very interested how that is going to work because that affects each and every one of them personally.

I heard my colleague from Rhode Island talk about coordinated care. I am with him. We need to coordinate care. That is why I was surprised to see Members of the Democratic side of this Senate vote to kill the program of Medicare Advantage for 10 million Americans. These are individuals who signed up for Medicare Advantage because there is an advantage. It actually helps with preventive medicine and it helps with coordinated care. That is going away. Yet the President of the United States did not have anybody in charge of Medicare or Medicaid to explain what would be the impact of getting rid of Medicare Advantage on those 10 million people who need coordinated care and needed preventive medicine.

When I hear my colleague from Rhode Island say if you are against Dr. Berwick, then whose side are you on, I would say I am on the side of the people of Wyoming, the seniors of this country, the people who are seeing \$500 billion of Medicare cut from them to start a whole new government program. They realize it is not going to help them. That is why at town meetings and visits around the State of Wyoming people believe ultimately they are going to end up paying more for their care and are going to have less care available to them because of this very unpopular health care law. That is why, week after week, I come to the Senate floor to talk as a practicing physician, someone who has taken care of patients for 25 years around the State of Wyoming, to give a doctor's second opinion, to talk about what I see, as a physician, with this health care law that ultimately I believe is going to be bad for patients, bad for payers—the people across this country who are going to pay the bill for this—and bad for providers, the nurses and doctors who take care of the patients.

Here we now have appointed, without a hearing, without a debate, without this Senate having had a chance to vote, a Director of Medicare and Medicaid who has expressed many opinions that do fly in the face of and are way out of line with the opinions of the American people. So it is not a surprise you see headlines in places such as the New York Times that say "Tough Confirmation Battle Looming For Medicare Nominee." That is in the New York Times.

The Boston Globe, the hometown paper where the nominee has been known to practice, "Dangerous To Your Health," of Dr. Berwick.

What is this administration trying to hide? Why is this administration unwilling to have hearings? Why is the administration not allowing Dr. Berwick to come to Congress to explain to



the American people his opinions and his views? All we know is what we have read, what we have seen from his speeches, the things he has written. Likely, it is because if those things were heard by the American people this man may absolutely be unconfirmable.

If that is what the President wants, that is what the President got. Because right now I will tell you the President of the United States has his own health care rationing czar.

You say how can you imagine that sort of thing? Let's look at some of these quotes from Dr. Berwick.

The decision is not whether or not we will ration care—the decision is whether we will ration with our eyes open.

This is not some long-ago quote. This is last year:

The decision is not whether or not we will ration care—the decision is whether we will ration with our eyes open.

This is what he says about the British health care system. He says:

I fell in love with the [national health system] . . . to an American observer, the [National Health Service] is such a seductress.

Who talks like that? He said:

The [National Health Service] is not just a national treasure, it is a global treasure. As unabashed fans, we urge a dialogue on possible forms of stabilization to better provide NHS with the time, space, and constancy of purpose to realize its enormous promise.

I will tell you as a practicing physician that the rates of cancer survival in the United States are much higher than in Britain. It is not that our doctors are better, it is that people get care sooner—early detection, prevention, early treatment. Those are the keys to cancer survivability. So what we know is that it is not that the doctors in the United States are better than those in England, it is that the patients in the United States get care where they do not in England. But, then again, Dr. Berwick loves the British health care system. He actually says:

I am romantic about the National Health Service; I love it.

That is what we have. We have a recess appointee who also went on to have some ideas about wealth in the United States. He said:

Any health care funding plan that is just, equitable, civilized and humane must redistribute wealth from the richer among us to the poorer and less fortunate.

Here we have a recess appointee who will make decisions for hundreds and hundreds of billions of dollars, that impact the lives of the American people, without ever having a Senate debate, without ever having a Senate hearing, without us ever having one word of testimony because the President of the United States believes that he knows better than the people of this country.

Dr. Berwick coauthored a book. He talked about one of the primary functions of health regulation is to "constrain decentralized individual decisionmaking." Let me say that again: "Constrain decentralized individual decisionmaking." Individuals? Humans?

People around the communities. People in our home States. He says we want to constrain local people making local decisions. And he says to weigh public welfare against the choices of private consumers. For a consumer, what is more important to them than their health?

This is not a one-party-only situation. Even MAX BAUCUS, Senate Finance chairman, issued a statement critical of this end-around decision-making by the President.

It is interesting how things change. When Barack Obama was a Member of the U.S. Senate, as he was not that long ago, the President at the time, George W. Bush, made a recess appointment. This is what President, then Senator Obama, had to say of John Bolton. He said, "He's damaged goods." He said, "He'll have less credibility."

Don Berwick is damaged goods. He will have less credibility. I am not talking about that with a couple of Senators, I am talking about it from the standpoint of the American people. The American people know and understand that the President of the United States is trying to hide something. That is why there has not been an open hearing. The Republicans have been asking for an open hearing. The Republicans have been asking for a number of weeks for an open hearing. I have been asking that the President name somebody to this position since last year but, no, in the playbook of delay and obstruction, the administration has decided not to do that—don't name anybody until well after the bill is signed into law and then don't allow that person to come to the Senate for a confirmation hearing.

What are they trying to hide from the American people? That is where we are today. We are in a situation where the President of the United States has made an appointment, a recess appointment without hearings, without the American people knowing or being able to ask the questions. What exactly are you going to do here, Dr. Berwick, when you cut \$500 billion from our seniors on Medicare? What is that impact going to be on their lives when you cut money from hospice, when you cut money from nursing homes, when you cut from physical therapy, when you cut from rehab, when you cut money from hospitals, when you cut money from physicians? We have more and more people becoming Medicare age every year. Why is the President of the United States unwilling to have that individual come to the Senate and explain to the American people how it is going to work? The people have a right to know.

That is why I am not surprised and was not surprised this past week in Wyoming—in Riverton, in Rock Springs, in Powell, as I traveled around the State—to have people coming up to me saying: What is going to happen to my Medicare, now that the President has made this recess appointment over the Fourth of July, when the Members

of Congress are not in Washington but are at home, visiting with the folks in their districts?

What is this going to mean for my health care or, as many others say, what does this mean for my mom or my dad? Those are questions that are not going to be answered because the President of the United States has decided to make a recess appointment at a time the American people have the right to expect and deserve to know from a President who has campaigned and promised, promised the American people, transparency and openness and accountability, and now the American people realize they have received none of those things.

So, again, as a physician I come to the Senate floor. I spent all day Friday at a Wyoming Medical Center visiting with people in Casper. Senators around the country went home and talked to people, in fact, many back to where they worked. I went back to where I worked at the hospital, visited with doctors and nurses and patients as well. All are concerned, concerned about this health care law that they believe is going to raise the cost of their health care, lower the quality; concerned about a health care law that they believe is going to be bad for them as patients, bad for the taxpayer because the costs are going to go up; bad for the providers, the nurses and doctors who take care of them; bad for the American people.

That is why so many of them, still today, believe this health care bill should be repealed and replaced with things that put patients in charge, not insurance company bureaucracies, not Washington, DC bureaucrats; that would put patients in charge. That is what we need in this country. That is the kind of health care the American people need. That is what they are asking for. And when my colleague says: If you are against Dr. Berwick, then whose side are you on? I am on the side of the people I have taken care of all around the State of Wyoming for the last 25 years.

I yield the floor and 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. DURBIN. 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. DURBIN. Mr. President, I ask unanimous consent to speak as in morning business.

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

#### KAGAN NOMINATION

Mr. DURBIN. Mr. President, the Senate is returning to Washington after the Fourth of July holiday recess. The

week before we left town, in the Senate Judiciary Committee, we held a hearing for President Obama's Supreme Court nominee, Elena Kagan. The hearing lasted 4 days. The nominee responded to 695 questions. I wish to commend, in particular, the chairman of that committee, Senator PATRICK LEAHY, and the ranking member, Senator JEFF SESSIONS of Alabama. It was a fair and respectful hearing.

Last year President Obama made history with his nomination of Sonia Sotomayor as the first Hispanic to serve on the Supreme Court. Elena Kagan is also an historic nominee. Last year she became our Nation's first female Solicitor General. That, of course, is the attorney representing the United States of America before the highest Court in our land, the Supreme Court.

If she is confirmed to serve on the Supreme Court, it would make the first time in our Nation's history that three women have served together on the highest court in the land. That is clearly a mark of social progress in this great Nation.

Elena Kagan, of course, will be replacing a legal legend, Justice John Paul Stevens. A lifetime in the law and the courage to speak his mind made Justice Stevens a national treasure. So what did we learn from this hearing on Elena Kagan? First, we learned she is a highly intelligent, very charming and very funny, at times, individual.

She demonstrated a thorough knowledge of the law, an ability to try and find common ground on difficult issues, and, as I mentioned, a very healthy sense of humor. These are qualities that served her well as Solicitor General of the United States, as the first woman to serve as Dean of the Harvard Law School, as a law school professor, and as a policy aide to former President William Clinton. They are valuable qualities that will serve her well on the Supreme Court.

Secondly, we learned that Elena Kagan has great respect for Congressional action and judicial precedent. In her opening statement she said:

The Supreme Court is a wondrous institution. But the time I spent in the other branches of government remind me that it must also be a modest one, properly deferential to the decisions of the American people and their elected representatives.

In response to a question from Senator DIANNE FEINSTEIN of California, General Kagan said:

The operating presumption of our legal system is that a judge respects precedent, and I think that that's an enormously important principle of the legal system.

These qualities, a respect for precedent and deference to Congress, are essential for a Supreme Court Justice to have but, unfortunately, they have been in short supply with our current Court. In case after case in recent years, the Supreme Court has overturned longstanding precedents and thumbed its nose at congressional decisions.

In many of these cases, the five conservative Justices on the Court have acted not as neutral umpires, as one described himself, but as designated hitters going to bat, unfortunately, for some of the special interests in America.

Let's take a couple of examples: The case of *Citizens United versus the Federal Elections Commission*, which was handed down by the Supreme Court earlier this year. In that case, a conservative 5-4 majority of the Court demanded to hear arguments on an issue that was not even raised by the parties in the case.

They reversed decades of Supreme Court decisions that preceded them. They ignored the will of Congress in passing the historic bipartisan McCain-Feingold campaign finance law, and they ruled that corporations and special interest groups could spend unlimited amounts of money to affect elections.

This decision by the Supreme Court, unfortunately, has the power to drown out the voices of average Americans in our elections. Justice Stevens, now retiring, whose vacancy we are seeking to fill, wrote these powerful words in the dissent:

Essentially, five judges were unhappy with the limited nature of the case before us, so they changed the case to give themselves an opportunity to change the law.

Then there was the case of Lilly Ledbetter, who testified at the Kagan hearing about her experience working as a manager at the Goodyear tire plant in Gadsden, AL. Lilly Ledbetter worked there for 19 years but she did not know during that entire period of time she was being paid less than her male colleagues who did exactly the same job. It was not until she was close to retirement that somebody finally told her how much the men working alongside of her, doing exactly the same work, were being paid. So as a result of that knowledge, she decided to bring a case to ask for compensation, for this clear case of gender discrimination, where a woman was being paid less just because she was a woman.

The Supreme Court came down with an amazing decision in the Lilly Ledbetter case. Even though she had won her case before a jury, she went before the Supreme Court and this familiar five-Justice group of conservative Justices said she should have filed the case alleging discrimination in pay within 180 days after the initial act of discrimination; in other words, within 6 months after the first male colleague was paid more than she was paid, she should have filed a case for discrimination.

You would think the Supreme Court Justices would at least understand that in most American workplaces, a worker does not know what his co-workers are being paid. It is not published, certainly is not published when it comes to managers' salaries. It is rare that anybody comes to know that.

So Lilly Ledbetter, a victim of discrimination for years, did not know the

man working right next to her, doing the same job, is being paid more. The Supreme Court said: Oh, that was a fatal flaw. The technical fact that she waited more than 6 months to file her discrimination case meant she was not entitled to recover.

By making that decision, the Supreme Court, which was guided by the principle of avoiding judicial activism and avoiding doing things on their own that violated precedent and congressional acts, decided to overturn judicial precedents and the express intent of Congress when it passed the Civil Rights Act of 1991.

We also heard at the Kagan hearing from Jack Gross. He was another victim of discrimination who helped put a human face on the conservative judicial activism on the current Supreme Court. Mr. Gross is not one of these wild-eyed liberals. He was a claims adjuster for an insurance company in southern Iowa for over 23 years. I know the company well. A pretty conservative lot runs that company.

When he and all of the other supervisors at his company over the age of 50 were demoted and replaced with younger workers, would that raise a question in your mind if you had been Mr. Gross, that perhaps your age had something to do with it? Like Ms. Ledbetter, Mr. Gross, who had been a loyal employee of this company for over 20 years, won a jury verdict, a jury verdict which said, yes, that company made a decision to discriminate against Jack Gross because of his age.

He ended up having that jury decision tossed out of Court at the Supreme Court right across the street. It is worth noting that very few discrimination victims win a jury verdict. Jack Gross did. Most victims have their cases dismissed or settled long before it reaches that point. But in the case of Jack Gross, the Supreme Court decided to invent a new legal standard that stacks the deck against victims of discrimination even more.

Here is what Justice Stevens wrote in the dissent to that case:

The majority's inattention to prudential Court practices is matched by its utter disregard of our precedent and Congress' intent.

I think Elena Kagan's hearing demonstrates she will be a Justice who, like the Justice she will replace, John Paul Stevens, will give proper deference to Congress and respect to decisions of the Court.

There was a third lesson from the Kagan hearing. I found this surprising. It was opening day. Here were Members of the Senate serving on the Judiciary Committee who were stating what they hoped to see in a Supreme Court Justice. Many of them singled out a man whom I consider to be one of the real champions of justice and liberty who served on the Court. Some of my colleagues across the aisle seemed to have forgotten in their opening statements the amazing legacy of Supreme Court Justice Thurgood Marshall, a Justice for whom Elena Kagan had clerked.

They truly went to a level that was close to guilt by association in attacking Elena Kagan because she had worked for Justice Marshall.

One of my Republican colleagues called Justice Marshall “the epitome of a results-oriented judge” and “not what I would consider to be mainstream” and someone who believed that “the Supreme Court exists to advance the agenda of certain classes of litigants.”

Another Republican Senator called Thurgood Marshall a “judicial activist.” I thought those characterizations were beyond the pale and said so in my opening statement. Thurgood Marshall is an American hero. The airport in Baltimore is named after him and many schools. He dedicated his life to breaking down barriers of racial discrimination that had haunted our country for centuries. Thurgood Marshall was the attorney who stood right across the street before the Supreme Court and argued the case of *Brown v. Board of Education*. That case, 56 years ago, did more to change America and move us toward equality than any modern decision by the Court.

Thurgood Marshall won more victories in the Supreme Court than nearly anyone else in the history of the United States. As an appeals court judge, Thurgood Marshall wrote 112 opinions, none of which were overturned by a higher court. Some may dismiss Justice Marshall’s pioneering work on civil rights as an example of empathy, a word which, unfortunately, has been given a negative connotation by some in this Chamber. They may suggest that somehow, as a Black man who had been a victim of discrimination himself, he had more passion when it came to certain issues. I say to that, thank goodness.

I don’t consider *Brown v. Board of Education* to be results-oriented judging. I consider it a courageous judgment that embraced our common humanity and moved America dramatically forward. We should be grateful as a nation for the tenacity, integrity, and values of Thurgood Marshall.

In the words of John Payne, director-general of the NAACP Legal Defense and Educational Fund:

Thurgood Marshall helped America understand what democracy really means.

Some of Elena Kagan’s critics suggest she will have the same views and philosophy as Justice Marshall because she served as his law clerk. In my personal opinion, we should be so fortunate. General Kagan made it clear at her hearing that she was determined to be her own person, not to assume the persona of someone for whom she has worked in the past. Moreover, it is wrong to suggest that a Supreme Court law clerk is going to have the same views as the Justice for whom he or she clerked.

Exhibit A is Douglas Ginsburg. He sits on the D.C. Circuit and is one of the most conservative judges in America. Judge Ginsburg was nominated to

the Supreme Court by President Reagan in 1987, after Robert Bork’s nomination was defeated. Judge Ginsburg later withdrew his nomination, but I think it is safe to say he does not share the judicial philosophy of Justice Thurgood Marshall whom he also served as a law clerk.

A fourth lesson from the Kagan hearing is, if you don’t have a good case against the nominee on the merits, then pick an emotional issue and appeal on that ground. That is how some of my colleagues on the other side of the aisle handled the issue of military recruitment at the Harvard Law School when General Kagan was the law school dean. One of my Republican colleagues accused General Kagan of having “a hostility to the military” and alleged she broke the law in briefly denying military access to the career services office. These accusations are not correct. Dean Kagan bent over backwards to show respect and appreciation for the U.S. military and to comply with the 1996 Solomon amendment that required the Defense Department to deny Federal funding to universities that prohibited military recruitment on campus. Yes, Dean Kagan was a vocal opponent of the don’t ask, don’t tell policy. Most Members of Congress and a sizable majority of Americans no longer support that discriminatory policy. But that does not make Elena Kagan antimilitary.

Don’t take my word for it. Listen to the words of Robert Merrill, the only Active-Duty servicemember to receive a law degree from Harvard while Elena Kagan was dean. Here is what he wrote in the *Washington Post*:

If Elena Kagan is “anti-military,” she certainly didn’t show it. She treated the veterans at Harvard like VIPs, and she was a fervent advocate of our veterans association. She was decidedly against “don’t ask, don’t tell,” but that never affected her treatment of those who had served. . . . If anything, Kagan was an activist in ensuring that military recruiters had viable access to students and facilities despite the official ban. A Boston-area recruiter later told me that the biggest hurdle he faced recruiting at Harvard Law was trying to answer the students’ strangely intellectual questions.

During her 6 years as dean at Harvard, the military had full access to career services offices except for one semester after an appellate court struck down the Solomon amendment as unconstitutional. After that court decision, Dean Kagan decided to reinstate a system that had been in place nearly a quarter of a century prior to her becoming dean and that had been deemed to be in compliance with the law. Under that system, military recruiters were given access to students and the campus through the Harvard student veterans association.

During the year of Dean Kagan’s deanship, when access to the Office of Career Services was briefly denied, more graduating students at Harvard joined the military than any year of the past decade.

When my Republican colleagues on the Judiciary Committee realized they

weren’t getting much traction at the Kagan hearing with their arguments about Harvard military recruiting, they brought out another theme. They said General Kagan is just too political to be a Supreme Court Justice because she spent 4 years working in the Clinton White House.

