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No. 9

## House of Representatives

The House was not in session today. Its next meeting will be held on Tuesday, January 26, 2010, at 12:30 p.m.

## Senate

MONDAY, JANUARY 25, 2010

The Senate met at 2 p.m. and was called to order by the Honorable AL FRANKEN, a Senator from the State of Minnesota.

### PRAYER

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

Let us pray.

Our Lord and our God, savior of humanity, thank You for commanding light out of darkness, for creating our world and calling it good. Great and wonderful are Your works, Lord God Almighty.

Today, bless our lawmakers. Give them the courage to hold on to what is good and to return no evil for evil. Use them to strengthen the faint-hearted, support the weak, and help the suffering. Lord, empower them to love and serve with exemplary faithfulness. Help them to be as kind to others as You have been to them, and empower them to transform their struggles into stepping stones.

We pray in Your sacred Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable AL FRANKEN led the Pledge of Allegiance, as follows:

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

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication

to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, January 25, 2010.

To the Senate:

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

ROBERT C. BYRD,  
President pro tempore.

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

### RECOGNITION OF THE MAJORITY LEADER

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

### THE CHAPLAIN

Mr. REID. Mr. President, on Saturday on public radio, there was a very nice piece on our Chaplain. It was a long interview; it must have taken 10 or 15 minutes. The woman doing the interview on public radio came to his office here. She was at various places with him. It was a very good piece historically about the history of the Chaplain in the Senate, and it spoke very well of our Chaplain—the first African American to become an admiral in the Navy, our first African-American Chaplain. He is a person who is very accomplished.

I appreciate the work he does for each of us individually and the work he does with various groups. He has a number of study groups here that he works with on a weekly basis. In the Senate, we are very proud of our Senate Chaplain, ADM Dr. Barry Black.

### SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will proceed to a period for the transaction of morning business until 3 p.m., with Senators permitted to speak for up to 10 minutes each.

I ask unanimous consent that the first speaker during morning business be the Senator from California, Mrs. FEINSTEIN, and that she be recognized for up to 15 minutes.

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

Mr. REID. Following morning business, the Senate will resume consideration of the resolution increasing the statutory limit on the public debt. At 5:30 p.m., the Senate will turn to executive session to consider the nomination of Rosanna Peterson to be a U.S. district judge for the Eastern District of Washington. At 6 p.m., the Senate will vote on her confirmation.

### RESERVATION OF LEADER TIME

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

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



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## MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business until 3 p.m., with Senators permitted to speak therein for up to 10 minutes each.

The Senator from California.

## CONRAD-GREGG AMENDMENT

Mrs. FEINSTEIN. Mr. President, I wish to say a few words in favor of the Conrad-Gregg amendment which will shortly be before us and in opposition to the Baucus amendment.

I have worked for some time to try to produce legislation that would create a commission which could be like a BRAC commission and deal with what I consider to be the most formidable problem facing this government.

Every Wednesday during the summer and spring, I have a constituent breakfast. One of the things I do at that breakfast is show what debt and deficit really means. One of the best ways—you learn this when you do a budget, and I learned it when I was mayor of San Francisco and for 9 years put together a budget—is to look at what is actually spent, total numbers. That gives you the real clue. It is called outlays, Federal outlays.

What have Federal outlays been? In 2009, 50 percent of everything the Federal Government paid out went to entitlements. What are entitlements? Medicare, Social Security, veterans' benefits—things that cannot be controlled—if you are entitled to them, you get them. Look at interest on the debt, which is 5 percent. If you look at discretionary defense, it is 18 percent. And if you look at everything else the Federal Government does that everybody talks about—education, agriculture, justice, the 22 agencies in Homeland Security—it is just 16 percent of what is spent. If you add together the 50 percent and the 5 percent of interest, we see 55 percent of everything the Federal Government spends this year cannot be controlled. We have to spend it. All the rest that is discretionary is rather small in comparison. If we project that out 10 years—and I must say that new numbers are coming out tomorrow, so this is the latest number I have—entitlements go up to 56 percent and interest on the debt to 14 percent; that is, 70 percent of everything that will be spent in the year 2019 if things are projected forward cannot be controlled. Discretionary defense is 16 percent, and nondiscretionary—again, everything else—is 14 percent. If you wanted to balance out, you could eliminate everything in discretionary spending and you could not solve the problem.

That is what is happening. Entitlements are expanding to an inordinate amount of what the Federal Government pays out every year. It does not matter whether something is in the budget or not in the budget; if you

have to pay for it and spend it, it contributes to the deficit and that translates into debt. It is a very major problem.

That is why I rise today in support of the amendment offered by Senators CONRAD and GREGG to establish a bipartisan commission to tackle this issue and look at these programs—namely, Social Security and Medicare—and make some recommendations as to how they can be changed, amended, melded to essentially be able to maintain themselves over time. We know both these programs are the third rail of American politics. Past Congresses and past Presidents have failed to take the steps necessary to ensure their long-term viability. Social Security will start running out of money in 2037, and Medicare will start to run out of money before the end of this decade. In 7 years, in 2017, Medicare will begin to run out of money.

This is an opportunity to take a concept which has worked before—namely, the Greenspan Commission, which in 1983 added years to Social Security solvency—and have a 1-year commission, which is the Conrad-Gregg commission, to deal with this debt. It would be an opportunity to get our Nation's finances back on track. If we could have done it, we would have done it. If we could have done it, why didn't we? Why year after year do we refuse to face the issues? The Greenspan recommendations, including a change to the trust fund revenue structure, actually won bipartisan support. Those recommendations were adopted, and they were credited with saving Social Security at the time.

More recently, the base realignment and closure process, known as BRAC, and the Homeland Security commission following 9/11 made recommendations. Many of those recommendations were accepted. The BRAC Commission had a process which all of us sort of derided and did not like, but it got the job done. They presented recommendations to the Congress; the Congress could vote them down. That decided the question. That is what the Conrad-Gregg amendment would do.

We all see the gravity of what is happening. As we vote to increase the debt limit for the ninth time in 8 years, we are not able to do anything about the biggest consumers of debt—entitlements—because they are such valuable programs to people and no one wants them touched.

This commission would be bipartisan. It would be composed of 18 members—10 Democrats, 8 Republicans; specifically, 16 Members of Congress split evenly between each party and 2 administration officials. Their charge would be to come to grips with this situation and make a series of recommendations on an expedited procedure that would come to the Congress, and we would either vote it up or vote it down. Everything would be on the table. The scope of the commission is broad enough to include all possibili-

ties for improving our budgetary outlook. The commission would issue this report before the end of the year. Mr. President, 14 of the 18 Members must approve the report before it could be presented to us, and Congress would be required to vote on the report, as I said, with expedited consideration before the end of this year. So for the first time, in a matter of months, we would have before us some recommendations. How do we tweak Social Security to enable it to go past its doomsday? How do we handle Medicare to see that it is viable throughout the next three, four, five decades? It does not circumvent congressional procedures, nor does it exclude elected officials from shaping the final report.

The Social Security trust fund runs out of money in 2037. If we do not do anything, it is going to happen sooner. Today, 50 million people depend on Social Security. By 2050, 82 million people—another 32 million people—will receive Social Security.

Most people do not realize that one-half of American workers today have no retirement or pension benefit from their company. I did not know this. One-half of all retiring workers have no retirement or pension benefit from their company. Social Security is what they will have. With the problems in the workplace today, with the increase in bankruptcies, we can be sure that Social Security is only going to become more important as the decades go on.

In 2007, Social Security alone kept 35 percent of older Americans out of poverty. That is how important it is. Thirty-five percent of our seniors would be living in poverty if it were not for Social Security. And for almost two-thirds of people, Social Security makes up more than half their income. So Social Security is really the breadbasket, it is the opportunity for many seniors and pensioners and retirees to continue to live and stay out of poverty.

Medicare is in even worse shape. By 2017, the hospital insurance trust fund will be depleted. In last year's Trustees report, insolvency was projected in 2019. Medicare is unsustainable over time.

That is something that none of us wants to admit, none of us wants to face. The record is clear: None of us has faced it. None of us has done anything about it, and yet the time is ratcheted sooner and sooner.