Considering that Elena Kagan’s legal career spans nearly 25 years, this 4-year argument seems a little bit hollow and stretched. In any event, all three of President Bush’s Supreme Court nominees—John Roberts, Samuel Alito, and Harriet Miers—had worked in political positions in the White House and Justice Department under Republican Presidents. I can’t recall a single time a Republican Senator said that President Bush’s nominees were too political.

Chief Justice Roberts worked in the Reagan White House for 4 years and as a political appointee in the Justice Department for 5 years. Justice Alito spent 9 years working in the Reagan and George H.W. Bush Justice Departments. Harriet Miers held a series of positions under President George W. Bush—for 5 years in the Bush White House and 6 years when the President had been Governor of Texas. There was not a single word raised on the Republican side of the aisle about how political those Republican nominees were. Now they are trying to raise an argument against Elena Kagan that they didn’t see in previous nominees.

I hope my colleagues will heed the advice of a man they extol when we discuss judicial nominations: President Bush’s former judicial nominee, Miguel Estrada. Mr. Estrada wrote a letter on behalf of Elena Kagan, one of his fellow classmates at Harvard Law School. This is what he said:

I write in support of Elena Kagan’s confirmation as an Associate Justice of the Supreme Court of the United States. . . . Elena possesses a formidable intellect, an exemplary temperament and a rare ability to disagree without being disagreeable. She is calm under fire and mature and deliberate in her judgments. . . . Elena Kagan is an impeccably qualified nominee. Like Louis Brandeis, Felix Frankfurter, Robert Jackson, Byron White, Lewis Powell and William Rehnquist—none of whom arrived at the Court with prior judicial service—she could become one of our great Justices.

That was Miguel Estrada, a person whose virtues have been praised at great length by Republicans in the Senate. We also received a joint letter of support for Elena Kagan from the last eight Solicitor Generals of the United States, including such conservative icons as Kenneth Starr, Ted Olson, and Charles Fried.

In our service to the Senate, we are called on to cast hundreds if not thousands of votes. Our late departed colleague, Robert C. Byrd, cast 18,000 votes. As I look back on my career of service in the House and the Senate, I can remember a few votes. I certainly remember every single vote I cast when I was asked to decide whether America should go to war. Those are the votes

that keep one up at night wondering what is the right thing to do for the Nation; what is the right thing to do for one's own conscience. We know at the end of the day when we cast that vote, if we go forward people will die. We hope the enemy will be the victims, but we know even under the best of circumstances, innocent Americans will also die. Those votes we think over for a long time.

In the Senate, next to votes on war, votes on Supreme Court Justices reach that same level of gravity and importance. We realize that man or woman we choose to be on the Court is likely to be there after our Senate careers and after we are long forgotten; that those nine people sitting across the street, when five come together, can make decisions that can impact America for generations to come. That is why it is so critically important for us to take a careful review and to take a deliberate approach when it comes to the selection of a Supreme Court Justice.

When the time comes—and I hope it comes soon, maybe within the next week or two—I will be proud to cast a vote in favor of the nomination of Elena Kagan to the Supreme Court. I sincerely hope she receives the bipartisan support she richly deserves.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. KAUFMAN). The clerk will call the roll. The assistant legislative clerk proceeded to call the roll.

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

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

#### UNANIMOUS CONSENT CALENDAR—EXECUTIVE CALENDAR

Mr. DURBIN. Mr. President, as if in executive session, I ask unanimous consent that at 5 p.m. today, the Senate proceed to executive session to consider Calendar No. 815, the nomination of Sharon Johnson Coleman to be a U.S. district judge for the Northern District of Illinois; that debate on the nomination extend until 5:30 p.m., with the time equally divided and controlled between Senators LEAHY and SESSIONS or their designees; that at 5:30 p.m. the Senate proceed to vote on the confirmation of the nomination; that upon confirmation, the motion to reconsider be considered made and laid upon the table, any statements related to the nomination be printed in the RECORD, the President be immediately notified of the Senate's action, and the Senate resume legislative session.

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

Mr. NELSON of Florida. Mr. President, I ask unanimous consent to speak as in morning business.

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

The Senator from Florida is recognized.

Mr. NELSON of Florida. I thank the Chair.

(The remarks of Mr. NELSON of Florida pertaining to the introduction of S. 3569 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

#### EXECUTIVE SESSION

#### NOMINATION OF SHARON JOHNSON COLEMAN TO BE UNITED STATES DISTRICT JUDGE

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The assistant legislative clerk read the nomination of Sharon Johnson Coleman, of Illinois, to be United States District Judge for the Northern District of Illinois.

The PRESIDING OFFICER. The deputy leader.

Mr. DURBIN. Mr. President, I ask unanimous consent, under the pending nomination, to speak under the time allocated to Senator LEAHY.

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

Mr. DURBIN. Mr. President, I am pleased the Senate is going to vote today on the nomination of Sharon Coleman to be U.S. District Judge for the Northern District of Illinois. We currently have at least five vacancies. She is an amazing, accomplished jurist who will fill one of those vacancies with distinction, I am sure. She has devoted her entire legal career to government service.

She was elected to be Cook County trial court judge in 1996, a campaign where I first met her and her great family. She won retention election in 2002. As a trial judge, she presided over 600 cases that went to verdict.

In 2008, she received promotion. She was elected to the prestigious Illinois Appellate Court. She has a reputation for fairness and impartiality and for having an outstanding judicial temperament.

Not surprisingly, all members of the American Bar Association evaluation committee gave Justice Coleman the highest possible rating of well qualified.

Before tenure on the bench, Justice Coleman served for 4 years as an assistant U.S. attorney in Chicago and for 8 years in the Cook County State Attorney's Office. As Cook County pros-

ecutor, she handled a wide variety of cases—from muggings to murders. She was promoted to be chief of the public interest bureau, where she supervised over 75 attorneys and created a special unit to protect senior citizens from exploitation and abuse.

As additional evidence of her commitment to the legal profession, she served on the boards of numerous bar associations and public interest organizations in the great city of Chicago. She has received many awards for her work, including the prestigious C.F. Stradford Award from the Cook County State Attorney's Office, the Esther Rothstein Award from the Women's Bar Association of Illinois, and a "Women of Excellence" award from the Chicago Defender newspaper. Finally, I note that Justice Coleman was one of the top candidates recommended to me by my bipartisan merit selection committee I established last year to review applications for judgeships in the northern district. This screening committee is chaired by Abner Mikva, who served at the highest levels of government in all three branches. Also, Senator BURRIS has joined me in supporting Justice Coleman.

I hope we can receive a very strong vote for her nomination when it is considered by the Senate in a few moments. The State of Illinois will be very fortunate to have Justice Shirley Coleman to be serving on the Federal bench.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

#### NASA AUTHORIZATION

Mr. NELSON of Florida. Mr. President, while we are waiting on other Senators who wish to speak on this judge, I wish to briefly inform the Senate that this coming Thursday, the full Commerce Committee will consider a number of bills that it will mark up. Among them is the authorization bill for NASA.

We are building consensus in what has otherwise been a consensusless position of the future of the manned space program. The President had proposed one thing. He altered that. Different people have different ideas. Different aerospace companies all looking to have a certain part of the manned space program also have their different ideas.

Out of this mix, we are trying to bring together Senators to build a consensus in a bipartisan way; the space program is not only not partisan, it is not even bipartisan. It is nonpartisan—to be able to do this in a fairly unanimous way.

I am happy to report to the Senate that I think we are getting there. I believe what we will have is the essence of the President's proposal. It will still have the continuation of the President's proposal for competition among commercial space companies to deliver not only cargo to the International Space Station, of which the President recommended, and we will certainly

authorize extending the life of the space station to 2020, something on which we have spent \$100 billion. It did not make sense, as was proposed before, to cut it out in 2015, something we spent that much money on and are just now completing its construction. These commercial companies would, in this authorization bill, have the direction as to how they go about man rating their systems in order to have the safety, when you strap human beings on to rockets that defy the laws of gravity, to take a human being into low-Earth orbit to rendezvous and dock with the space station and to return safely. That is one thing.

The next thing on which we are building a consensus is to accelerate the development of a heavy-lift vehicle. The President said no later than 2015. We are going to authorize NASA to start in 2011 and to take a lot of the existing technology and build upon that, make it evolvable with a heavy-lift vehicle that would be in the range of 75 metric tons in order to get space assets in the low-Earth orbit to ultimately fulfill the President's goal as stated in his speech to the Kennedy Space Center, which was to go to Mars by a flexible path. His specific timeline was to rendezvous and land on an asteroid by 2025. We accelerate the development of the heavy-lift vehicle.

Because the hardware is there and ready, will be on the pad, we are going to authorize an additional flight of the space shuttle. This is the shuttle that they call the "launch on need." It is a second space shuttle that is on the pad for the remaining two, in case they get into trouble. It becomes a rescue shuttle to get the marooned astronauts, were that to be the case.

The fact is, they are doing so well now, and now that we are going to and from the space station on these final two missions, the likelihood of anything happening is de minimis and, therefore, we are going to authorize the flying of that last shuttle, the launch on need, because we believe there is a minimal risk. If something did happen on ascent—such as a piece of foam coming off and hitting the wing and knocking a hole in it, which was the cause of the destruction of the Space Shuttle Columbia back in 2003—then the astronauts would be able to take safe harbor in the International Space Station, and they would then be able to be returned to Earth by other vehicles, such as the Russian Soyuz, which is a permanent lifeboat that is attached—two of them—to the International Space Station.

We will continue in this authorization bill a robust research and development program. We will continue the President's recommendations for his science budget, for his aeronautics budget of NASA, and all of this will be within the amount of money the President has proposed.

This NASA authorization bill will be for 3 years. We are expecting that we will be able to take this up this Thurs-

day and to pass it out of the full Commerce Committee.

We, of course, in respect to the appropriations process, have been in close consultation with our colleagues on the Appropriations Committee. How the authorization committee and the Appropriations Committee worked together has been a good example of considerable cooperation.

I wanted to bring that message to the Senate. I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I know—I assume we are on the confirmation of Sharon Coleman?

The PRESIDING OFFICER. The Senator is correct.

Mr. LEAHY. First, I am going to speak a little bit about the process of her nomination through the committee. The distinguished Presiding Officer would know about this because he has had probably the best attendance of anybody, including the chairman, on the Senate Judiciary Committee, and he has handled a number of these nominations.

We are going to proceed today on only 1 of the 22 judicial nominations that have been stalled on the Senate floor by Republican obstruction. This is a nominee we considered and voted out of the Judiciary Committee unanimously 3 months ago without objection.

Just so everybody will understand, even after being nominated to serve on a court, these well-qualified nominees have to put their lives on hold. We have the hearing, they go through the committee unanimously, but then they wait and wait on the Senate floor. If the nominee is practicing law they cannot take on new clients. If they are with a law firm, they have a hard time taking new cases as the law firm needs to avoid any conflict of interest.

I cannot understand why this obstruction is happening. I have never seen anything like this in my 36 years in the Senate. No Republican Senator on the Judiciary Committee voted against this nomination. There are another dozen judicial nominations on the Senate's Executive Calendar that were reported by the Judiciary Committee without objection, but they remain stalled by a Republican refusal to consent to final Senate action.

I tell people in my home State of Vermont I am sent here to vote yes or no, not to vote maybe. It seems to me everybody wants to vote maybe. There is no good reason each of these pending nominations could not be confirmed immediately. With so many nominations, despite ongoing vacancies and the need in the Northern District of Illinois for this judge, 3 months have passed without any explanation.

I predict that when we have the roll-call on this nomination it will be confirmed with virtually no opposition, which makes it even more tragic. Also, it hurts the Federal judiciary. It hurts the credibility of the Federal judiciary.

But I might say, especially on something like this, where the Senate Republican leadership would not even consent to a vote on the nomination until today, this certainly hurts the image of the Senate. People cannot understand why, when we have something on which everybody agrees, why it cannot come to a vote.

We have the Senate Republican leadership refusing to enter into time agreements on pending judicial nominations that have the support from both Democrats and Republicans, including nominations with bipartisan support from North Carolina and Tennessee and South Carolina and California and New York and Delaware and Virginia and Utah, Maryland, Minnesota, and Rhode Island. Every single Democrat is prepared to vote on these nominations. They could vote on them tonight and are prepared to vote now. However, they continue to be held up by Republicans.

So I tell the people of North Carolina and Tennessee, South Carolina and California and New York and Delaware and Virginia and Utah and Maryland and Minnesota and Rhode Island, if you are wondering where your judges are, they are being held up not by the Democrats but by the Republicans.

In fact, the Senate is dramatically behind the pace I set for President Bush's judicial nominees in 2001 and 2002. In 2002, the second year of the Bush administration, the Democratic Senate majority's hard work led to the confirmation of 72 Federal circuit and district judges nominated by a President from the other party. In this second year of the Obama administration, we have confirmed just 23 so far—72 for President Bush, 23 for President Obama.

In the first 2 years of the Bush administration, we confirmed 100 Federal circuit and district court judges. So far, in the first 2 years of the Obama administration, the Republican leadership has successfully blocked all but 35 of President Obama's Federal circuit and district court nominees—100 to 35.

Playing games with the Federal judiciary hurts everybody. During the first 2 years of President Bush's Presidency, I had the opportunity to serve for 17 months of as Chairman of the Senate Judiciary Committee. I knew we had just come from a time where Republicans had pocket-filibustered 61 of President Clinton's nominees to the judiciary. I said we ought to try stopping that, so in those 17 months that I had the privilege to serve as chairman, I convinced the people in my caucus and others and we confirmed 100 of President Bush's nominees.

I mention this because in the first 48 months of President Bush's Presidency, actually barely half of that time, 17 months of that 48 months, there were Democrats in charge. For 31 months of this time there were Republicans in charge. During the 17 months that the

Democrats were in charge, we confirmed 100 of President Bush's nominees. During the 31 months the Republicans were in charge I think they confirmed around the same number. So we showed our good faith, even though we had seen 61 of the Democratic President's nominees pocket-filibustered.

At this date in President Clinton's second year in office the Senate had confirmed 72 of his Federal circuit and district court nominees. At this date in President Bush's second year in office, 57. Of course, we confirmed 100 in all by the end of the year.

Federal judicial vacancies around the country continue to hover around 100. Of these, 43 vacancies have been declared by the nonpartisan Administrative Office of the U.S. Courts to be judicial emergencies. I cannot remember a time when we have had 43 judicial emergencies.

Sharon Coleman has been nominated to fill one of them, but we have had to wait 3 months just to get to a vote on her. Ten nominations to fill other judicial emergency vacancies have been reported out of the Senate Judiciary Committee, and they remain stalled in the Senate. Last year, when Senate Republicans blocked President Obama's nominees, we confirmed the fewest judges in 50 years, the fewest judges from any President, Republican or Democratic, in 50 years.

Speaking of another nominee, I said to President Obama when he asked why they were blocking everything he tried to do, I said: If you had nominated Moses the Lawgiver, there would be some who would try to block the nomination. In fact, I said, at least somebody would say: Well, he can't produce a birth certificate.

This is playing games with the Federal judiciary. I don't know what the benefits are. It certainly does not make the Senate look good. When you think the Senate Republican leadership last year allowed only 12 Federal circuit and district court nominees to be considered and confirmed, despite the availability of many more for final action—that is wrong. They have continued their obstruction throughout this year. By every measure, this Republican obstructionism of our Federal judiciary is a disaster for the Federal courts and the American people. But the good thing is Sharon Coleman is going to be confirmed today. After these unnecessary delays, she will be confirmed, and I congratulate Sharon Coleman and her family on her confirmation.

She is currently a justice on the Illinois Appellate Court of Chicago, having served previously as a judge on the Circuit Court of Cook County, IL, as Deputy State's Attorney and Bureau Chief for the Public Interest Bureau of the Cook County State's Attorney's Office, as an assistant U.S. attorney in the Northern District of Illinois, and as an assistant State's attorney in Cook County.

The American Bar Association's Standing Committee on the Federal

Judiciary unanimously rated Justice Coleman "well qualified." That is the highest possible rating they could give her.

After she is confirmed, and she will be, there will be still 21 judicial nominations favorably reported by the Judiciary Committee that have been stalled from Senate consideration by the Senate Republican leadership. For many months I have urged the Republican leader to work with the majority leader to schedule immediate votes on consensus nominees. Going forward, we will have many who will be confirmed by our committee unanimously. We ought to get them to the Senate floor and vote on them. The Senate needs to be making better progress considering the many pending judicial nomination awaiting final Senate action.

I see the distinguished Senator from Illinois. I assume he wishes to speak, and I will yield the floor to him.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. BURRIS. I thank the Senator from Vermont, the chairman. I thank him for the wonderful job he has done trying to move our judges along. I agree with the Senator, the fact we have to go to a vote on this distinguished nominee; it should be done by unanimous consent, and we should not have had to take up this time. But if that is the will of the body, then so be it.

Mr. President, I rise this evening in strong support of Judge Sharon Johnson Coleman, a proud resident of my home State of Illinois and of course a fellow Chicago south-sider. We are very proud of which side she comes from in Chicago, west side or south side. Few appear from the north side. We don't have a deal with the east side because that is Lake Michigan. We are proud of that.

She received her law degree from Washington University in St. Louis, and she has served as an assistant State's attorney, deputy State's attorney, and assistant U.S. attorney. She quickly proved she knew her way around the courtroom and could be very successful in the cases she tried.

From 1996 to 2008, she served as a circuit court judge in Cook County. She displayed a thorough understanding of the law and a fair temperament that marked her as a model jurist.

She was assigned to the Child Protective Division for 2½ years and was a jury trial judge in the law division for almost a decade.

In 2008, Judge Coleman was elected to the Illinois Appellate Court. She has served there ever since and is doing a tremendous job in her deliberations.

I am proud to support her nomination to become a district judge for the Northern District of Illinois. We are short of judges in that district. The caseloads are heavy, and we can stand to have a few more of those nominees confirmed by this body.

Judge Coleman is an excellent jurist, and I place my full confidence in her as

President Obama's nominee for this post. She has been supported by all of our bar associations. She has won numerous awards and received recognition in her career. She has been a tremendous member of the bar and of the judiciary.

I am asking my colleagues to join me in supporting her in this confirmation. I agree with my chairman. These judges should be confirmed so we can move on with some other important business of this body.

Mr. President, I yield the floor.

Mr. LEAHY. Mr. President, I ask for the yeas and nays on the nomination.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

Under the previous order, the question is, Will the Senate advise and consent to the nomination of Sharon Johnson Coleman, of Illinois, to be United States District Judge for the Northern District of Illinois?