So once the hospital trust fund is exhausted, it will be necessary to reduce the amount of benefits payable. What does that mean? That means after 2017, only 81 percent of benefits will actually be paid. Think of that. Is it all right to let that happen? Is it all right to do nothing? Is it all right to say: OK, we know that come 2017 only 81 percent of the benefit an individual should get will be paid, and it is because we are not willing to do anything about it? That is what we are saying if we vote no on the Conrad-Gregg resolution.

Medicare Part B and Part D prescription drug coverage will increasingly

outpace beneficiary income over time. So funds won't be there to pay for prescription drug benefits. That is the simple result. Without finding an adequate way to fund these obligations, those funds will have to be borrowed or will be nonexistent, and this further adds to the debt we see coming down the pike. All of it adds together to the financial insolvency of both Social Security and Medicare.

That is why a commission is needed—because we haven't done what we should have done. We haven't made the tweaks, the changes, the adjustments. We haven't looked at means testing. These programs were founded on the belief that no matter how wealthy you are, you should get these benefits. My own view is that should change. They should be looked at more as insurance programs. If you don't need them, if you are a millionaire, why should you have these benefits? If you need them, if you are part of the half of America that has no pension or retirement benefit, if you earn under, let's say, \$250,000 a year as a retiree, maybe you should still get them. But if you earn more than \$250,000, with this picture facing us, maybe you should pay your own way.

These are some of the decisions that have got to be made, and we can't keep putting them off because they are unpleasant, because the more we put them off, the bigger the troubles get. That has been the case in the 17 years I have been here. I have watched this, and it keeps going up and up and up. So the problem is apparent, but it has been ignored. It has been shoveled under the rug. It has never been addressed, and that is why we need a commission.

I cosponsored a bill two Congresses ago with Senator Domenici and I cosponsored a bill this Congress with Senator CORNYN to create a Social Security-Medicare commission. Mine was not composed of Members of Congress, but there was opposition. People felt, well, if this body is going to have the ability to make a recommendation that may result in having to put more money into the system, either by increasing the payroll tax or any other way, then it ought to be the Members of the Congress or the Senate who make that recommendation. Senator CONRAD and Senator GREGG took that as a kind of mandate and said: All right, we will do that, and here is what we propose.

I am very glad the Senator from Florida is on the floor. We have worked as part of this group together, come to several meetings. I guess it would be fair to say there are about 16 or 17 of us who have worked together with Senator CONRAD on the Democratic side on this, and we do so because we recognize doing nothing doesn't save Medicare and doing nothing doesn't save Social Security. But doing something may, so that is why we need a commission. This will never get done if we follow regular order in the Congress. For 17

years, I have watched that regular order year in and year out, and nothing has happened. I remember Fritz Hollings standing right there on the floor talking about keeping money from going out of the trust funds. As you know, now it is an accounting judgment. Everything goes into one fund, but there is just an accounting judgment. He advocated separating it out so it couldn't be used to balance the budget. Right now the trust funds are used to balance the budget. They are not set aside for a special fund to see that Social Security remains secure. It is the good faith and credit of the government that does that. Well, I say that isn't enough. We have to face the consequences, bite the bullet. We have to find a way to see that our national credit card is fiscally responsible.

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

Mrs. FEINSTEIN. I know my time is up, but I want to indicate my very sincere support and my thanks to both Senator CONRAD and Senator GREGG for their work, for their leadership, and for their strong advocacy. They have friends. We will support them. And I very much hope this body will as well.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Florida.

Mr. NELSON of Florida. Mr. President, I am speaking today in favor of the Conrad-Gregg amendment, of which I am a cosponsor also.

While the Senator from California is here, I want to go back 27 years ago to one of the times in which government came together and worked best on a crisis. It was 1983. I had come to Congress a few years before, and we were suddenly at the point at which Social Security was going to run out of money within 6 months. Obviously, something had to be done. The good news was there were two wily old Irishmen who were leading the government. One was in the White House—his name was Reagan—and the other one was the Speaker of the House—and his name was O'Neill. Those two were great examples. They could fight like cats and dogs during the day, but when they walked out the door, they were personal friends. They had a personal relationship. When it came time to cutting a deal to get the performance of the government, they could do it.

Realizing that Social Security was about to be in financial cardiac arrest, they said: We are going to do this. They appointed a blue ribbon panel, much like what we are talking about here in this Conrad-Gregg amendment. The difference between then and now is that we had leaders of both parties who were committed to making it work. I am not sure what we are going to see out here on the landscape today, unless the American people rise up and say: A pox on both your Houses. You guys better get together.