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Alaska (Mr. BEGICH), the Senator from New York (Mrs. GILLIBRAND), the Senator from North Carolina (Mrs. HAGAN), the Senator from Wisconsin (Mr. KOHL), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Maryland (Ms. MIKULSKI), and the Senator from New Hampshire (Mrs. SHAHEEN) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK), the Senator from Florida (Mr. LEMIEUX), the Senator from Alaska (Ms. MURKOWSKI), the Senator from Kansas (Mr. ROBERTS), the Senator from Alabama (Mr. SESSIONS), and the Senator from Louisiana (Mr. VITTER).

The PRESIDING OFFICER (Mr. UDALL of New Mexico). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 86, nays 0, as follows:

[Rollcall Vote No. 205 Ex.]

YEAS—86

Akaka	Corker	Kerry
Alexander	Cornyn	Klobuchar
Barrasso	Crapo	Kyl
Baucus	DeMint	Lautenberg
Bayh	Dodd	Leahy
Bennet	Dorgan	Levin
Bennett	Durbin	Lieberman
Bingaman	Ensign	Lincoln
Bond	Enzi	Lugar
Boxer	Feingold	McCain
Brown (MA)	Feinstein	McCaskill
Brown (OH)	Franken	McConnell
Bunning	Graham	Menendez
Burr	Grassley	Merkley
Burris	Gregg	Murray
Cantwell	Harkin	Nelson (NE)
Cardin	Hatch	Nelson (FL)
Carper	Hutchison	Pryor
Casey	Inhofe	Reed
Chambliss	Inouye	Reid
Coburn	Isakson	Risch
Cochran	Johanns	Rockefeller
Collins	Johnson	Sanders
Conrad	Kaufman	Schumer



Shelby	Thune	Webb
Snowe	Udall (CO)	Whitehouse
Specter	Udall (NM)	Wicker
Stabenow	Voinovich	Wyden
Tester	Warner	

## NOT VOTING—13

Begich	Landrieu	Sessions
Brownback	LeMieux	Shaheen
Gillibrand	Mikulski	Vitter
Hagan	Murkowski	
Kohl	Roberts	

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table. The President will be immediately notified of the Senate's action.

## LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

The Senator from Ohio.

## EXTENSION OF UNEMPLOYMENT BENEFITS

Mr. BROWN of Ohio. Mr. President, I rise to speak about the extension of unemployment benefits, something we talked about 2 weeks ago before we left town. It is something we talked about the week before that and the week before that. There has been a lot of talk, and there has been continued opposition from Senate Republicans.

I am incredulous that we have seen week after week after week—it has been 41 days since the Congress let unemployment insurance lapse. It was on June 4, 41 days ago. It is not because a lot of us didn't want to see it happen. It is because of an obscure—less obscure to the public than it was—60-vote rule. The Republicans did not just oppose the unemployment benefits extension—there are a couple of Republicans who voted for it, but of the 41 Republicans there was overwhelming opposition, virtually 90 percent of them—it is not just that they voted no. Let them vote no. They actually filibustered. They actually blocked us from even voting on the extension of unemployment benefits.

It is unfair to the unemployed who face a difficult job market through no fault of their own, and it is bad economics. We know Senator MCCAIN, Presidential candidate MCCAIN's economic adviser, among others, pointed out that money going out for the extension of unemployment benefits actually stimulates the economy better than any other dollars going into the economy. The money that goes to an unemployed teacher or an unemployed steelworker or an unemployed clerk or an unemployed computer programmer is money that is spent almost immediately because they have bills they have to pay. That money goes right into the community. We see a multiplier effect.

When the humanitarian response is to extend unemployment benefits, and the best economic policy response is to extend unemployment benefits, most of

my colleagues on the other side of the aisle—39 out of 41 of them, I believe—have voted no.

June unemployment was 9.5 percent. We know a year and a half ago 700,000 Americans lost their jobs; 700,000 Americans lost their jobs the month that Barack Obama became President. Things are better now. We are seeing job increases. In April, in Ohio, we had the biggest job increase of any State in the country: 37,000 new jobs. But that is not close to dealing with the unemployment brought on by the economic policies of deregulating Wall Street, cutting taxes for the rich, and not paying for anything—the war, the tax cuts, the bailouts to the drug and insurance companies in the name of privatizing Medicare.

Never before has Congress cut off benefits when unemployment was so high. Until recently, it has always been a bipartisan extension of unemployment benefits. Overwhelming numbers of Republicans and Democrats voted to extend unemployment benefits. I just keep trying to explain to my colleagues who vote no on the unemployment benefits extension that this is not welfare, this is insurance. People pay into the unemployment insurance fund and get benefits when they lose their jobs. At the same time, nobody gets these benefits unless they actively seek work; unless they are sending out resumes, doing interviews, going and visiting businesses, employers, whatever they can do to try to find jobs. Yet the Republicans continue to deny the extension for unemployment benefits.

Our workers deserve more than this crass political gamesmanship that an overwhelming number of Republican Senators are playing. July 1 was one of the busiest days ever at the Summit County Department of Jobs and Family Services. It was the first of the month, and because of Republican obstructionism—because they voted not just against extending unemployment benefits, they voted to filibuster our even considering these extension of benefits—because it was the first of the month and because of Republican obstructionism, this body failed to extend unemployment benefits. Staff members at the Summit County Department of Jobs and Family Services typically assist 300 to 400 clients a day. On July 1 twice that number were served by midday, and four times that number were seen by the close of business.

So a typical day of 300 or 400, 300-plus clients at the Summit County Jobs and Family Services turned into 600 before midday, and 1,200 by the close of business. The staff at the Department of Jobs and Family Services in Akron, led by Ms. Pat Divokey and County Executive Russ Pry, is doing everything they can to help working middle-class Ohioans. But when 90,000 Ohioans across the State are in need of an extension of unemployment benefits—90,000 people—it is time for this body to step up. Ninety thousand is a lot of people. It is almost hard to imagine.

I think what is important is to think about these 90,000 as individual human beings. I wish to share a handful of letters I received from Ohioans—just three of them—to put a human face on this issue. It is incredible to me to think about this many people who are so unsure whether they are going to have any money to feed their kids, to pay their mortgage and their utility bills in the weeks ahead because of the 60-vote rule, and this body has not been able to extend unemployment benefits because of a Republican filibuster.

Let me read a letter from Judith of Franklin County. It is the county where Columbus is located, the State capital.

I am very disappointed that the unemployment extension has not passed. I was laid off after working in my job for 20 years. I have a bachelor's degree and a master's degree and I have worked for 35 years since I graduated. I have never been without a job until now.

I understand the growing budget deficit, but what are working people supposed to do when we can't find a job?

These are not people who don't want to work. Whether they are in Albuquerque or Santa Fe or whether they are in Truth or Consequences, these are people who want to go to work. They are people who have worked their whole lives and are used to showing up to work. They can't find jobs. I hear this prattle from the other side of the aisle that this is some kind of welfare scheme. It is not. These people want to work. Most people who are filing for unemployment are people who, No. 1, have worked for years and, No. 2, continue to search for a job; they cannot get an unemployment extension unless they do.

The second letter is from Pat from the Mahoning Valley, in the Youngstown area:

I am a 25-year veteran of the accounting industry, but I was recently laid off.

My employers have paid into the federal and state unemployment funds for me for those 25 years that I worked.

And now for the first time I need to collect those benefits until I secure new employment.

While Congress plays political games, I have bills to pay and work to find.

Mr. President, he points out exactly this. He works in the accounting industry. He understands it. He understands that it is good economics to extend these unemployment benefits to people who lost their jobs, and he understands fundamentally that for the 25 years he worked for this accounting firm or for a number of accounting firms—I don't know whether Pat is a man or a woman, so he or she was paying—Pat's employer was paying into this insurance fund. So it is not welfare, in spite of what my Republican colleagues say.

You know, the other thing that is absolutely amazing in what Pat said and what Judith said about the growing budget deficit—the Presiding Officer was in the House of Representatives for several years representing a district in northern New Mexico. He saw year



after year when the Republicans didn't care about the budget deficit. They voted for hundreds of billions of dollars in spending for a war that I know the Presiding Officer and I both voted against that was not paid for. They voted for tax cuts for the wealthiest Americans that were not paid for. They voted for a giveaway to the drug and insurance companies—a bailout—in the name of Medicare privatization that was not paid for. Again, they voted for these huge government expenditures and charged it to our grandchildren and said it was OK. But now that it is the unemployed middle-class, working Americans who are laid off, they think we cannot do this because of the budget deficit.

What are their priorities of the Republican Senators who voted against the unemployment extension? They were willing to charge it to our grandchildren to fight the war in Iraq, they are willing to bail out the drug and insurance companies, and they were willing to charge it to our grandchildren when it came to tax cuts for the richest Americans. When it came to workers losing their jobs, they are not willing to move forward and help them. It is amazing.

The last letter comes from Jeff from Butler County, a conservative county north of Cincinnati in southwest Ohio, one of the most conservative counties in Ohio.

I worked at my job for 36 years till my employer shut down our plant recently.

All those years I paid into unemployment.

While I'd prefer to have a job and earn a decent wage, I now need unemployment benefits until that happens.

Think of the big picture. The people paying into the system should be the first to receive benefits.

Jeff is right. He understands that he paid into unemployment for 36 years, and now Republican Senators won't let him draw from that fund. I just don't get it when I think of what this does to people.

I guess I will close with this: I wish the Senators who voted no—and there are 41—on the extension of unemployment—we have had several votes and continue to fall 1 or 2 votes short—I wish they would sit down with a family and listen to them, not respond but listen to a family where workers lost their jobs; listen to the woman talking about losing health care, when she talks about telling her children that they are going to have their home foreclosed on and what are they going to do; explain to their children—they have teenage children, say—explain to them that Mom and Dad lost their jobs and their insurance, and now they have to move out of their house because they cannot afford it.

The children may ask: Where are we going to move?

They would say: We don't know that yet.

What school are we going to go to?

We don't know that yet.

That is why I come to the floor and read letters from people in Ohio. I wish

Senators would listen to people in their States. We get a lot of mail. We come across a lot of numbers and statistics. I wish they would pick up some of the letters they get. I know Senators all over this country are getting letters like this. There are very few States—maybe energy States or heavy agricultural States—that haven't been afflicted with unemployment the way California, Ohio, Indiana, Michigan, New York, Florida, and so many States have. Maybe they don't understand. But those Senators from States that have high unemployment—and that is most of the country—I wish they would read their letters and hear what people are saying.

We are going to try again this week. I ask my colleagues to vote to extend unemployment benefits. It is morally the right thing to do in terms of economic policy. It is the right policy, and we should not wait any longer.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

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

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

#### MORNING BUSINESS

Mr. BROWN of Ohio. 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 PRESIDING OFFICER. Without objection, it is so ordered.

#### REMEMBERING SENATOR ROBERT C. BYRD

Mrs. BOXER. Mr. President, on Monday evening I came to the floor and spoke from the heart about my friend Senator Robert Byrd. I wanted to take the opportunity to submit a more comprehensive statement about Senator Byrd and his legacy.

As I looked at his empty desk with flowers on it, I thought back to last summer when we lost another giant, Senator Ted Kennedy. And what distinguishes Senator Byrd, like Senator Kennedy, from others was his unbelievable, never-ending commitment to the people he represented and to this country.

It was never a question of Senator Byrd's length of service—though his was exceptional but rather his fierce sense of fighting for West Virginians. As he told the New York Times in 2005, "I'm proud I gave hope to my people."

Senator Byrd was, of course, the Nation's longest-serving Senator. And he was a legend, for sure. When I came to here, I learned firsthand that he always met with the incoming Senators, to give them an introduction to the rules of the road, the procedures and dignity of the Senate, and to share his rev-

erence for the Constitution. The image that I will always have of Robert C. Byrd is him reaching inside his suit pocket and bringing out the Constitution, which along with the Bible was what he cherished most.

Senator Byrd was a giant in the Senate and a champion for America's working families. We will miss his eloquence, his sharp intellect, and his passionate oratory.

He was one of our Nation's foremost historians of the Senate. He literally wrote the book on the Senate, a four-volume history. And he was not only an expert on the rules of the Senate, he was a fierce defender of its traditions and its role in our democracy.

Senator Byrd fought to make sure every American had a chance to live the American dream because he lived the American dream.

He was born in coal country in southern West Virginia, the youngest of five children. His mother died before he was a year old, and he was raised by his aunt and uncle on a farm with no telephone, electricity or running water.

He went on to graduate first in his high school class and married his high school sweetheart, Erma, to whom he was devoted throughout their 68 years of marriage until her death in 2006. To support his wife and two daughters in the early years, he worked as a gas station attendant, a grocery store clerk and as a welder in a shipyard during World War II.

A naturally gifted speaker, he was elected to the West Virginia House of Delegates in 1946 and to the West Virginia Senate in 1950. He won a seat in Congress in 1952 and his U.S. Senate seat 6 years later. He had such a passion for education that he remains the only American ever to earn a law degree while serving in Congress. President John F. Kennedy presented it to him at American University in 1963.

His career in Congress spanned 12 presidencies, and he cast more 18,500 votes in the Senate. He was Senate majority leader, chairman of the Appropriations Committee and President pro tempore of the Senate. He fought every day to make life better for the people of West Virginia and for all Americans.

I can tell you, Mr. President, coming from the largest State in the Union, we have had our share of problems. We have had floods and fires and droughts and pests. And every single time, after every earthquake or storm or other disaster, Senator FEINSTEIN and I came to our colleagues to say that California needed the help of the U.S. government.

Every time we needed assistance, Senator Byrd, as the chairman of the Appropriations Committee, opened his doors and his heart to us, sharing his experiences and helping us in all of these cases when we were so in need. I am sure many of my colleagues can recount similar experiences. He was always there for us.

And I remember so well his leadership in trying to bring the troops home

from Iraq. Twenty-three of us had stood up and said no to that war, and afterwards, we worried very much about what would happen with our troops in what was shaping up to be a long war with no exit strategy. Opening up his office here in the Capitol, Senator Byrd organized us, saying, "We need to talk about ways that we can bring this war to an end."

He cared so much about everything he did here, from working to create opportunity for West Virginians and all Americans to maintaining the traditions and the dignity of the Senate. And for me, just to have been in his presence and to watch him work has really been an amazing experience, and so I am proud to pay tribute to him today.

Senator Byrd stayed here through thick and thin, with a cane or a wheelchair, through the sheer force of will, suffering to be in this place that he loved so much and that he respected so much. There isn't a Member on either side of the aisle that didn't respect Senator Byrd for his intelligence, his strength, his extraordinary biography, and his dedication to the people of his State.

What a legacy he leaves. It is a great loss for his family, for all of us in the Senate, for the people of his beloved State of West Virginia and for all Americans. I extend my deepest condolences to his family.

#### REMEMBERING CODE TALKER MOSE BELLMARD

Mr. INHOFE. Mr. President, it was 2 years ago that I worked to pass and have signed into law by the President the Code Talkers Recognition Act, a bill to give Congressional Medals to the many Native American Code Talkers who served in World Wars I and II. Today, I wish to honor an original Code Talker, Mose Bellmard, a Kaw Indian who bravely served our country during World War I. As a veteran and ardent supporter of the armed services, I always take pride when I have the opportunity to recognize the service of fine Oklahomans like him.

Bellmard, considered by many to be one of the last hereditary chiefs of the Kaw Indians, was born on February 16, 1891, to Josephine and Leonard Bellmard in Indian territory. U.S. involvement in World War I began when Bellmard was 26, and, even though Native Americans were not yet considered full citizens of the United States, he was one of the first to volunteer. He trained at Fort Sill in Lawton, OK, was made a 1st lieutenant with Company E in Oklahoma's 1st Infantry Unit.

After a few weeks of training, he deployed to the frontlines of the war in France. The setting was dangerous, and a number of his men were quickly killed during routine patrols of their area. Upon investigation, Bellmard realized that the Germans had painted sections of barbed wire that allowed them to easily spot his patrolmen's

movements. Creatively, he thought to use a large bed mattress—instead of a person—to draw fire so his units could locate and neutralize the enemy. The scheme apparently worked, and in addition to saving lives his unit was able to use the tactic to destroy a number of German gun installations along the Western front.

But this would not be Bellmard's only contribution to the war effort, nor would it be his most impactful. When Bellmard entered the war, the Germans had been able to decipher nearly every one of the Allies' codes, making it difficult for them to operate in secrecy. Bellmard recognized this problem, and as the leader of the Native American unit saw a tremendous asset in his soldiers' diverse languages. These languages were completely foreign to Europeans and had never been written down. They were ideal candidates for new codes.

Lieutenant Bellmard suggested to his superiors that his unit's men be scattered throughout troop dispatch points as communications officers. There, he reasoned, they would be able to disseminate orders in their native tongues and then translate them back into English. His plan was put into practice and quickly proved to be reliable and secure. Bellmard and his original Code Talkers of Oklahoma allowed many Allied forces to move safely through battle zones without fear of interception, and to this date there are no records of the Central Powers ever cracking their "code."

Bellmard's suggestion carried over into World War II, during which Code Talkers were widely recruited and were critical to the Allied Forces' victory in the Pacific theater. Bellmard's simple idea to use Native American tongues to thwart and confuse enemies proved a lasting and effective tool for the U.S. military. It is fitting he was promoted to the rank of captain for his role.

Unfortunately, Captain Bellmard died before we could thank him personally for his contribution to our freedom. But our thanks are still important, especially as we remember Independence Day and the cost of securing that freedom. We owe our sincere gratitude to all American heroes like Mose Bellmard, and I pray that more emerge in generations to come.

#### TRIBUTE TO COLONEL PHILIP C. SKUTA

Mr. BARRASSO. Mr. President, I rise today to pay tribute to a close friend of the Senate, COL Phil Skuta. Over the past 2 years, Colonel Skuta has served as the Director of the Marine Corps Liaison Office to the U.S. Senate.

Throughout Colonel Skuta's service in the Senate he has escorted 14 CODELs to 27 countries. I have traveled with Phil to visit our troops in Kuwait, Iraq, and Afghanistan.

Last year, I had the privilege of spending Thanksgiving with the Wyoming Army National Guard 115th Fires

Brigade in Kuwait. With only 2 weeks' notice, Colonel Skuta and his team provided the support to execute this trip. As a selfless leader, he did not task a junior officer to take on the trip. He postponed his Thanksgiving plans with family to be with our troops in the Middle East.