That is what we are trying to do with this bipartisan amendment. The good news is that because of the delibera-

tions of that panel and because those two Irishmen, President Reagan and Speaker O'Neill, said: We are going to take this off the table at the next election as a club, a bludgeon, to hit our opponents over the head with, that blue ribbon panel came forth, was presented to the Congress, passed overwhelmingly in the Congress, and it made Social Security solvent from 1983 well into this century.

That is the kind of example we need here, of our coming together in a bipartisan way, with commonsense solutions. That is what I rise to talk about today. I thank the Senator from California for being not only erudite but eloquent in her presentation.

Mrs. FEINSTEIN. I thank the Senator.

Mr. NELSON of Florida. Mr. President, there is a reason for this, and it is our Nation's budget is on a path toward crisis. We have to do something extraordinary, just as we did back in 1983. Over the last decade, we have spent billions to wage two wars, but we still proceeded with a tax cut for the wealthy and a prescription drug benefit that gave too much to the pharmaceutical industry as well as the health insurance industry, and what happened was the debt doubled.

The Obama administration had to stem the bleeding, putting a tourniquet on the pending nationwide economic collapse, so it pumped money into the economy. That was primarily for infrastructure spending, teachers' salaries, targeted tax relief for small business, and targeted tax relief for the middle class.

That same economic collapse did what one expects recessions, near depressions to do: It lowered the tax receipts, and thus put us in an even tighter spot. So now we have to face the realities of this fiscal situation. Due to the economic downturn, tax revenue, as a share of the economy, is at its lowest point in 50 years. It is less than 15 percent of GDP, whereas spending is now above. It is at 26 percent of GDP. You know when you take in less revenues but you spend more, that difference, which we call the annual deficit, means you are headed for trouble. The analysts are telling us that by 2019, the debt could be 114 percent of the GDP.

We saw in the charts of the Senator from California how the interest rate in 2019 would balloon up to three-fourths of \$1 trillion. The rising trend continues at an alarming rate even after 2019. Former Fed Chairman Alan Greenspan said:

The challenge to contain this threat is more urgent than at any time in our history. Our Nation has never before had to confront so formidable a fiscal crisis as is now visible just over the horizon.

This is not to mention this also affects our national security. Guess who is the biggest holder of our foreign debt. It is China. What happens if they suddenly want us to pay off all of those bonds they hold? Do you think China is

an adversary? Well, if you don't, do you think they are an economic adversary? Do you think they would like to be a military adversary? Do you realize what they are doing in space in order to become a world power?

I came to Congress a long time ago, and I have been talking about balanced budgets, but now this problem is so massive it can't be solved, as the Senator from California said, by regular order. We are going to have to take a good look at the whole picture. We need some commonsense folks who will work together, who will respect each other—did you hear what I said, respect each other—and who will recommend the tough decisions that must be made in order to get this Nation's fiscal policy back on track.

I realize on the one side you have folks saying: Does that cut Social Security? Does that cut Medicare? Then on the other side you have folks who say: Does that mean you worry about raising taxes? Those are legitimate concerns. Every one of us, every family member in America has to deal with these kinds of questions in their own family's budget. When we spend more than we bring in, we have to make choices. We have to make adjustments. It is the responsible thing to do.

It will not be easy. It will not be easy politically, especially with people holding that club of the next election over their heads saying: I am going to beat you into the ground and beat you politically to death if you make these tough choices. But in the end I trust, because of the understanding of the American people of their government and their understanding of their own family budgets, they will trust a bipartisan group of lawmakers accountable to the American people who will have examined the budget, hashed out their differences, and agreed to a plan that will make us solvent again.

Without drastic measures we risk saddling our children with debt that can never be repaid and credit that cannot be restored. We have the opportunity right now to try to fix it. I urge our colleagues to support this amendment, and I yield the floor.

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

#### STATE OF THE UNION

Mr. ALEXANDER. Mr. President, I look forward to the President's State of the Union Address on Wednesday, as I know most Americans do. There is a lot of talk about how the President might reconnect with the American people. The President himself said a couple of days ago, after Massachusetts elected a Republican Senator, that perhaps he had not been talking to the American people directly about core values. If I may do this in a respectful way, I would like to make a suggestion about what the President might say on Wednesday evening.