Throughout these travels I got to know Colonel Skuta very well. Colonel Skuta is a native of Williamsport, PA. Phil joined the Marine Corps in 1984 through the Platoon Leader's Class program while studying at the University of Pittsburgh at Johnstown.

From Operations Desert Shield and Desert Storm to Joint Guardian and Iraqi Freedom, Colonel Skuta has led his marines through many trying and dangerous situations. On his most recent deployment, he led the Second Battalion, Seventh Marines into Iraq to train and conduct operations with the Iraqi Security Forces. The 2d Battalion, seventh Marines' primary area of operations was Ramadi and west of the Euphrates River in Al Anbar province.

Throughout his career he has handed down from one marine to the next his excellent leadership skills. Colonel Skuta's example will teach the next generation that will come to know the Marine Corps. Under Phil's leadership, steady hand and sharp instincts, the USMC Senate liaison team has well served General Conway and all marines. The USMC liaison office has provided invaluable support for the Senate.

While the U.S. Senate and Marine Corps are losing a valuable and trusted ally in this body, we wish Colonel Skuta well on his next assignment to be Director of the USMC Strategic Initiatives Group.

#### ADDITIONAL STATEMENTS

##### TRIBUTE TO AL SMITH

• Mr. BAUCUS. Mr. President, today I recognize the exemplary work of Allen Smith, Jr., of Helena, MT. This week, Al will be awarded the American Association for Justice Partnership Award in recognition for his work as the executive director of the Montana Trial Lawyers Association. I commend Al for all his work on behalf of the justice system and Montana's strong network of legal advocates.

The mission of the American Association of Justice is "to promote a fair and effective justice system—and to support the work of attorneys in their efforts to ensure that any person who is injured by the misconduct or negligence of others can obtain justice in America's courtrooms, even when taking on the most powerful interests." I can think of no one that reflects this mission more than Al Smith.

Since joining the team at the Montana Trial Lawyers Association in 1997, Al has shown a commitment to promoting justice and fairness in our

country's legal system. His desire to serve MTLA comes from his respect for its members who, each day, work for justice by holding governments, corporations, and other powers accountable to individuals. As MTLA president Sydney McKenna wrote last year, "[Al] articulate[s] in a compelling way why the courts are necessary, that causes and damages are part of justice, and that justice matters."

During the past 13 years serving as the executive director of the Montana Association, Al has worked hard to represent the bar in both State and Federal matters. I have had the privilege of working with Al on a number of Federal initiatives and have always appreciated Al's thoughts on how Federal legislation could impact the rights of individuals in the legal system.

Al also serves on the boards of directors for the National Association of Trial Lawyer Executives and A.W.A.R.E., a private, nonprofit organization providing quality, community-based services for persons with disabilities. Al served as the executive director and attorney for the Montana Advocacy Program, which works to protect and advocate for the human, legal, and civil rights of Montanans with disabilities. In 2009, Al was awarded the Montana Trial Lawyers Associations Public Service Award. Al received the Annual Award for Advocacy from the National Association for Rights Protection and Advocacy in 1991. He received his bachelor's in political science from Montana State University and his juris doctor from the Hastings College of the Law at the University of California.

As a lifelong Montanan, Al has a deep appreciation for the State and all it has to offer. In his spare time, Al enjoys to hunt, fish, kayak, and climb Montana's beautiful mountains. Al is married to Marilyn, who was born and raised in Anaconda, and together they have two children—daughter Kait and son Ben.

I again congratulate Al for his recognition by the American Association for Justice.●

#### REMEMBERING PHILLIP ORTIZ

● Mrs. BOXER. Mr. President, today I ask my colleagues to join me in honoring the life of Los Angeles County Highway Patrol Officer Phillip Ortiz. Officer Ortiz, a 28-year veteran of the Los Angeles County Highway Patrol, died on June 22, 2010, from being struck by a vehicle while in the line of duty. His loss should remind us all of the very serious dangers that our law enforcement personnel face every day as they do their jobs. I would like to take a few moments to recognize Officer Phillip Ortiz's life.

Officer Ortiz grew up in Santa Monica, CA, and joined the California Highway Patrol in August 1982 at the age of 21. Soon after, he successfully completed motorcycle training and in 1982 was eventually transferred to the

West Los Angeles area where he remained for the rest of his career. He loved riding motorcycles both professionally and in his personal time. Officer Ortiz had a distinguished career and was very dedicated to the California Highway Patrol.

I invite all of my colleagues to join me in recognizing and honoring Officer Phillip Ortiz for his leadership and dedication to the safety of over 10 million Los Angeles County residents. He is survived by his wife and childhood sweetheart, Jessica; his parents, Irene and Claude Clauser; and his sister, Anna, to whom I send my heartfelt condolence. Officer Ortiz leaves a lasting legacy of service.●

#### TRIBUTE TO OFELIA VALDEZ-YEAGER

● Mrs. BOXER. Mr. President, I am honored to recognize the career accomplishments and service of Ofelia Valdez-Yeager as she retires from her position as chief administrative liaison to the Riverside County Superintendent of Schools.

Ofelia—a native of Tayoltita, Durango, Mexico—immigrated with her family to the United States in 1958. Although she began first grade as a non-English-speaker, she completed the school year at the top of her class—realizing her parents' high expectations for the academic achievement of their 10 children, even though they themselves had been educated only at the elementary level in Mexico.

Ofelia was admitted to the University of California, Riverside—UCR—in 1965 as one of the initial group of five Educational Opportunity Program—EOP—students. After graduating in 1969 with a bachelor's degree in Spanish and completing the requirements for an elementary teaching credential in 1971, she embarked upon a professional career that has included work as an Upward Bound tutor and counselor, high school counseling assistant, elementary school teacher, bilingual resource teacher, and consultant for several public agencies.

In 1992 Ofelia was elected to serve as the first Latina trustee on the Riverside Unified School District Board; she was later elected vice president of this same body. She expanded her commitment to public service by accepting a part-time position as administrative assistant to the mayor—focusing her expertise and energies on youth, education, and crime issues. She also served as executive assistant to the superintendent of the Riverside Unified School District.

In addition to her current responsibilities as chief administrative liaison, Ofelia also serves on boards and committees of a number of local agencies and organizations, including the United Way, Concilio Child Development Centers, Fiesta de la Familia, Mission Inn Foundation, Raincross Group, Riverside County Library Foundation, Riverside Library and Museum

Taskforce, UCR Medical School Community Advisory, Riverside Community College Foundation, Hispanic Education Foundation, and the Riverside County Sheriff's Commission on Recruiting, Retention, and Diversity. As founder of the Latina Women's Health Forum, as one of three founders of the Latina Network, and as a strong influence behind the Nati Fuentes Centro de Ninos on the Eastside, she continues to exert influence on education and community priorities.

In recognition of her professional contributions and service, Ofelia has received the Hope Luminarias Award and the La Sierra University President's Community Service Citation. She has been named CHARO Minority Business Advocate of the Year and has been cited by the Riverside Press-Enterprise newspaper as one of the People Who Make a Difference.

It is my pleasure to recognize Ofelia Valdez-Yeager as she prepares to retire from the Office of the Superintendent, Riverside County Schools. I commend her for her fine service to the community.●

#### REMEMBERING WALTER SHORENSTEIN

● Mrs. BOXER. Mr. President, it is with a heavy heart that I ask my colleagues to join me today in honoring the memory of an extraordinary real estate investor, philanthropist, Presidential adviser, civic leader and dear friend of mine, Walter Shorenstein. Walter passed away on June 24, 2010. He was 95 years old. Walter's legendary entrepreneurship and civic involvement will benefit future generations of Americans for decades to come.

Walter Herbert Shorenstein was born into a hard-working middle class family in Glen Cove, New York on February 23, 1915. He briefly attended the University of Pennsylvania before cutting his undergraduate studies short in order to serve his country in World War II. During the war, Walter was stationed in North Africa, where he managed logistics and resources for troops in Africa, Asia, and Europe. Walter met his future wife Phyllis while serving as a major at Travis Air Force Base in California. They were married in 1945, and Walter began his real estate career upon moving to San Francisco in 1946.

Walter joined the commercial real estate firm, Milton Meyer & Company, and became its only partner in 1951. He later purchased the company and in 1960, began rapidly expanding its holdings over the next three decades. At various times, the company, which was renamed Shorenstein Co. in 1989, has owned numerous notable buildings including the Bank of America Tower in San Francisco, the John Hancock Center in Chicago, and the Washington Harbour Complex in Washington, DC. The Shorenstein Co., under the leadership of Walter's son, Douglas, currently controls roughly 30 million square feet of commercial real estate nationwide.

In addition to his exemplary business savvy, Walter was recognized for his sharp intuition and diplomacy skills, and ultimately served as an adviser to three Presidents. President Lyndon Johnson appointed him to serve as an adviser on trade negotiations. President Jimmy Carter appointed Walter to the U.S. delegation that led peace talks between Israel and Egypt in 1978, and to the Committee for the Preservation of the White House. During the Clinton administration, Walter was appointed to serve on the board of directors of the Corporation for National Service and the U.S. Commerce Department Industry Policy Advisory Committee. In 1999, President Clinton presented Walter with the Democratic National Committee's Lifetime Achievement Award for his active service and commitment to the Democratic Party.

Later in life, Walter began donating both his time and money to laudable civic efforts. In 1975, he led a group that placed 2,000 Vietnamese orphans in loving homes in the United States. In 1993, he played a pivotal role in preventing the San Francisco Giants from moving to Florida. A lifelong advocate for education, Walter contributed heavily to several prestigious educational programs and institutes. Along with his wife, he founded the Joan Shorenstein Center on the Press, Politics and Public Policy at Harvard University's Kennedy School of Government, named for his talented daughter who lost her life to cancer in 1985. Walter also funded programs at Stanford University's Asia-Pacific Research Center and the Institute of East Asian Studies at the University of California, Berkeley.

Walter stood out as a driven entrepreneur who cared deeply for his community. He will be remembered by his friends and colleagues not only for his business savvy, but also for his tremendous sense of civic responsibility. His vision and hard work greatly shaped and influenced the city of San Francisco, and his civic contributions and leadership skills improved our Nation.

Walter is survived by his son Douglas; his daughter Carole Shorenstein Hays; and his six grandchildren. My thoughts are with Walter's family at this difficult time.●

#### TRIBUTE TO DR. JAMES KIMPEL

● Mr. COBURN. Mr. President, today I honor Dr. James Kimpel who has served our government for the last 13 years as director of the NOAA National Severe Storms Laboratory, NSSL, in Norman, OK.

Dr. Kimpel held the position of director, where he oversaw research in weather radar, technology transfer from research to applications, and forecast and warning improvements. The activities that Dr. Kimpel coordinated at NSSL helped save lives and property throughout the United States. During his tenure at the lab he provided the

United States with devoted and visionary leadership.

Through research and development during his 13 years as director, NSSL finished development of a Doppler weather radar technology that led to the birth of the national NEXRAD network, which consists of more than 150 radar systems. The NEXRAD network was also upgraded from proprietary to open systems, which enabled dual-polarization upgrades. These technological advancements will greatly increase precision when it comes to estimates of rainfall, delineation of rain from snow, and provide a more exact estimate of hail size. Since its installation, the NEXRAD program has reduced tornado related deaths by 45 percent and reduced personal injuries by 40 percent.

Under the leadership of Dr. Kimpel, radar-based rainfall analyses were created to improve flash flood and river forecasting. He was also a key player in sparking interest and support for new facilities for NSSL that led to the construction of the National Weather Center building, which is shared by the National Weather Service and the meteorology enterprise at the University of Oklahoma.

During Dr. Kimpel's watch as the director, NSSL scientists had over 600 archival, refereed journals published, were granted three patents and participated in four cooperative research and development agreements with private companies. He also played a large role while at the University of Oklahoma as a full professor, dean of the College of Geosciences, provost, and senior vice president of the Norman campus.

Dr. Kimpel's service to our country goes far beyond the NSSL. As a member of the U.S. Air Force, he served in Vietnam and earned the Bronze Star Medal for his acts of courage and valor. He was also elected president of the American Meteorological Society, received the University of Oklahoma Regents Alumni Award, and received the Presidential Rank Award-Meritorious Executive. He is a well-respected academic, researcher, and mentor. He is also the proud father of five children and a grandfather to two grandchildren.

I give my highest regard to Dr. Kimpel and wish him the best. He has contributed much not only to the State of Oklahoma, but to the United States. The achievements and service of Dr. James F. Kimpel are worthy of celebration and commendation.●

#### RECOGNIZING THE PINK ANGELS

● Mr. KERRY. Mr. President, I would like to recognize the dedication and tireless efforts of a group of approximately 50 men and women from the North Shore of Massachusetts called the Pink Angels. Formed in January 2005 as a group with the common goal of finding a cure for breast cancer, they have completed the Boston 3-Day Cancer Walk every year since.

They are survivors, daughters, wives, husbands, sisters, brothers and friends of people stricken with breast cancer. When they first met, they were strangers simply sharing their experience with the disease and now they have become lifelong friends. They began training together that year in February, sharing stories and some tears, creating a bond that holds a reservoir of strength, determination and hope. Their mutual support of one another during the training, the fundraising and ultimately the 60-mile route allowed each of them to begin a transformation from victim to warrior. Each has a different story that brought them to the group but together they created a unity of purpose signified by their crossing of the finish line as a group.

Since 2005, the Pink Angels walk around the city of Boston every year. Many team members have also walked in Arizona, Cleveland, Philadelphia, San Diego, San Francisco, and Washington, DC. In May 2009, under the leadership of Joanne Seneta and Hilda Santos, they achieved a significant milestone by raising more than \$1 million.

On July 23 in Framingham, MA, the Pink Angels will take flight again and on the 25th in Boston they will again cross the finish line as a group. I would like to thank them for their commitment to help find a cure for breast cancer.●

#### RECOGNIZING THE CONTEMPORARY AMERICAN THEATER FESTIVAL

● Mr. ROCKEFELLER. Mr. President, today I congratulate and commend the Contemporary American Theater Festival, CATF, in Shepherdstown, WV, on its 20th season which began this past weekend on July 9. This renowned festival, presented in partnership with Shepherd University, is an extraordinary event that runs for several weeks each summer, bringing thousands of people to our beautiful State and highlighting Shepherdstown's arts community.

More than two decades ago, Ed Herendeen had a dream of producing new works in theater, so he came to Shepherdstown and did just that. He had the vision and dedication to start and nurture this festival. And under Ed's leadership, the theater festival continues to produce and develop new American theater that not only examines current events and reflects on national trends but also serves as a haven for contemporary playwrights. This year, as it does every year, the festival confronts bold and controversial issues to prod the audience and explore new ideas. Since its first season in 1991, CATF has produced 80 new American plays and 30 world premieres.

A recent National Public Radio story described what the festival has meant to the artists and the community:

The Contemporary American Theater Festival at Shepherd University in

Shepherdstown is a dream for the writers of those plays. Over the years, both up-and-coming playwrights and big names—like Sam Shepard and Joyce Carol Oates—have premiered works there. That's in large part due to the festival's hard-working founder, Ed Herendeen. Herendeen founded the festival 20 years ago in partnership with Shepherd University. That first season they did three plays and sold about 2,000 tickets. Today, they do five professional plays and sell more than 11,000 tickets. What's unusual about the festival is that Herendeen says he's never tempted to do a popular play in order to draw more people. The audience that the festival has developed really is expecting it to do new plays.

In addition to its first-class performances, the festival offers lectures and discussion to enhance the audience's understanding of the arts. Over the last 7 years, in partnership with the Appalachian Education Initiative, AEI, the festival has hosted the Annual Elizabeth Francis Teacher Training Institute, a professional development program for high school teachers from West Virginia and other States across the region. This is an opportunity to learn hands on from CATF's professional theater artists. Participants are immersed in the art and craft of theater, gaining insight into acting, production, stage management, marketing, and script analysis. This year, participants will attend every play in the festival's 20th anniversary season, and have a chance to meet and talk with actors, producers, and technicians while receiving graduate level credits for their coursework.

It is hard to overstate the extraordinary economic impact this festival has on the entire region. The annual event brings people from more than 20 States to West Virginia to enjoy theater, immerse themselves in our community, and explore our beautiful natural surroundings. And as the crowds fill our theaters, restaurants, shops, and hotels, their support creates employment and boosts local businesses.

In recent years, festival goers have contributed \$3.2 million to the local economy with the average patron spending \$132 on top of the price of tickets.

Today, I congratulate and thank Shepherd University President Suzanne Shipley, Ed Herendeen, and their talented team for bringing such a truly outstanding theater festival to the stage every year. The Contemporary American Theater Festival in Shepherdstown is an enormous source of pride for me and for every West Virginian.●

#### TRIBUTE TO VERMONT'S SOLDIERS

● Mr. SANDERS. Mr. President, as we celebrate the 147th anniversary of the Battle of Gettysburg, I celebrate the contributions Vermont's brave citizens made to keep the Union whole.

As the Civil War began, President Lincoln sent a message to Governor Erastus Fairbanks: "Washington is in

grave danger. What may we expect of Vermont?" The Governor's reply: "Vermont will do its full duty."

Fairbanks called a special session of the State legislature and told lawmakers, "The United States government must be sustained and the rebellion suppressed, at whatever cost of men and treasure."

Vermonters fulfilled that pledge.

During the Battle of Gettysburg, waged from July 1 to July 3, 1863, Vermonters fought heroically. Under the command of GEN George Stannard, Vermonters "broke the back of Pickett's charge," helping lead the Union Army to victory in the decisive battle, says George Gunlock, a local historian in my State.

Another Vermonter, William Wells, won the Medal of Honor for leading his men in a daring cavalry charge against Confederate lines during the Battle of Gettysburg. A statue was built in his honor in both Gettysburg and in Burlington's Battery Park. Wells, who rose to the rank of general, served as Vermont's adjutant general after the Civil War.

But it not so much the officers, but the brave men who served under them, that we most remember, even at this historical distance.

Despite its small size, Vermont was a major contributor to the Union Army.

In all, 33,200 Vermonters fought in the war, or more than 10 percent of the State's population at the time. Twenty-eight thousand Vermonters served in the State militia and another 5,000 enlisted for Federal service during the Civil War. At the time, the State's estimated population was 320,000.

According to historians, nearly half of the men in Vermont who were of military age signed on to serve their Nation.

Great sacrifice was exacted from these brave volunteers. Vermonters suffered 5,194 deaths, during the Civil War, including 1,832 Vermonters killed or mortally wounded in battle, 2,747 who died of disease or other causes and 615 who died while prisoners. More than 2,200 Vermonters were taken prisoner during the war.

The history of the Vermonters who fought during the Civil War lives on. The Vermont National Guard's 86th Infantry Brigade Combat Team, now deployed in Afghanistan, uses a famous line from the Civil War—"Put the Vermonters ahead"—as its motto today. The line comes from a famous order by Union GEN John Sedgwick.

When the battle of Gettysburg began on July 1, 1863, Sedgwick's soldiers were in Maryland, 35 miles from the battlefield. "At dusk orders came to move, but it was about 10 o'clock at night before the column started for Gettysburg. It was on this occasion that General Sedgwick issued his famous order: "Put the Vermonters ahead and keep the column well closed up."

As we recognize the dedication of Vermont's soldiers in the Civil War, so

should we recognize the dedication and bravery of Vermont's soldiers today, when more than 1,500 members of the Vermont National Guard are serving in the war zone in Afghanistan. Approaching July 4th, the day which marks our Nation's independence, I want to celebrate the courage of those brave men from Vermont who fought to preserve the Nation in the Civil War, and the brave men and women who are answering our Nation's call today in the mountains and valleys of Afghanistan.●

#### TRIBUTE TO ALICE KUNDERT

● Mr. THUNE. Mr. President, today I wish to recognize the 90th birthday of Alice Kundert, a valued public servant in my home State of South Dakota.

Alice's public service career began when she was appointed as the deputy superintendent of schools in Campbell County. She served on the town board, school board, and later took on the roles as Campbell County's clerk of courts and registrar of deeds.

She was convinced by a group of teenagers that she counseled to run for political office at the State level. The first governmental office Alice held was as State Auditor for three 2-year terms followed by two 4-year terms as Secretary of State. She was appointed by Governor Mickelson to the Department of Education and Cultural Affairs which allowed her to travel the state teaching children about the history of South Dakota. The last political office Alice held was her 1990 election as a State representative which she served for two 2-year terms.

I would like to send my heartfelt congratulations to Alice on her 90th birthday and to thank her for her years of dedicated public service to the State of South Dakota.●

#### TRIBUTE TO PATRICIA LUTZ

● Mr. THUNE. Mr. President, today I wish to recognize Patricia Lutz, who has been named the 2010 South Dakota School Bus Driver of the Year. The award is selected annually by the South Dakota School Transportation Association. I commend Patty for her commitment to providing a safe and nurturing environment for the young people of South Dakota.

Patty and her husband Loren live near Webster. She is employed by Harlow's School Bus Sales and Services and currently drives a route for the Webster School District. Patty recently completed her 30th year of driving a school bus. Along with Webster, she has also driven for the Conde, Gettysburg, and Bristol School Districts. In addition to her school bus responsibilities, she has also served as a school librarian, substitute teacher, and cheerleading advisor.

Patty serves as a shining example of the outstanding faculty and staff members that serve school districts across South Dakota. Always willing to go above and beyond, Patty is committed

to making a difference in the lives of her students and is a tremendous asset to the Webster community and to our state.

On behalf of the State of South Dakota, I am pleased to say congratulations to Patty on a very deserving award.●

#### BIG STONE CITY, SD

● Mr. THUNE. Mr. President, today I recognize Big Stone City, SD. Founded in 1885, Big Stone City celebrates its 125th anniversary this year.

Located in Grant County, Big Stone City possesses the strong sense of community that makes South Dakota an outstanding place to live and work. Big Stone City is the home of Big Stone Lake, which is known for its excellent fishing. The city has continued to be a strong reflection of South Dakota's greatest values and traditions. The community of Big Stone City has much to be proud of and I am confident that Big Stone City's success will continue well into the future.

Big Stone City commemorated the 125th anniversary of its founding with celebrations held July 9 through July 11. I would like to offer my congratulations to the citizens of Big Stone City on this milestone anniversary and wish them continued prosperity in the years to come.●

#### DUPREE, SD

● Mr. THUNE. Mr. President, today I recognize Dupree, SD. Founded in 1910, the town of Dupree celebrated its 100th anniversary this year.

Located in Ziebach County, Dupree possesses the strong sense of community that makes South Dakota an outstanding place to live and work. Throughout its rich history, Dupree has continued to be a strong reflection of South Dakota's greatest values and traditions. The community of Dupree has much to be proud of and I am confident that Dupree's success will continue well into the future.

The town of Dupree commemorated its 100th anniversary July 6 through 11 with a variety of events such as a Centennial Wagon/Trail Ride, a rodeo and a fireworks display. I would like to offer my congratulations to the citizens of Dupree on this milestone anniversary and send best wishes to them in the years to come.●

#### EAGLE BUTTE, SD

● Mr. THUNE. Mr. President, today I recognize Eagle Butte, SD. Founded in 1910, the town of Eagle Butte will celebrate its 100th anniversary this year.

Located in Dewey and Ziebach Counties, Eagle Butte possesses the strong sense of community that makes South Dakota an outstanding place to live and work. Eagle Butte began 100 years ago as a railroad town; and throughout its rich history, Eagle Butte has con-

tinued to be a strong reflection of South Dakota's greatest values and traditions. The community of Eagle Butte has much to be proud of and I am confident that Eagle Butte's success will continue well into the future.

The town of Eagle Butte will commemorate the 100th anniversary of its founding with celebrations held on July 15 through July 18. I would like to offer my congratulations to the citizens of Eagle Butte on this milestone anniversary and wish them continued prosperity in the years to come.●

#### MESSAGES FROM THE PRESIDENT

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

#### EXECUTIVE MESSAGES REFERRED

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

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

#### MESSAGE FROM THE HOUSE RECEIVED DURING ADJOURNMENT

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

S. 3104. An act to permanently authorize Radio Free Asia, and for other purposes.

#### ENROLLED BILLS SIGNED

The message also announced that the Speaker has signed the following enrolled bills:

S. 3104. An act to permanently authorize Radio Free Asia, and for other purposes.

H.R. 5569. An act to extend the National Flood Insurance Program until September 30, 2010.

H.R. 5611. 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.

H.R. 5623. An act to amend the Internal Revenue Code of 1986 to extend the home-buyer tax credit for the purchase of a residence before October 1, 2010, in the case of a written binding contract entered into with respect to such principal residence before May 1, 2010, and for other purposes.

Under the authority of the order of the Senate of January 6, 2009, the enrolled bills were signed on July 1, 2010, during the adjournment of the Senate, by the President pro tempore (Mr. INOUE).

#### MESSAGE FROM THE HOUSE

At 2:03 p.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. 1554. An act to take certain property in McIntosh County, Oklahoma, into trust for the benefit of the Muscogee (Creek) Nation, and for other purposes.

H.R. 2340. An act to resolve the claims of the Bering Straits Native Corporation and the State of Alaska to land adjacent to Salmon Lake in the State of Alaska and to provide for the conveyance to the Bering Straits Native Corporation of certain other public land in partial satisfaction of the land entitlement of the Corporation under the Alaska Native Claims Settlement Act.

H.R. 4307. An act to name the Department of Veterans Affairs community-based outpatient clinic in Artesia, New Mexico, as the "Alejandro Renteria Ruiz Department of Veteran Affairs Clinic".

H.R. 4445. An act to amend Public Law 95-232 to repeal a restriction on treating as Indian country certain lands held in trust for Indian pueblos in New Mexico.

H.R. 4505. An act to enable State homes to furnish nursing home care to parents of any whose children died while serving in the Armed Forces.

H.R. 5395. An act to designate the facility of the United States Postal Service located at 151 North Maitland Avenue in Maitland, Florida, as the "Paula Hawkins Post Office Building".

H.R. 5610. An act to provide a technical adjustment with respect to funding for independent living centers under the Rehabilitation Act of 1973 in order to ensure stability for such centers.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 284. A concurrent resolution recognizing the work and importance of special education teachers.

H. Con. Res. 289. A concurrent resolution directing the Clerk of the House of Representatives to make a technical correction in the enrollment of H.R. 3360.

The message further announced that the House agrees to the amendment of the Senate to the bill (H.R. 3360) to amend title 46, United States Code, to establish requirements to ensure the security and safety of passengers and crew on cruise vessels, 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. 1554. An act to take certain property in McIntosh County, Oklahoma, into trust for the benefit of the Muscogee (Creek) Nation, and for other purposes; to the Committee on Environment and Public Works.

H.R. 4307. An act to name the Department of Veterans Affairs community-based outpatient clinic in Artesia, New Mexico, as the "Alejandro Renteria Ruiz Department of Veterans Affairs Clinic"; to the Committee on Veterans' Affairs.

H.R. 4445. An act to amend Public Law 95-232 to repeal a restriction on treating as Indian country certain lands held in trust for Indian pueblos in New Mexico; to the Committee on Indian Affairs.

H.R. 4505. An act to enable State homes to furnish nursing home care to parents any of



whose children died while serving in the Armed Forces; to the Committee on Veterans' Affairs.

H.R. 5395. An act to designate the facility of the United States Postal Service located at 151 North Maitland Avenue in Maitland, Florida, as the "Paula Hawkins Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 5610. An act to provide a technical adjustment with respect to funding for independent living centers under the Rehabilitation Act of 1973 in order to ensure stability for such centers; to the Committee on Health, Education, Labor, and Pensions.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 284. Concurrent resolution recognizing the work and importance of special education teachers; to the Committee on Health, Education, Labor, and Pensions.

### MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

H.R. 5552. An act to amend the Internal Revenue Code of 1986 to require that the payment of the manufacturers' excise tax on recreational equipment be paid quarterly and to provide for the assessment by the Secretary of the Treasury of certain criminal restitution.

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

H.R. 2340. An act to resolve the claims of the Bering Straits Native Corporation and the State of Alaska to land adjacent to Salmon Lake in the State of Alaska and to provide for the conveyance to the Bering Straits Native Corporation of certain other public land in partial satisfaction of the land entitlement of the Corporation under the Alaska Native Claims Settlement Act.

### ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on July 1, 2010, she had presented to the President of the United States the following enrolled bill:

S. 3104. A bill to permanently authorize Radio Free Asia, and for other purposes.

### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-6516. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement; Publication of Notification of Bundling of Contracts of the Department of Defense" (DFARS Case 2009-D033) received during adjournment of the Senate in the Office of the President of the Senate on July 1, 2010; to the Committee on Armed Services.

EC-6517. A communication from the Acting Director, Acquisition Policy and Legislation Branch, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Homeland Security Acquisition Regulation; Lead System Integrators" (HSAR Case 2009-003) received during adjournment of the Senate in the Office of the

President of the Senate on July 2, 2010; to the Committee on Armed Services.

EC-6518. A communication from the General Counsel of the Department of Defense, transmitting legislative proposals relative to the National Defense Authorization Bill for Fiscal Year 2011; to the Committee on Armed Services.

EC-6519. A communication from the Deputy Secretary, Division of Investment Management, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Political Contributions by Certain Investment Advisers" (RIN3235-AK39) received during adjournment of the Senate in the Office of the President of the Senate on July 1, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-6520. A communication from the Assistant to the Board of Governors, Division of Consumer and Community Affairs, Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled "Electronic Fund Transfers" ((Regulation E)(FRS Docket No. R-1343)) received during adjournment of the Senate in the Office of the President of the Senate on July 2, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-6521. A communication from the Assistant to the Board of Governors, Division of Consumer and Community Affairs, Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled "Truth in Savings" ((Regulation DD)(FRS Docket No. R-1315)) received during adjournment of the Senate in the Office of the President of the Senate on July 2, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-6522. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a six-month periodic report relative to the national emergency that was declared in Executive Order 12938 with respect to the proliferation of weapons of mass destruction; to the Committee on Banking, Housing, and Urban Affairs.

EC-6523. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; The Boeing Company Model 777-200LR and -300ER Series Airplanes" ((RIN2120-AA64)(Docket No. FAA-2010-0280)) received during adjournment of the Senate in the Office of the President of the Senate on July 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6524. A communication from the Secretary of Commerce, transmitting, pursuant to law, an annual report relative to the activities of the Economic Development Administration for fiscal year 2009; to the Committee on Commerce, Science, and Transportation.

EC-6525. A communication from the Assistant Secretary for Fish and Wildlife Parks, National Park Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Special Regulations; Areas of the National Park System" (RIN1024-AD79) as received during adjournment of the Senate in the Office of the President of the Senate on July 2, 2010; to the Committee on Energy and Natural Resources.

EC-6526. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, the Louisiana Coastal Protection and Restoration Final Technical Report; to the Committee on Environment and Public Works.

EC-6527. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health

and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Identification of Backward Compatible Version of Adopted Standard for E-Prescribing and the Medicare Prescription Drug Program (NCDO SCRIPT 10.6)" (RIN0938-AB49) received during adjournment of the Senate in the Office of the President of the Senate on July 2, 2010; to the Committee on Finance.

EC-6528. A communication from the Program Manager, Administration for Children and Families, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Child Support Enforcement Program; Intergovernmental Child Support" (RIN0970-AC37) received during adjournment of the Senate in the Office of the President of the Senate on July 2, 2010; to the Committee on Finance.

EC-6529. A communication from the Secretary of the Environmental Protection Agency, transmitting a legislative proposal relative to amending the Internal Revenue Code for the purpose of extending the financing of the Superfund; to the Committee on Finance.

EC-6530. A communication from the Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled "Schedule of Fees for Consular Services, Department of State and Overseas Embassies and Consulates" (RIN1400-AC57) received during adjournment of the Senate in the Office of the President of the Senate on July 2, 2010; to the Committee on Foreign Relations.

EC-6531. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the export of defense articles, including, technical data, and defense services to Turkey for the manufacture of and assembly of Day Night Thermal Sensors, Infrared Laser Detecting-Ranging Tracking Sets (AN/AAS-44T) and associated components common to both systems in the amount of \$100,000,000 or more; to the Committee on Foreign Relations.

EC-6532. A communication from the Principal Deputy Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement for the export of defense articles, including, technical data, and defense services to support the Proton launch of the Intelsat 22 Commercial Communication Satellite from the Baikonur Cosmodrome in Kazakhstan in the amount of \$50,000,000 or more; to the Committee on Foreign Relations.

EC-6533. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed amendment to a technical assistance agreement for the export of defense articles, including, technical data, and defense services to support the LITENING Advanced Targeting Pod program for the Netherlands in the amount of \$50,000,000 or more; to the Committee on Foreign Relations.

EC-6534. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report by the U.S. Global AIDS Coordinator relative to a description of HIV/AIDS prevention interventions that could be components of a United States global HIV/AIDS strategy and their effectiveness; to the Committee on Foreign Relations.

EC-6535. A joint communication from the Assistant Secretary for Legislative Affairs and the General Counsel, Department of



Treasury, transmitting proposed legislation relative to United States participation in, and appropriations for the United States contribution to, the Global Agriculture and Food Security Program, a multi-donor trust fund administered by the World Bank; to the Committee on Foreign Relations.

EC-6536. A communication from the Surgeon General, Department of Health and Human Services, transmitting the National Prevention, Health Promotion and Public Health Council's 2010 annual status report; to the Committee on Health, Education, Labor, and Pensions.

EC-6537. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, annual reports relative to the category rating system for the Department of Justice; to the Committee on Homeland Security and Governmental Affairs.

EC-6538. A communication from the Director of the Office of Personnel Management, transmitting proposed legislation relative to amending chapter 89 of title 5, United States Code, to clarify Federal court jurisdiction over the Federal Employees Health Benefits Program; to the Committee on Homeland Security and Governmental Affairs.

EC-6539. A communication from the Secretary of Veterans Affairs, transmitting proposed legislation entitled "Veterans Benefit Programs Improvement Act of 2010"; to the Committee on Veterans' Affairs.

#### 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-124. A concurrent resolution adopted by the Legislature of the State of Louisiana urging Congress to pass the New Alternative Transportation to Give Americans Solutions Act of 2009 (H.R. 1835 and S. 1408); to the Committee on Commerce, Science, and Transportation.

#### SENATE CONCURRENT RESOLUTION NO. 14

To memorialize the United States Congress to take necessary actions to promptly consider and pass the New Alternative Transportation to Give Americans Solutions Act of 2009 (H.R. 1835 and S. 1408) and to urge each member of the Louisiana congressional delegation to express their support for the Act by becoming a cosponsor.

Whereas, located in Desoto Parish, Louisiana, the Haynesville Shale is the largest natural gas field in the continental United States; and

Whereas, the Haynesville Shale holds approximately two hundred and fifty-one trillion cubic feet of recoverable natural gas; and

Whereas, drilling and recovery technology allows natural gas to be utilized in an environmentally safe and economically viable manner; and

Whereas, domestic gas is the only resource that can replace imported gasoline and diesel as a transportation fuel; and

Whereas, Congress is currently considering the New Alternative Transportation to Give Americans Solutions (H.R. 1835 and S. 1408) which provides incentives to move cars and light trucks as well as heavy-duty trucks from imported gasoline or diesel to domestic natural gas and encourages development of engines that reduce emissions, improve performance and efficiency, and lower cost; Therefore be it

*Resolved*, That the Legislature of Louisiana memorializes the United States Congress to take such actions as are necessary to

promptly consider and pass the New Alternative Transportation to Give Americans Solutions Act of 2009 (H.R. 1835 and S. 1408) and to urge each member of the Louisiana congressional delegation to express their support for the Act by becoming a cosponsor; and be it further

*Resolved*, That a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana delegation.

POM-125. A concurrent resolution adopted by the Legislature of the State of Louisiana urging Congress to consider recommendations to amend the Stafford Act regarding disaster recovery in Louisiana; to the Committee on Homeland Security and Governmental Affairs.

#### SENATE CONCURRENT RESOLUTION NO. 96

To memorialize the Congress of the United States to consider recommendations to amend the Stafford Act regarding disaster recovery for Louisiana.