To reconnect with the American people, I suggest in his State of the Union

Address the President talk first about creating jobs; second, about reining in the national debt; and make terrorism his third subject. Then it would not hurt my feelings one bit if he stopped his speech right there and focused his unwavering attention on jobs, debt and terrorism until he has them all headed in a better direction. After all, in my view, the President struggled in his first year not only because his agenda veered too far to the left but because he took too many big bites out of too many apples and tried to swallow them all at once.

Years ago, I learned that a Governor who throws himself into a single issue with everything he has for as long as it takes can usually wear out everybody else. I think that is true for Presidents, too. In 1952, President Dwight D. Eisenhower said, "I shall go to Korea." Then he focused on that one problem, ended the conflict, and Americans thanked him for it.

I hope President Obama would focus with Eisenhower-like intensity on jobs. In the 1980s, I found the best way to do that was not to try to turn my State, Tennessee, upside-down all at once. We were then the third poorest State in the Union. My goal was raising family incomes. I didn't try to turn it upside-down all at once, but I went step by step—sometimes learning as I went—amending banking laws, defending right-to-work, keeping debt and taxes low, recruiting Japanese industry and then the auto industry, building four-lane highways so the auto suppliers could get to the auto plants, and finally a 10-step "Better Schools" plan which included centers and chairs of excellence for higher education.

In my view, a step-by-step job strategy for the country should include tax cuts, less regulation, certainty so people can make their plans, free trade, a balanced labor climate, good educational opportunities, and clean but cheap energy. Unfortunately, the President has too often proposed higher taxes, more regulation, uncertainty, protectionism, expensive labor policy, higher college tuitions (as Medicare costs are passed on to States), a national energy tax, and new costs for the businesses that we count on to create jobs.

As for debt, Democrats in Congress are trying this week to raise the national debt limit by \$1.9 trillion, an amount that is more than the total Federal budget in 1999. To be sure, President Obama inherited some of this, but he has run up a \$1.5 trillion debt in just one year and it took President Bush 8 years to accumulate a \$2 trillion debt. The solution for a boat sinking because it has a hole in it is not to put more holes in it.

Finally, the President deserves credit for his decisions on Iraq and Afghanistan but bringing terrorists from Guantanamo to Illinois, trying the 9/11 mastermind in New York City, and failing to interrogate the Christmas Eve "underwear bomber" in Detroit shows dan-

gerous confusion about how to deal with terrorists.

When I became Governor, Ned McWherter, then the Democratic house speaker, said, "I want to help because if the Governor succeeds the State succeeds." In the same way, I want President Obama to succeed. The best way for him to do that, I respectfully suggest, is to declare an end to the era of the 2,700-page bills and to work with both political parties, step by step, on jobs, debt, and terrorism to help Washington re-earn the trust of the American people.

I yield the floor.

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

#### CONRAD-GREGG AMENDMENT

Mr. CONRAD. Mr. President, tomorrow we are going to vote on the question of whether we establish a bipartisan debt commission, a commission empowered to come up with a plan, a plan if 14 of the 18 Members would agree, would come to the Senate for a vote.

This story ran recently in Newsweek. This was actually the cover of Newsweek:

How Great Powers Fall; Steep Debt, Slow Growth, and High Spending Kill Empires—And America Could Be Next.

Inside, the story reported:

This is how empires decline. It begins with a debt explosion. It ends with an inexorable reduction in the resources available for the Army, Navy and Air Force. . . . If the United States doesn't come up soon with a credible plan to restore the federal budget to balance over the next five to 10 years, the danger is very real that a debt crisis could lead to a major weakening of American power.

It is not hard to see how that could happen. Since 2000, the debt has exploded. In the previous administration the debt doubled. It has increased again with the economic downturn, and we are now on a course to have a gross debt that will be 114 percent of the gross domestic product of the United States.

That is the short term. We can handle a debt of 114 percent of the gross domestic product. We have done it before. We did it after World War II. Japan has a debt right now of 189 percent of their gross domestic product.