Whereas, the aftermath of Hurricane Katrina and subsequent national disasters has brought extensive criticism of the Robert T. Stafford Disaster Relief and Emergency Assistance Act ("Stafford Act") as an inadequate and ineffective legal standard for federal response to a national disaster that causes population displacement and significant damage to property and infrastructure, and that overwhelms the capacities of state and local governments to achieve recovery; and

Whereas, such criticism is in part a reaction to the provisions of the Stafford Act which do not require any action remotely approaching a comprehensive, centralized, and integrated disaster mitigation, response, and recovery program with massive resources that can only be provided by the federal government; and

Whereas, such criticism is in part a reaction to the provisions of the Stafford Act which delegate the responsibility for recovery to state governments and establish a bureaucratic process for state requests for federal assistance, which have led to confusion and inaction, with essential assistance delayed and in many instances pleas for help being ignored; and

Whereas, such criticism is in part a reaction to the provisions of the Stafford Act which create neither an individual right to assistance nor a process for governmental accountability, thereby leaving people with few avenues of legal recourse for disaster relief; and

Whereas, such criticism is in part a reaction to provisions in the Stafford Act that do not address the specific material and humanitarian needs of people struggling to restore their lives and communities; and

Whereas, the Katrina Citizens Leadership Corps ("KCLC") has embarked on a course of developing policy recommendations for amending the Stafford Act to achieve effective disaster mitigation, response, and recovery; and

Whereas, the KCLC report, What It Takes to Rebuild a Village after a Disaster: Stories from Internally Displaced Children and Families of Hurricane Katrina (July 2007), presents the recommendations for a national disaster standard that support the fair and equitable restoration of lives and communities harmed by a national disaster; and

Whereas, the KCLC, U.S. Conference of Mayors, United States Senate Homeland Security Committee, and Internal Displacement Project of Brookings Institution make recommendations that can support unified work to improve the current legal standard for addressing the country's response to a national disaster: Therefore be it

*Resolved*, That the Legislature of Louisiana does hereby memorialize the Congress of the United States to consider recommendations to amend the Stafford Act regarding disaster recovery in Louisiana; and be it further

*Resolved*, That a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana delegation to the United States Congress.

POM-126. A concurrent resolution adopted by the Legislature of the State of Louisiana urging Congress to remove the financial eligibility requirements for patients stricken with amyotrophic lateral sclerosis to be approved to receive Medicaid; to the Committee on Finance.

#### SENATE CONCURRENT RESOLUTION NO. 23

To memorialize the Congress of the United States to remove the financial eligibility requirements for patients stricken with amyotrophic lateral sclerosis to be approved to receive Medicaid.

Whereas, amyotrophic lateral sclerosis, or ALS, is better known as "Lou Gehrig's disease"; and

Whereas, ALS is a fatal neurodegenerative disease characterized by degeneration of cell bodies of the lower motor neurons in the gray matter of the anterior horns of the spinal cord; and

Whereas, the initial symptom of ALS is weakness of skeletal muscles, especially those of the extremities; and

Whereas, as ALS progresses, the patient experiences difficulty in swallowing, talking, and breathing; and

Whereas, ALS eventually causes muscles to atrophy, and the patient becomes a functional quadriplegic; and

Whereas, research indicates that military veterans are at a fifty percent greater risk of developing ALS than those who have not served in the military; and

Whereas, ALS does not affect a patient's mental capacity, so that the patient remains alert and aware of his loss of motor functions and the inevitable outcome of continued deterioration and death; and

Whereas, on average, patients diagnosed with ALS only survive two to five years from the time of diagnosis; and

Whereas, ALS has no known cause, means of prevention, or cure; and

Whereas, there can be significant costs for medical care, equipment, and home health caregiving later in the disease; and

Whereas, many families deplete their life savings attempting to pay for the care of their loved ones; and

Whereas, the financial burden associated with ALS for American families is enormous: Therefore, be it

*Resolved*, That the Legislature of Louisiana memorializes the Congress of the United States to remove the financial eligibility requirements for patients stricken with amyotrophic lateral sclerosis to be approved to receive Medicaid; and be it further

*Resolved*, That a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana delegation to the United States Congress.

POM-127. A joint resolution adopted by the House of Representatives of the State of Colorado recognizing the bravery and sacrifice of the crew of the U.S.S. Pueblo and designating January 23rd each year as "U.S.S. Pueblo Day"; to the Committee on the Judiciary.

#### HOUSE JOINT RESOLUTION NO. 10-1007

Whereas, The U.S.S. Pueblo was originally launched as a United States Army cargo ship

in 1944 but was transferred to the United States Navy and renamed the U.S.S. Pueblo in 1966; and

Whereas, The U.S.S. Pueblo was named for the city of Pueblo, Colorado, and the county of Pueblo, Colorado, and was the third ship in the naval fleet to bear the name Pueblo; and

Whereas, After leaving Japan in early January 1968 on an intelligence mission, the U.S.S. Pueblo was attacked by the North Korean military on January 23, 1968; and

Whereas, According to United States Naval authorities and the crew of the U.S.S. Pueblo, the ship was in international waters at the time of the attack; and

Whereas, One crew member of the U.S.S. Pueblo was killed during the attack, and eighty crew members and two civilian oceanographers were captured and held for eleven months by the North Korean government; and

Whereas, This year marks the forty-second anniversary of North Korea's attack on the U.S.S. Pueblo and her crew; and

Whereas, The U.S.S. Pueblo is still in commission in the United States Navy, but continues to be held by the North Korean government and is currently a museum in Pyongyang, North Korea: Now, therefore, be it

*Resolved, by the House of Representatives of the Sixty-seventh General Assembly of the State of Colorado, the Senate concurring herein:*

(1) That we, the members of the General Assembly, recognize the bravery and sacrifice of the crew of the U.S.S. Pueblo; and

(2) That we take pride in the fact that the U.S.S. Pueblo bears the name of a city and a county in Colorado, and, therefore, the citizens of Colorado should be aware of the incident that occurred with the U.S.S. Pueblo forty-two years ago; and

(3) That we hereby designate January 23 each year as "U.S.S. Pueblo Day" as a day to remember and honor the brave crew of the U.S.S. Pueblo; and be it further

*Resolved, That copies of this Joint Resolution be sent to President Barack Obama, Governor Bill Ritter, Jr., President Pro Tempore of the United States Senate Robert C. Byrd, Speaker of the United States House of Representatives Nancy Pelosi, and the members of Colorado's congressional delegation.*

#### 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. UDALL of New Mexico:

S. 3564. A bill to promote the potential of women in academic science, technology, engineering, and mathematics; to the Committee on Homeland Security and Governmental Affairs.

By Mr. MCCAIN (for himself and Mr. KYL):

S. 3565. A bill to provide for the conveyance of certain Bureau of Land Management land in Mohave County, Arizona, to the Arizona Game and Fish Commission, for use as a public shooting range; to the Committee on Energy and Natural Resources.

By Mr. LAUTENBERG (for himself and Mr. ROCKEFELLER):

S. 3566. A bill to authorize certain maritime programs of the Department of Transportation, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. SCHUMER:

S. 3567. A bill to designate the facility of the United States Postal Service located at

100 Broadway in Lynbrook, New York, as the "Navy Corpsman Jeffrey L. Wiener Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

By Mr. NELSON of Florida (for himself, Mr. CORNYN, and Mrs. FEINSTEIN):

S. 3568. A bill to amend the Trade Act of 1974 to create a Citrus Disease Research and Development Trust Fund to support research on diseases impacting the citrus industry, and for other purposes; to the Committee on Finance.

By Mr. NELSON of Florida:

S. 3569. A bill to improve the ability of the National Oceanic and Atmospheric Administration to respond to releases of subsea oil and gas, and for other purposes; to the Committee on Commerce, Science, and Transportation.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. SCHUMER:

S. Con. Res. 68. A concurrent resolution expressing the sense of Congress that the United States Postal Service should issue a commemorative postage stamp honoring civil rights workers Andrew Goodman, James Chaney, and Michael Schwerner, and the "Freedom Summer" of 1964, and that the Citizens' Stamp Advisory Committee should recommend to the Postmaster General that such a stamp be issued; to the Committee on Homeland Security and Governmental Affairs.

#### ADDITIONAL COSPONSORS

S. 653

At the request of Mr. CARDIN, the names of the Senator from New York (Mr. SCHUMER) and the Senator from Pennsylvania (Mr. CASEY) were added as cosponsors of S. 653, a bill to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the writing of the Star-Spangled Banner, and for other purposes.

S. 850

At the request of Mr. KERRY, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 850, a bill to amend the High Seas Driftnet Fishing Moratorium Protection Act and the Magnuson-Stevens Fishery Conservation and Management Act to improve the conservation of sharks.

S. 984

At the request of Mrs. BOXER, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 984, a bill to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes.

S. 1286

At the request of Mr. ROCKEFELLER, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 1286, a bill to amend part E of title IV of the Social Security Act to allow children in foster care to be placed with their parents in residential family treatment centers that provide

safe environments for treating addiction and promoting healthy parenting.

S. 1353

At the request of Mr. LEAHY, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1353, a bill to amend title 1 of the Omnibus Crime Control and Safe Streets Act of 1968 to include nonprofit and volunteer ground and air ambulance crew members and first responders for certain benefits.

S. 1425

At the request of Mr. DURBIN, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 1425, a bill to increase the United States financial and programmatic contributions to promote economic opportunities for women in developing countries.

S. 1481

At the request of Mr. MENENDEZ, the names of the Senator from New York (Mr. SCHUMER), the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of S. 1481, a bill to amend section 811 of the Cranston-Gonzalez National Affordable Housing Act to improve the program under such section for supportive housing for persons with disabilities.

S. 1553

At the request of Mr. GRASSLEY, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1553, a bill to require the Secretary of the Treasury to mint coins in commemoration of the National Future Farmers of America Organization and the 85th anniversary of the founding of the National Future Farmers of America Organization.

S. 1619

At the request of Mr. DODD, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 1619, a bill to establish the Office of Sustainable Housing and Communities, to establish the Interagency Council on Sustainable Communities, to establish a comprehensive planning grant program, to establish a sustainability challenge grant program, and for other purposes.

S. 2725

At the request of Mrs. FEINSTEIN, the name of the Senator from Hawaii (Mr. INOUE) was added as a cosponsor of S. 2725, a bill to provide for fairness for the Federal judiciary.

S. 2743

At the request of Ms. SNOWE, the name of the Senator from Nebraska (Mr. JOHANNES) was added as a cosponsor of S. 2743, a bill to amend title 10, United States Code, to provide for the award of a military service medal to members of the Armed Forces who served honorably during the Cold War, and for other purposes.

S. 2772

At the request of Mr. WHITEHOUSE, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a

cosponsor of S. 2772, a bill to establish a criminal justice reinvestment grant program to help States and local jurisdictions reduce spending on corrections, control growth in the prison and jail populations, and increase public safety.

S. 2882

At the request of Mr. KERRY, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 2882, a bill to amend the Internal Revenue Code of 1986 to modify the rules relating to the treatment of individuals as independent contractors or employees, and for other purposes.

S. 2898

At the request of Ms. LANDRIEU, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 2898, a bill to provide for child safety, care, and education continuity in the event of a presidentially declared disaster.

S. 3020

At the request of Ms. SNOWE, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 3020, a bill to direct the Administrator of the Small Business Administration to reform and improve the HUBZone program for small business concerns, and for other purposes.

S. 3031

At the request of Mr. LEAHY, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 3031, a bill to authorize Drug Free Communities enhancement grants to address major emerging drug issues or local drug crises.

S. 3034

At the request of Mr. SCHUMER, the names of the Senator from Maryland (Mr. CARDIN), the Senator from Alaska (Mr. BEGICH) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 3034, a bill to require the Secretary of the Treasury to strike medals in commemoration of the 10th anniversary of the September 11, 2001, terrorist attacks on the United States and the establishment of the National September 11 Memorial & Museum at the World Trade Center.

S. 3036

At the request of Mr. BAYH, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 3036, a bill to establish the Office of the National Alzheimer's Project.

S. 3043

At the request of Mrs. GILLIBRAND, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 3043, a bill to award planning grants and implementation grants to State educational agencies to enable the State educational agencies to complete comprehensive planning to carry out activities designed to integrate engineering education into K-12 instruction and curriculum and to provide evaluation grants to measure efficacy of K-12 engineering education.

S. 3078

At the request of Mrs. FEINSTEIN, the names of the Senator from Delaware

(Mr. KAUFMAN) and the Senator from Hawaii (Mr. INOUE) were added as cosponsors of S. 3078, a bill to provide for the establishment of a Health Insurance Rate Authority to establish limits on premium rating, and for other purposes.

S. 3171

At the request of Mrs. LINCOLN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 3171, a bill to amend title 38, United States Code, to provide for the approval of certain programs of education for purposes of the Post-9/11 Educational Assistance Program.

S. 3237

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

S. 3238

At the request of Mr. SCHUMER, the names of the Senator from Maryland (Mr. CARDIN) and the Senator from Arkansas (Mr. PRYOR) were added as cosponsors of S. 3238, a bill to provide for a medal of appropriate design to be awarded by the President to the next of kin or other representative of those individuals killed as a result of the terrorist attacks of September 11, 2001, and to the memorials established at the 3 sites that were attacked on that day.

S. 3269

At the request of Mrs. GILLIBRAND, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 3269, a bill to provide driver safety grants to States with graduated driver licensing laws that meet certain minimum requirements.

S. 3320

At the request of Mr. WHITEHOUSE, the names of the Senator from New York (Mr. SCHUMER), the Senator from South Dakota (Mr. JOHNSON) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 3320, a bill to amend the Public Health Service Act to provide for a Pancreatic Cancer Initiative, and for other purposes.

S. 3323

At the request of Mr. FEINGOLD, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 3323, a bill to improve the management and oversight of Federal contracts, and for other purposes.

S. 3339

At the request of Mr. KERRY, the names of the Senator from Washington (Ms. CANTWELL) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 3339, a bill to amend the Internal Revenue Code of 1986 to provide a reduced rate of excise tax on beer produced domestically by certain small producers.

S. 3397

At the request of Ms. KLOBUCHAR, the name of the Senator from Maine (Ms.

COLLINS) was added as a cosponsor of S. 3397, a bill to amend the Controlled Substances Act to provide for take-back disposal of controlled substances in certain instances, and for other purposes.

S. 3424

At the request of Mr. DURBIN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 3424, a bill to amend the Animal Welfare Act to provide further protection for puppies.

S. 3434

At the request of Mr. BINGAMAN, the names of the Senator from Maryland (Ms. MIKULSKI), the Senator from Ohio (Mr. BROWN) and the Senator from Delaware (Mr. KAUFMAN) were added as cosponsors of S. 3434, a bill to provide for the establishment of a Home Star Retrofit Rebate Program, and for other purposes.

S. 3441

At the request of Mr. DURBIN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 3441, a bill to provide high-quality public charter school options for students by enabling such public charter schools to expand and replicate.

S. 3493

At the request of Mr. SPECTER, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 3493, a bill to reauthorize and enhance Johanna's Law to increase public awareness and knowledge with respect to gynecologic cancers.

S. 3510

At the request of Mr. CONRAD, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 3510, a bill to amend the Internal Revenue Code of 1986 to permanently extend the 15-year recovery period for qualified leasehold improvement property, qualified restaurant property, and qualified retail improvement property.

S. 3549

At the request of Mr. TESTER, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 3549, a bill to amend the effective date of the gift card provisions of the Credit Card Accountability Responsibility and Disclosure Act of 2009.

S. 3553

At the request of Ms. STABENOW, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 3553, a bill to require the Secretary of the Army to study the feasibility of the hydrological separation of the Great Lakes and Mississippi River Basins.

S. CON. RES. 39

At the request of Mr. MENENDEZ, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. Con. Res. 39, a concurrent resolution expressing the sense of the Congress that stable and affordable housing is an essential component of an effective strategy for the prevention, treatment, and care of human immunodeficiency virus, and that the

United States should make a commitment to providing adequate funding for the development of housing as a response to the acquired immunodeficiency syndrome pandemic.

S. RES. 565

At the request of Mr. MERKLEY, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. Res. 565, a resolution supporting and recognizing the achievements of the family planning services programs operating under title X of the Public Health Service Act.

AMENDMENT NO. 4418

At the request of Mr. WHITEHOUSE, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of amendment No. 4418 intended to be proposed to H.R. 5297, an act to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes.

AMENDMENT NO. 4420

At the request of Mr. DODD, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of amendment No. 4420 intended to be proposed to H.R. 5297, an act to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes.

AMENDMENT NO. 4433

At the request of Mr. GRASSLEY, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of amendment No. 4433 intended to be proposed to H.R. 5297, an act to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes.

AMENDMENT NO. 4434

At the request of Ms. CANTWELL, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of amendment No. 4434 intended to be proposed to H.R. 5297, an act to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes.

AMENDMENT NO. 4435

At the request of Mrs. HAGAN, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of amendment No. 4435 intended to be proposed to H.R. 5297, an act to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes.

AMENDMENT NO. 4444

At the request of Mr. REID, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of amendment No. 4444 intended to be proposed to H.R. 5297, an act to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes.

AMENDMENT NO. 4446

At the request of Ms. SNOWE, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of amendment No. 4446 intended to be proposed to H.R. 5297, an act to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes.

AMENDMENT NO. 4448

At the request of Mr. MERKLEY, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of amendment No. 4448 intended to be proposed to H.R. 5297, an act to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MCCAIN (for himself and Mr. KYL):

S. 3565. A bill to provide for the conveyance of certain Bureau of Land Management land in Mohave County, Arizona, to the Arizona Game and Fish Commission, for use as a public shooting range; to the Committee on Energy and Natural Resources.

Mr. MCCAIN. Mr. President, I am pleased to be joined by my colleague, Senator JON KYL, in introducing a bill

that would convey 315 acres of Federal land in Arizona to the Arizona Game and Fish Commission for use as a public shooting range. A similar bill was introduced in the House of Representatives by Congressman TRENT FRANKS last year.

The construction of the Mohave Valley Shooting Range near Bullhead City, AZ, is widely supported in the tri-state region and has several anticipated benefits. For example, local law enforcement agencies support the shooting range as a way to help maintain firearms qualifications. Mohave Community College has a Law Enforcement Academy that would be significantly enhanced by this project. Also, the new range will reduce instances of random shooting on sensitive public lands which followed the closure of a former Bullhead City shooting facility in 1999.

In February 2010, after an arduous 12-year planning process, the BLM approved an administrative conveyance of federal land for the shooting range under the Recreation and Public Purposes Act. This decision was made under an Environmental Assessment/Finding of No Significant Impact. Unfortunately, several tribal governments have appealed the decision to the Interior Board of Land Appeals citing cultural impacts to the Boundary Cone Butte, which will undeservedly delay the project for several more years. It is important to note that the project's Environmental Assessment offers several mitigation measures that address tribal concerns, including the installation of sound dampening features, requirements for noise monitoring to ensure compliance with State noise standards for shooting range facilities, limiting the facility's footprint to protect culturally sensitive lands, and providing for the relocation of species that would be disturbed.