The real challenge confronting America is that, according to the Congressional Budget Office, we are on course to have a debt that will reach 400 percent of our gross domestic product over the next 50 years. Nobody believes that is a sustainable situation—not the head of the Congressional Budget Office, not the head of the Office of Management and Budget, not the former head of the General Accounting Office, not the head of the Federal Reserve, not the Secretary of Treasury—all of them have said a debt of that magnitude poses a systemic threat to the economic security of the United States.

The National Journal, in a recent article, on November 7, 2009, reported this:

Simply put, even alarmists may be underestimating the size of the (debt) problem, how quickly it will become unbearable, and how poorly prepared our political system is to deal with it.

That is not just the view of the National Journal or the view of Newsweek magazine in their cover story piece. This is the considered judgment of some of the budget experts in the country from both the Republican and Democratic side of the aisle.

Alan Greenspan, the former Federal Reserve Chairman, said:

The recommendation of Senators Conrad and Gregg for a bipartisan fiscal task force is an excellent idea. . . . I hope that you succeed.

Douglas Holtz-Eakin, who was the key economic adviser to Senator McCain in the last election said:

I am a reluctant convert. I have always felt that this is Congress' job, and, quite frankly, it ought to just do it. And that attitude has earned me no friends and has gotten us no action. So I've come around to the point where I'm in favor of something that is a special legislative procedure to get this legislation in front of Congress and passed.

Mr. Geithner, the current Secretary of Treasury, said this before the Senate Budget Committee on February 11 of last year:

. . . [I]t is going to require a different approach if we're going to solve the [long-term fiscal imbalance]. . . . It's going to require a fundamental change in approach, because I don't see realistically how we're going to get there through the existing mechanisms.

Mr. Walker, the former head of the General Accounting Office, said:

I think the regular order is dysfunctional as it relates to these types of issues. And it's, quite frankly, understandable, because you're talking about putting together a package that crosses many different jurisdictions. . . . And the idea that that would end up emerging from the regular order I think is just totally unrealistic.

Leon Panetta, former chairman of the House Budget Committee, former Chief of Staff of President Clinton, said:

It'll never happen. The committees of jurisdiction will never take on the kind of challenges that are involved in this kind of effort. . . . If you just leave them under their own jurisdictions, that will never happen.

Senator GREGG, the ranking Republican on the committee, and I came to the same conclusion. Two years ago we started an effort to come up with a process that could assure a vote on a series of recommendations to meet the debt threat. All task force members are directly accountable to the American people. They are all elected Members of the Congress or, in the case of the Secretary of the Treasury, the representative of the administration. There are 18 Members: 10 Democrats—2 from the administration—and 8 Republicans. They are all currently serving Members of Congress selected by Democratic and Republican leaders and the Treasury Secretary and one other administra-

tion official who, I assume, would be the head of the Office of Management and Budget.

The bipartisan fiscal task force has broad coverage. Everything is on the table—spending and revenues. I hear some on the left saying spending should not be considered and some on the right saying revenues should not be considered. Both have to be considered. I do not know what could be more clear.

The green line shows revenues as a share of GDP since 1950. That is over the last 60 years. Revenue, the last 2 years, is the lowest it has been in 60 years. Let me repeat that: Revenue as a share of the gross domestic product is the lowest it has been in 60 years—a precipitous decline in revenue.

Look at expenditures. Expenditures are the highest they have been as a share of the gross domestic product in 60 years.

Whoever says: "Well, you did not include revenue" or "you did not include spending," well, guess what, if you did not deal with spending and did not deal with revenue, you did not deal with the problem. Let's get serious. Let's get honest with the American people.

The current status of Social Security and Medicare trust funds are as follows: Social Security will be permanently cash negative in 2016. It is already cash negative today. Let me repeat that. Social Security is cash negative today. It will be permanently cash negative in 2016. That is 6 years away. It will be completely insolvent in 2037.

Medicare went cash negative in 2008. It will be insolvent, according to the trustees, in 8 years. Anybody who says we do not have to do anything, we can just keep on doing what we are doing, has their head in the sand. Social Security and Medicare are both cash negative today. They are both headed for insolvency. Those who say we do not have to do anything, they are guaranteeing a disaster. Some say: Well, the health care reform bill shows we can do this through the regular order. No, that is not what it showed. It shows the opposite. It shows we will not do this through the regular order because here is the long-term debt trajectory we are on. While the bill that passed the Senate will help a little bit, it is only a little bit. It does not fundamentally change the trajectory we are on. That is the reality. That is the fact.