The bill we have introduced would direct the BLM to complete the land conveyance without further delay. It also acknowledges the 2010 Environmental Assessment/Plan Amendment which was developed as part of the project's 12-year planning effort. Mr. President, the Mohave Valley Shooting Range project has lapsed for over a decade and the people of Mohave County are still waiting to break ground. I urge my colleagues to support this bill.

By Mr. NELSON of Florida (for himself, Mr. CORNYN, and Mrs. FEINSTEIN):

S. 3568. A bill to amend the Trade Act of 1974 to create a Citrus Disease Research and Development Trust Fund to support research on diseases impacting the citrus industry, and for other purposes; to the Committee on Finance.

Mr. NELSON of Florida. Mr. President, today it is my honor to introduce a bill that would create the U.S. Citrus Disease Research and Development Trust Fund. I am joined in this effort by my good friends, and fellow "Citrus State Senators"—Sen. JOHN CORNYN of

Texas and Sen. DIANNE FEINSTEIN of California.

By introducing this bill, it is our collective goal to create a guaranteed source of funding for scientific research aimed at addressing diseases, invasive pests, and other challenges faced by the U.S. citrus industry. Most importantly, the scientific research supported by my bill would benefit all citrus producers, regardless of where the citrus is growing.

Citrus growers in the U.S. shouldn't have to ask themselves if this is the year a disease or a pest will wipe them out. That's why having a permanent fund to help combat these threats just makes a lot of sense.

The most serious of these threats is citrus greening, a disease which kills the citrus tree and is spread by the Asian citrus psyllid, an insect no bigger than my fingernail. Because it attacks the tree and because it is so easily spread, this disease has the ability to wipe out the entire citrus industry.

My bill does not require new funding or create any new taxes—it is funded by a portion of the existing import duties collected from imported citrus products. Specifically, the total amount of the fund may not exceed \$30 million dollars annually, which is only about half of the total duties presently collected on imported citrus products.

My bill is based on the model established by the Wool Trust Fund and adopts oversight and administrative controls for similar programs within the U.S. Department of Agriculture.

I look forward to working with my colleagues to see that this bill is signed into law.

By Mr. NELSON of Florida:

S. 3569. A bill to improve the ability of the National Oceanic and Atmospheric Administration to respond to releases of subsea oil and gas, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. NELSON of Florida. Mr. President, we are now on the 84th day of the Deepwater Horizon spill. Along with the over 175 million gallons of oil and natural gas that have gushed into the gulf, over 1 million gallons of dispersants have been applied, with 700,000 gallons applied under the surface of the water. This is a method of using dispersants that has been likened to a science experiment.

With each passing day, we see new images of oil washing up on the shores, onto our beaches, into the wetlands, coating the wildlife. We have all seen it on television, and it is heartbreaking. But I worry more about something else, something we do not see. For 2 months now, academics, the media, and the public have asked about the possibility of vast amounts of oil miles away from the location of the spill.

Independent scientists from research institutions in my State, such as the University of South Florida and Florida State University, took to the water

early on. They sent their own research vessels out there to find the answers. What they found confirmed the fears we have—what we do not see, and that is detectable amounts of oil and hydrocarbons impacting areas away from the spill. These hydrocarbons may not look like what we imagined. We imagined ominous black clouds. But, in fact, what scientists pulled up from different depths in their water samples often came up clear, but just because you can't see the oil doesn't mean it is not there and it doesn't mean it is not having an impact.

A few weeks ago, the National Oceanic and Atmospheric Administration released its first report on subsea oil. Our top ocean science agency has been working to understand the impacts of subsurface hydrocarbons. While there is now some publicly available information on subsurface oil, many unanswered questions remain. Is the subsurface oil down there, and especially that which you can't see? Is it there because of the use of dispersants? Does the large amount of pressure caused by the weight of the water column at such depths—as far as 5,000 feet—lead to these plumes of oil being subsurface? What is the effect of having oil and gas throughout the water column as opposed to the oil floating on the surface?

I believe it took so long to get any information because this is something we simply have not seen before. The last time this country dealt with a spill even near this magnitude was the Exxon Valdez spill. But that was a tanker that leaked in a bay where all the oil was in the upper layers of the water column. The oil basically stayed afloat. Here, we have a situation where the oil is being released 5,000 feet below the surface of the gulf. It is being sprayed with dispersants, and that keeps much of it down in that fragile environment and away from view. But, of course, the many organisms that live down at those depths are the base of the food web, and the impact of the dissolved and dispersed hydrocarbons on these critters is simply unknown.

We haven't even begun to deal with the question of the natural gas that is also spewing out of the well. Some have estimated that as much as half of the volume coming out of the well is actually natural gas. Some of that is very probably dissolving, and it is possible that most of it is dissolving. But who knows how these chemicals are interacting with it? If any of the natural gas is bubbling to the surface, it could pose a threat to the health and the safety of wildlife, and it could pose a health hazard to humans on the surface of the gulf.

As a result of all of this and so that we learn from this situation so we don't keep doing this same thing over and over, I am introducing the Subsea Hydrocarbon Imagery and Planning Act. This bill will address some of these gaps in our knowledge and understanding of what happens when oil and natural gas are released under the ocean.

This bill will direct NOAA to review its current protocols for detecting and mapping subsea hydrocarbons. It would require them to develop priorities and to adopt a plan for the future by implementing a program within the Office of Response and Restoration dedicated to mapping subsea hydrocarbons and releasing what their trajectories are. State and local governments and the American people should have access to this information so they can plan accordingly. NOAA itself needs this information for incorporation into its protocols for closing and opening fisheries. And the people in charge of managing this crisis need this information so they can make informed decisions about how to proceed.

We are in the midst, as we know, of hurricane season. While we have not seen this subsea oil with our eyes yet, a hurricane could make that worst-case scenario a reality.

Last week, during the recess, I spent some time with some of Florida's best and brightest scientists who are studying this spill.

I spoke with researchers from Florida Gulf Coast University, Mote Marine Laboratory, and the University of Miami's Center for Southeastern Tropical Advanced Remote Sensing. These institutions might have the technology and expertise that could be used to detect and monitor subsea oil and gas and measure its impact on fragile marine environments.

As we look to the future and as we are getting NOAA to adopt a plan, that is a plan we need. This legislation—the Subsea Hydrocarbon Imagery and Planning Act—will ensure that days in the future we will not wonder how much oil and gas is out there, where it is, where it is going, and what its impacts will be because we will know.

I hope my colleagues in the Senate are going to support this effort. Clearly, with what is going on, this well needs to be killed. There are 60,000 barrels of oil a day gushing into the gulf, and this has been going on now closing in on 3 months.

Until the time the well is killed, they will continue to try to siphon off as much as possible, and that is the process they are doing now. They took off that one cap. All of that oil is gushing. They are going to try to put on another cap that will have a tighter seal that they can get more to the surface.

In the meantime, all that oil on the surface—we have the skimmers—we need to skim off and keep it from reaching the shore. If it gets on the beach, that is one thing. We can get it off the beach. It harms all of the industries. It harms tourism. Clearly, the perception that there is oil harms fishing. But the real ecological damage is when it gets past the beach and it gets into the bays, the estuaries, and the marsh grasses. Then it is so difficult to get out and it all the more compounds the impact on the critters.

No. 1, kill the well. No. 2, scoop as much as we can get off the surface to

keep it away from the shore. But No. 3, the big unknown is how much oil is underneath the surface and what is its long-term effect on the health of the gulf and on the entire ecological balance of the Gulf of Mexico and, indeed, other waters that could be affected, such as the Loop Current that turns into the gulf stream and that goes into the Atlantic.

That is the big unknown, and that is what we are asking NOAA to do. That is why I am introducing this legislation.

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. 3569

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

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Subsea Hydrocarbon Imagery and Planning Act of 2010".

#### SEC. 2. IMPROVEMENTS TO NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION OIL SPILL RESPONSE.

(a) SUBSEA HYDROCARBON REVIEW.—Not later than 45 days after the date of the enactment of this Act, the Under Secretary for Oceans and Atmosphere shall conduct a comprehensive review of the current state of the National Oceanic and Atmospheric Administration and the capacity of the Administration to monitor, map, and track subsea hydrocarbons.

(b) ELEMENTS.—The review conducted under subsection (a) shall include the following:

(1) A review of protocol for application of dispersants that contemplates the variables of temperature, pressure, and depth of the site of release of hydrocarbons.

(2) A review of technological capabilities to detect the presence of subsea hydrocarbons at various concentrations and at various depths within a water column resulting from releases of oil and natural gas after a spill.

(3) A review of technological capabilities for expeditiously identifying the source (known as "fingerprinting") of subsea hydrocarbons.

(4) A review of coastal and ocean current modeling as it relates to predicting the trajectory of oil and natural gas.

(5) A review of the effect of subsea hydrocarbons (all concentrations including down to hydrocarbon chains in solution) on all levels of the food web, including evaluations of seafood safety, toxicity to individuals, negative impacts to reproduction, bioaccumulation, growth, and such other matters as the Under Secretary considers appropriate.

(6) Development of recommendations on priorities for improving forecasting of movement of subsea hydrocarbons.

(7) Development of recommendations for long-term remote monitoring of subsea hydrocarbons after a spill, including dissolved oxygen impacts.

(8) Development of recommendations for implementation of a Subsea Hydrocarbon Monitoring and Assessment program within the Office of Response and Restoration.

(c) PROGRAM REQUIRED.—Not later than 1 year after the date of the enactment of this Act, the Under Secretary shall establish a hydrocarbon monitoring and assessment program. Such program shall be based on the

recommendations developed under the comprehensive review required by subsection (a).

(d) FUNDING.—Not later than 30 days after the date of the enactment of this Act, out of any funds in the Oil Spill Liability Trust Fund established by section 9509 of the Internal Revenue Code of 1986 not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary of Commerce to carry out the provisions of this section \$15,000,000 to remain available until expended.

#### SUBMITTED RESOLUTIONS

SENATE CONCURRENT RESOLUTION 68—EXPRESSING THE SENSE OF CONGRESS THAT THE UNITED STATES POSTAL SERVICE SHOULD ISSUE A COMMEMORATIVE POSTAGE STAMP HONORING CIVIL RIGHTS WORKERS ANDREW GOODMAN, JAMES CHANEY, AND MICHAEL SCHWERNER, AND THE "FREEDOM SUMMER" OF 1964, AND THAT THE CITIZENS' STAMP ADVISORY COMMITTEE SHOULD RECOMMEND TO THE POSTMASTER GENERAL THAT SUCH A STAMP BE ISSUED

Mr. SCHUMER submitted the following concurrent resolution; which was referred to the Committee on Homeland Security and Governmental Affairs:

S. CON. RES. 68

Whereas "Freedom Summer" was a campaign in Mississippi to register African-American voters during the summer of 1964;

Whereas in 1964, most Black voters were disenfranchised by law or practice in Mississippi;

Whereas this voting rights initiative was led by the Student Nonviolent Coordinating Committee (SNCC), with the support of the Council of Federated Organizations (COFO), which included the National Association for the Advancement of Colored People (NAACP), the Congress of Racial Equality (CORE), and the Southern Christian Leadership Conference (SCLC);

Whereas thousands of students and activists participated in two week orientation sessions in preparation for the voter registration drive in Mississippi;

Whereas in 1962, at 6.7 percent of the State's Black population, Mississippi had one of the lowest percentages of Black registered voters in the country;

Whereas three civil rights volunteers lost their lives in their attempts to secure voting rights for Blacks;

Whereas Andrew Goodman was a White 20-year-old anthropology major from Queens College who volunteered for the "Freedom Summer" project;

Whereas James Chaney was a 21-year-old African-American from Meridian, Mississippi, who became a civil rights activist, joining the Congress of Racial Equality (CORE) in 1963 to work on voter registration and education;

Whereas Michael "Mickey" Schwerner was a 24-year-old White man from Brooklyn, New York, who was a CORE field secretary in Mississippi and a veteran of the civil rights movement;

Whereas on the morning of June 21, 1964, the three men left the CORE office in Meridian, Mississippi, and set out for Longdale, Mississippi, where they were to investigate

the recent burning of the Mount Zion Methodist Church, a Black church that had been functioning as a Freedom School for education and voter registration;

Whereas the three civil rights workers were beaten, shot, and killed by members of the Ku Klux Klan;

Whereas the national uproar in response to these brave men's deaths helped raise the political capital necessary to bring about passage of the Voting Rights Act of 1965; and

Whereas Andrew Goodman, James Chaney, and Michael Schwerner's story will be told to millions of Americans and their bravery will continue to inspire generations to come through the issuance of a commemorative postage stamp: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—*

(1) a commemorative postage stamp should be issued by the United States Postal Service honoring civil rights workers Andrew Goodman, James Chaney, and Michael Schwerner, and the "Freedom Summer" of 1964;

(2) the stamp honoring these three men should be based upon the Congress of Racial Equality (CORE) poster from 1964, which was created by Danny Lyon, a prominent photographer of the Civil Rights movement; and

(3) the Citizens' Stamp Advisory Committee should recommend to the Postmaster General that such a stamp be issued.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 4449. Mr. WEBB (for himself, Mr. NELSON of Florida, and Mr. WARNER) submitted an amendment intended to be proposed to amendment SA 4402 proposed by Mr. REID (for Mr. BAUCUS (for himself, Ms. LANDRIEU, and Mr. REID)) to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table.

SA 4450. Mr. BROWN of Ohio submitted an amendment intended to be proposed to amendment SA 4402 proposed by Mr. REID (for Mr. BAUCUS (for himself, Ms. LANDRIEU, and Mr. REID)) to the bill H.R. 5297, supra; which was ordered to lie on the table.

SA 4451. Mr. DORGAN submitted an amendment intended to be proposed to amendment SA 4402 proposed by Mr. REID (for Mr. BAUCUS (for himself, Ms. LANDRIEU, and Mr. REID)) to the bill H.R. 5297, supra; which was ordered to lie on the table.

SA 4452. Mr. DORGAN submitted an amendment intended to be proposed to amendment SA 4402 proposed by Mr. REID (for Mr. BAUCUS (for himself, Ms. LANDRIEU, and Mr. REID)) to the bill H.R. 5297, supra; which was ordered to lie on the table.

SA 4453. Mr. THUNE (for himself, Mr. JOHANNES, Mr. COBURN, Mr. ISAKSON, Mr. INHOFE, and Mr. BOND) submitted an amendment intended to be proposed to amendment SA 4402 proposed by Mr. REID (for Mr. BAUCUS (for himself, Ms. LANDRIEU, and Mr. REID)) to the bill H.R. 5297, supra; which was ordered to lie on the table.

SA 4454. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 4402 proposed by Mr. REID (for Mr. BAUCUS (for himself, Ms. LANDRIEU, and Mr. REID)) to the bill H.R. 5297, supra; which was ordered to lie on the table.



## TEXT OF AMENDMENTS

**SA 4449.** Mr. WEBB (for himself, Mr. NELSON of Florida and Mr. WARNER) submitted an amendment intended to be proposed to amendment SA 4402 proposed by Mr. REID (for Mr. BAUCUS (for himself, Ms. LANDRIEU, and Mr. REID)) to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title II, insert the following:

**Subtitle C—Other Relief****SEC. —. GUIDANCE ON TAX TREATMENT OF LOSSES RELATED TO TAINTED DRYWALL AS CASUALTY LOSS DEDUCTIONS.**

Not later than the due date, including extension, for filing a return of tax for taxable year 2009, the Secretary of the Treasury shall issue guidance with respect to the availability of a casualty loss deduction under section 165(c)(3) of the Internal Revenue Code of 1986 for a taxpayer who has sustained a loss due to defective or tainted drywall, including drywall imported from China.

**SA 4450.** Mr. BROWN of Ohio submitted an amendment intended to be proposed to amendment SA 4402 proposed by Mr. REID (for Mr. BAUCUS (for himself, Ms. LANDRIEU, and Mr. REID)) to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table; as follows:

On page 113, between lines 17 and 18, insert the following:

**SEC. 1348. SMALL BUSINESS TURNAROUND LOAN PROGRAM.**

Section 7(a) of the Small Business Act (15 U.S.C. 636(a)), as amended by section 1206 of this Act, is amended by adding at the end the following

“(36) SMALL BUSINESS TURNAROUND LOAN PROGRAM.—

“(A) DEFINITIONS.—In this paragraph—

“(i) the term ‘program’ means the Turnaround Loan Program established under subparagraph (B);

“(ii) the term ‘turnaround small business concern’ means a small business concern that—

“(I) is economically distressed, as determined by the Administrator;

“(II) has a history of a positive net income;

“(III) has had recent success in the business of the small business concern; and

“(IV) has the potential to increase the business of the small business concern; and

“(iii) the term ‘Secretary’ means the Secretary of the Treasury.

“(B) ESTABLISHMENT.—Not later than 120 days after the date of enactment of this paragraph, the Administrator shall establish a Turnaround Loan Program under which

the Administrator may guarantee the timely payment of loans made to turnaround small business concerns to address cash flow difficulties.

“(C) STANDARDS FOR SMALL BUSINESS TURNAROUND LOANS.—

“(i) IN GENERAL.—In consultation with the Secretary, the Administrator shall issue rules establishing qualifying criteria for loans guaranteed under the program.

“(ii) SPECIFIC BORROWER REQUIREMENTS.—The rules issued under clause (i) shall require a turnaround small business concern applying for a loan guaranteed under the program to submit—

“(I) a business plan that includes—

“(aa) data on the performance before the date of the application, and projections, of the turnaround small business concern;

“(bb) a detailed description of the factors that led to the economic difficulties of the turnaround small business concern;

“(cc) a discussion of how the turnaround small business concern responded to the economic difficulties; and

“(dd) a detailed description of the projected outlook for the turnaround small business concern; and

“(II) subject to clause (iii), documentation establishing—

“(aa) a history of a positive net income;

“(bb) recent success of the business of the turnaround small business concern, which shall include documentation that the turnaround small business concern has had increasing revenue for not less than the 2 consecutive quarters before the date of the application; and

“(cc) that the turnaround small business concern has had repeated and substantial difficulty in obtaining credit elsewhere.

“(iii) WAIVER AUTHORITY.—The Administrator may waive any requirement under clause (ii)(II) if the Administrator determines that the waiver is supported by mitigating factors included in the business plan submitted by a turnaround small business concern under clause (ii)(I).

“(iv) MINIMIZE ADMINISTRATIVE BURDEN.—The rules issued under clause (i) shall, to the extent practicable, minimize paperwork, minimize administrative burden on lenders and applicants, and maximize clarity in guidelines.

“(D) MAXIMUM LOAN LIMITS FOR SMALL BUSINESS TURNAROUND LOANS.—Notwithstanding paragraph (3)(A), a loan may not be guaranteed under this paragraph if the total amount outstanding and committed (by participation or otherwise) to the borrower from the business loan and investment fund established by this Act would exceed \$5,000,000.

“(E) GUARANTEES, FEES, AND COST REPAYMENT.—

“(i) GUARANTEES FOR SMALL BUSINESS TURNAROUND LOANS.—The Administrator may—

“(I) except as provided in subclause (II), guarantee not more than 95 percent of a loan under the program; and

“(II) guarantee not more than 100 percent of a loan under the program if a loan is also made to the applicant under a State other credit support program under section 3206 of the Small Business Jobs Act of 2010.

“(ii) FEES.—With respect to each loan guaranteed under the program, the Administrator shall collect no fee.

“(iii) REPAYMENT FOR UNDERWRITING COSTS.—If a turnaround small business concern makes timely payment of a loan guaranteed under the program for all of the 3-year period beginning on the date of the loan, the Administrator shall make a payment to the lender in an amount equal to 1 percent of the amount of the loan, for the cost of underwriting the loan.

“(F) SUNSET.—The Administrator may not guarantee a loan under the program after the date that is 22 months after the date of enactment of this paragraph.

“(G) FUNDING.—

“(i) SMALL BUSINESS LENDING FUND.—The Secretary may transfer from the Small Business Lending Fund established under section 3103 of the Small Business Jobs Act of 2010 to the Administrator such sums as are necessary to carry out this paragraph, which shall be available to the Administrator, without further appropriation or fiscal year limitation.

“(ii) AUTHORIZATION.—There are authorized to be appropriated to the Administrator such sums as are necessary to carry out this paragraph.”.

**SA 4451.** Mr. DORGAN submitted an amendment intended to be proposed to amendment SA 4402 proposed by Mr. REID (for Mr. BAUCUS (for himself, Ms. LANDRIEU, and Mr. REID)) to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table; as follows:

On page 41, between lines 3 and 4, insert the following:

**SEC. 1137. HUBZONE DEFINITIONS.**

Section 3(p)(4)(B) of the Small Business Act (15 U.S.C. 632(p)(4)(B)) is amended—

(1) in clause (i), by striking “section 42(d)(5)(C)(ii)” and inserting “section 42(d)(5)(B)(ii)”;

(2) in clause (ii)—

(A) in subclause (II), by striking “or” at the end;

(B) in subclause (III)—

(i) by striking “section 42(d)(5)(C)(iii)” and inserting “section 42(d)(5)(B)(iii)”;

(ii) by striking the period at the end and inserting “; or”;

(C) by adding at the end the following:

“(IV) the population, based on the most recent census data, has decreased by not less than 10 percent since 1980.”.

**SA 4452.** Mr. DORGAN submitted an amendment intended to be proposed to amendment SA 4402 proposed by Mr. REID (for Mr. BAUCUS (for himself, Ms. LANDRIEU, and Mr. REID)) to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table; as follows:

On page 41, between lines 3 and 4, insert the following:

**SEC. 1137. REDESIGNATED AREAS.**

Section 3(p)(4)(C)(i) of the Small Business Act (15 U.S.C. 632(p)(4)(C)(i)) is amended to read as follows:

“(i) 3 years after the first date on which the Administrator publishes a HUBZone map that is based on the results from the 2010 decennial census; or”.



**SA 4453.** Mr. THUNE (for himself, Mr. JOHANNIS, Mr. COBURN, Mr. ISAKSON, Mr. INHOFE, and Mr. BOND) submitted an amendment intended to be proposed to amendment SA 4402 proposed by Mr. REID (for Mr. BAUCUS (for himself, Ms. LANDRIEU, and Mr. REID)) to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table; as follows:

Strike title III.

**SA 4454.** Mr. THUNE submitted an amendment intended to be proposed to amendment SA 4402 proposed by Mr. REID (for Mr. BAUCUS (for himself, Ms. LANDRIEU, and Mr. REID)) to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table; as follows:

At the end of part IV of subtitle C of title I, add the following:

**SEC. 1348. POLICY ON SUPPORT OF COMPETITIVE ENTERPRISE SYSTEM.**

(a) FINDING.—Congress finds that the competitive enterprise system, including small business concerns, is—

(1) characterized by individual freedom and initiative; and

(2) the primary source of economic strength of the United States.

(b) POLICY.—Section 2 of the Small Business Act (15 U.S.C. 631) is amended by adding at the end the following:

“(k) POLICY ON SUPPORT OF COMPETITIVE ENTERPRISE SYSTEM.—It is the declared policy of Congress that the Federal Government—

“(1) should support the competitive enterprise system of the United States, including small business concerns;

“(2) should not compete with the citizens of the United States;

“(3) should rely on commercial sources to supply the products and services required by the Federal Government; and

“(4) should avoid starting or carrying out any activity that provides a product or service that can be procured more effectively and efficiently from a nongovernmental source.”.

## NOTICES OF HEARINGS

### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a Business Meeting has been scheduled before the Committee on Energy and Natural Resources. The business meeting will be held on Thursday, July 15, 2010, at 10:15 a.m., in room SE-366 of the Dirksen Senate Office Building.

The purpose of the Business Meeting is to consider pending legislation.

For further information, please contact Sam Fowler at (202) 224-7571 or Amanda Kelly at (202) 224-6836.

IMPEACHMENT TRIAL COMMITTEE ON THE ARTICLES AGAINST JUDGE G. THOMAS PORTEOUS, JR.

Mrs. MCCASKILL. Mr. President, I wish to announce that the Impeachment Trial Committee on the Articles Against Judge G. Thomas Porteous, Jr., will meet on Tuesday, July 13, 2010, at 2:30 p.m. or such other time as may be convenient, to conduct an executive business meeting.

For further information regarding this meeting, please contact Erin Johnson at 202-228-4133.

## NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 438, S. 2872.

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

The clerk will state the bill by title. The legislative clerk read as follows:

A bill (S. 2872) to authorize appropriations for the National Historical Publications and Records Commission through fiscal year 2014, and for other purposes.

There being no objection the Senate proceeded to consider the bill, which had been reported from the Committee on Homeland Security and Governmental Affairs, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italics.)

S. 2872

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

### SECTION 1. AUTHORIZATION OF APPROPRIATIONS THROUGH FISCAL YEAR 2014 FOR NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION.

Section 2504(g)(1) of title 44, United States Code, is amended—

(1) in subparagraph (R), by striking “and”;

(2) in subparagraph (S), by striking the period and inserting “; and”;

(3) by adding at the end of the following:

“(T) \$13,000,000 for fiscal year 2010, \$13,500,000 for fiscal year 2011, \$14,000,000 for fiscal year 2012, \$14,500,000 for fiscal year 2013, and \$15,000,000 for fiscal year 2014.”

“(T) \$10,000,000 for each of fiscal years 2010, 2011, 2012, 2013, and 2014.”.

### SEC. 2. INCREASED FLEXIBILITY FOR ARCHIVIST IN THE RECORDS CENTER REVOLVING FUND.

Subsection (d) under the heading “RECORDS CENTER REVOLVING FUND” in title IV of the Independent Agencies Appropriations Act, 2000 (Public Law 106-58; 113 Stat. 460; 44 U.S.C. 2901 note), is amended—

“(1) in paragraph (1), by striking “not to exceed 4 percent” and inserting “determined by the Archivist of the United States”; and

(2) in paragraph (2), by striking “Funds in excess of the 4 percent at the close of each fiscal year” and inserting “Any unobligated

and unexpended balances in the Fund that the Archivist of the United States determines to be in excess of those needed for capital equipment or a reasonable operating reserve”.

(1) in paragraph (1), by striking “not to exceed 4 percent” and inserting “not to exceed 10 percent”; and

(2) in paragraph (2), by striking “Funds in excess of the 4 percent at the close of each fiscal year” and inserting “Funds in excess of the 10 percent at the close of each fiscal year”.

### SEC. 3. GRANTS FOR ESTABLISHMENT OF STATE AND LOCAL DATABASES FOR RECORDS OF SERVITUDE, EMANCIPATION, AND POST-CIVIL WAR RECONSTRUCTION.

Section 8 of the Presidential Historical Records Preservation Act of 2008 (44 U.S.C. 2504 note) is amended to read as follows:

### “SEC. 8. GRANTS FOR ESTABLISHMENT OF STATE AND LOCAL DATABASES FOR RECORDS OF SERVITUDE, EMANCIPATION, AND POST-CIVIL WAR RECONSTRUCTION.

“(a) IN GENERAL.—The Archivist of the United States, after considering the advice and recommendations of the National Historical Publications and Records Commission, may make grants to States, colleges and universities, museums, libraries, and genealogical associations to preserve records and establish electronically searchable databases consisting of local records of servitude, emancipation, and post-Civil War reconstruction.

“(b) MAINTENANCE.—Any database established using a grant under this section shall be maintained by appropriate agencies or institutions designated by the Archivist of the United States.”.

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the committee-reported amendments be agreed to, the bill, as amended, be read the third time and passed; that the motions to reconsider be laid upon the table, with no intervening action or debate; that any statements related to the bill be printed in the RECORD.

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

The committee amendments were agreed to.

The bill (S. 2872), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

## CORRECTING THE ENROLLMENT OF H.R. 3360

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 289, which was received from the House and is at the desk.

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

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 289) directing the Clerk of the House of Representatives to make a technical correction in the enrollment of H.R. 3360.

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

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to and the motion to reconsider be laid upon the

table, with no intervening action or debate.

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

The concurrent resolution (H. Con. Res. 289) was agreed to.

#### APPOINTMENT

The PRESIDING OFFICER. The Chair announces, on behalf of the President pro tempore, pursuant to P.L. 110-315, the appointment of the following to be a member of the National Advisory Committee on Institutional Quality and Integrity: Mr. Wildred M. McClay, of Tennessee, vice Michael Poliakoff.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### ORDERS FOR TUESDAY, JULY 13, 2010

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. on Tuesday, July 13; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each; and that the Senate recess from 12:30 p.m. until 2:15 p.m. to allow for the weekly caucus meetings.

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

#### PROGRAM

Mr. BROWN of Ohio. Mr. President, tomorrow, the majority leader wishes to resume consideration of H.R. 5297, the small business jobs bill.

#### ADJOURNMENT UNTIL 10 A.M. TOMORROW

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

There being no objection, the Senate, at 6:44 p.m., adjourned until Tuesday, July 13, 2010, at 10 a.m.

#### NOMINATIONS

Executive nominations received by the Senate:

##### DEPARTMENT OF STATE

ALEXANDER A. ARVIZU, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MIN-

ISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ALBANIA.

PAMELA E. BRIDGEWATER AWKARD, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO JAMAICA.

MICHELE THOREN BOND, OF THE DISTRICT OF COLUMBIA, 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 KINGDOM OF LESOTHO.

PAUL W. JONES, 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 MALAYSIA.

PHYLLIS MARIE POWERS, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF PANAMA.

FRANCIS JOSEPH RICCIARDONE, JR., OF MASSACHUSETTS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF TURKEY.

DUANE E. WOERTH, OF NEBRASKA, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS REPRESENTATIVE OF THE UNITED STATES OF AMERICA ON THE COUNCIL OF THE INTERNATIONAL CIVIL AVIATION ORGANIZATION.

##### UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

NISHA DESAI BISWAL, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT, VICE JAMES R. KUNDER, RESIGNED.

##### DEPARTMENT OF STATE

ROBERT P. MIKULAK, OF VIRGINIA, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS UNITED STATES REPRESENTATIVE TO THE ORGANIZATION FOR THE PROHIBITION OF CHEMICAL WEAPONS.

##### DEPARTMENT OF EDUCATION

SEAN P. BUCKLEY, OF NEW YORK, TO BE COMMISSIONER OF EDUCATION STATISTICS FOR A TERM EXPIRING JUNE 21, 2015, VICE MARK S. SCHNEIDER, RESIGNED.

##### IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE 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. DOUGLAS H. OWENS

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

##### To be lieutenant general

MAJ. GEN. MICHAEL R. MOELLER

##### IN THE ARMY

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

##### To be brigadier general

COL. DAVID G. FOX

##### IN THE NAVY

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

##### To be vice admiral

REAR ADM. CHARLES J. LEIDIG, JR.

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

##### To be vice admiral

REAR ADM. WILLIAM E. LANDAY III

##### 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. JOHN E. WISSLER

##### IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY DENTAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

##### To be lieutenant colonel

SUSAN M. CEBULA  
MARIAM A. HAMIDI  
KYUNG S. KIM  
PHIL J. KIM  
ANNE M. MCCARTNEY  
RANDY E. MUCCIOLI  
RONALD E. PRENZEL  
MARK E. RANSCHAERT  
ASTRID A. RECIO  
RYAN L. SNYDER  
JAE Y. SONG  
CATHLEEN A. STERLING  
STEPHEN J. VELEZ  
LISA N. YARBROUGH  
D070757

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

##### To be lieutenant colonel

JOHN S. AITA  
PHILIP A. ALBANEZE  
SYED O. ALI  
MIKE I. ANDERSON  
MIKE L. ANDERSON  
ALLAN H. ANDREWS  
GERARD M. ANTOINE  
BRYAN L. BACON  
JAY B. BAKER  
TIKI BAKHSHI  
JEFFREY G. BARNES  
KRISTEN M. BAUER  
MICHAEL D. BECKER  
DAVID G. BELL  
TAMARA L. BIEGA  
TIMOTHY J. BIEGA  
DUSTIN L. BOYER  
TIMOTHY C. BRAND  
MILLARD D. BROWN III  
LISABETH A. BUSH  
ANDREW P. CAP  
DIMITRI C. CASSIMATIS  
MICKEY S. CHO  
KEVIN K. CHUNG  
PATRICK B. COOPER  
MARK S. CRAIG  
HOWARD L. CURLIN  
HEATHER M. CURRIER  
KIMBERLY M. DEVORE  
ROGER H. DUDA  
GARY W. DUFRESNE  
SCOTT A. EADER  
DAWN E. ELLIOTT  
ANTHONY J. FADSELL  
ERIC P. FILLMAN  
ERIAN T. FOGARTY  
ANDREW J. FOSTER  
GREGG G. GERASIMON  
LEONARD J. GRADO  
JANE GROSS  
JENNIFER M. GURNEY  
CHARLES G. HANSLIP  
JILL C. HASLING  
JOSHUA S. HAWLEY  
JAMES R. HEMPEL  
ROBERTO HENNESSY  
SANDRA L. HERNANDEZ  
PATRICK W. HICKEY  
JASON M. HILES  
AARON Z. HOOVER  
CHRISTOPHER H. HOYT  
LINDA L. HUFFER  
MARC A. HULTQUIST  
ABEL D. JARELL  
SEAN P. JAVAHARI  
MATTHEW R. JEZIOR  
ERIC K. JOHNSON  
JASON M. JOHNSON  
JOSEPH P. JOHNSON  
GLENN J. KERR  
DAVID J. KERSBERGEN  
DATHERINE A. KIMBALLEAYRS  
SOO H. KIMDELIO  
JOHN T. KOLISNYK  
KENNETH D. KUHN  
MARTIN L. LADWIG  
SAMARA A. LAYNOR  
KEVIN J. LEARY  
JAMES R. LEE  
JOSEPH C. LEE  
KEITH M. LEMMON  
DEREK R. LINKLATER  
PHILIP D. LITTLEFIELD  
RICHARD C. LIU  
HUY Q. LUU  
CRAIG L. MADDIX  
MICHAEL B. MADKINS  
PAMELA M. MALLARI  
SALIM B. MATHEW  
LISA M. MAXWELL  
MATTHEW M. MAYFIELD  
JAMES S. MCCLELLAN, JR.  
BRUCE M. MCCLEATHAN  
REBECCA M. MCCUIGAN  
ROBERT MEADOWS  
JON H. MEYERLE  
MARK W. MEYERMANN  
JEFFREY A. MIKITA  
JOEL T. MONCUR  
CHRISTOPHER H. MOON  
ANTHONY J. MORTON  
VISETH NGAUY  
HANG T. NGUYEN

VIET N. NGUYEN  
JOSEPH J. NOVACK III  
PETER ORIO  
SHANE E. OTTMANN  
RAUL G. PALACIOS  
JASON A. PATES  
THOMAS P. POEPPING  
PATRICK J. POLLOCK  
MARCUS C. PONCE DE LEON  
MARK D. PORTER  
GORDON PRAIRIE  
LOUIS M. RADNOTHY  
MARY L. REED  
MARK E. REYNOLDS  
JOHN L. RITTER  
BRUCE A. RIVERS  
CHRISTOPHER J. ROACH  
BRIAN D. ROBERTSON  
STEVEN J. ROGERS, JR.  
PAUL M. RYAN  
AARON A. SAGUIL  
RUBEN SALINAS, JR.  
ELIZABETH M. SAWYER  
SHAWNA E. SCULLY  
CRAIG S. SEE  
MARK F. SEWELL  
JOHN H. SHERNER III  
MATTHEW W. SHORT  
PATRICIA A. SHORT  
MICHAEL SIMPSON

EUGENE K. SOH  
BRYONY W. SOLTIS  
DOMINIC L. STORTO  
MATTHEW A. STUDER  
THOMAS L. SUTTON  
MICHAEL J. TARPEY  
RENEE THAI  
SARO VERGHESE  
EDUARDO M. VIDAL  
TODD C. VILLINES  
KAREN S. VOGT  
RODNEY C. WADLEY  
MELVIN E. WAGNER  
CHRISTOPHER H. WARNER  
DANIEL S. WASHBURN  
MICHAEL B. WATTO  
THOMAS J. WEBER  
WILLIAM B. WEISS  
DANIEL M. WENZELL  
ERIC H. WEPPLER  
JOHN L. WESTHOFF II  
JEAN S. WHITTEN  
TANYA M. WROBLEWSKI  
BRADLEY N. YOUNGGREN  
D010009

IN THE NAVY

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR NAVY UNDER TITLE 10, U.S.C., SECTION 531:

*To be lieutenant commander*

JASON L. RICH  
BRUNO A. SCHMITZ

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR NAVY UNDER TITLE 10, U.S.C., SECTION 531:

*To be lieutenant commander*

WENDY C. GAZA  
WILLIAM J. LAGALY  
JONATHON N. LIMPERT  
PATRICIA A. LIMPERT

CONFIRMATION

Executive nomination confirmed by the Senate Monday, July 12, 2010:

THE JUDICIARY

SHARON JOHNSON COLEMAN, OF ILLINOIS, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF ILLINOIS.