A bipartisan fiscal task force promises an expedited process, with recommendations to be submitted after the 2010 election, with fast-track consideration in the Senate and the House, no amendments, with a final vote before the 111th Congress adjourns and a requirement, before you ever get to that point, of a supermajority necessary of the 18 members to even report a plan.

It would require 14 of the 18 members to even report a plan. If the plan is reported, then it takes 60 votes in the Senate, it takes 60 percent of the House of Representatives, and the President

reserves and preserves his ability to veto. So anybody who says this is somehow unconstitutional, it is fully constitutional. Anybody who says we are farming out the responsibility to come up with a plan, that is what we always do. We always have committees come up with plans that then come to a vote of the Congress.

If you look at fiscal crises, such as the one we are in today and the one that is rapidly approaching that will be far more serious than the one we are in today, we have always had a special process, whether it was Andrews Air Force Base in the 1990s or whether it was the Greenspan Commission in the 1980s. We have repeatedly, when we faced a fiscal crisis, resorted to a special procedure.

The Bipartisan Fiscal Task Force, as I have indicated, requires a bipartisan outcome: 14 of the 18 task force members must agree to the recommendations. The final passage requires supermajorities in both the Senate and the House.

This weekend, the President endorsed this, the plan we will vote on tomorrow. This weekend, the President released this statement.

The serious fiscal situation that our country faces reflects not only the severe economic downturn we inherited, but also years of failing to pay for new policies, including a new entitlement program and large tax cuts that most benefited the well-off and well-connected. The result was that the surpluses projected at the beginning of the last administration were transformed into trillions of dollars in deficits that threaten future job creation and economic growth.

These deficits did not happen overnight and they won't be solved overnight. We not only need to change how we pay for policies, but we also need to change how Washington works. The only way to solve our long-term fiscal challenge is to solve it together, Democrats and Republicans.

That's why I [the President] strongly support legislation currently under consideration to create a bipartisan, fiscal commission to come up with a set of solutions to tackle our nation's fiscal challenges, and call on Senators from both parties to vote for the creation of a statutory, bipartisan fiscal commission.

With tough choices made together, a commitment to pay for what we spend, and responsible stewardship of our economy, we will be able to lay the foundation for sustainable job creation and economic growth while restoring fiscal sustainability to our nation.

The President got it right. He is also representing the views of the American people. When asked: Would you favor or oppose creating a bipartisan commission as a way of reviewing and addressing our Federal budget problems, 70 percent of the American people said they would. Twenty-five percent were in opposition. Five percent were not certain.

This is a poll taken by Peter D. Hart Research, a well-known pollster, a well-regarded pollster, taken November 16 to November 18 of 2009. There is no doubt in my mind that if this poll were taken today, these numbers would be even stronger with respect to the need for a bipartisan fiscal commission.

Let me close, in the time remaining to me, to thank my colleague, Senator GREGG, the ranking Republican on the committee. We have a group of cosponsors for this bill, about 30 in number, about equally divided between Republicans and Democrats.

Senator GREGG and I have not always agreed on every fiscal issue, and we have debated those issues sometimes in a way that is animated, full of energy. But this is one place we are in absolute agreement. I have served here now 23 years. I am absolutely persuaded that if we do not adopt a special procedure such as the one we have proposed, the chances of facing up to this debt threat in a timely way is remote.

This is our chance. Tomorrow will be a defining vote. Are we going to take on this question of the looming debt, the threat it imposes to the economic security of the country? Let me be quick to say, that does not mean I believe we should raise taxes or cut spending in the midst of an economic downturn. That would be unwise. But it would also be unwise, once recovery has presented itself and is firmly rooted, for us to fail to face up to the greatest economic threat this country faces, a runaway debt, one increasingly financed from abroad.

Last year, a substantial portion of our new debt was financed by foreign entities: China, Japan, the oil-exporting nations. They have told us, publicly and privately, we are on an unsustainable course and they will not long continue to extend trillions of dollars of credit to us, absent our taking action. The warning is clear. The time is now. I urge my colleagues to support our effort tomorrow.

I wish to, again, thank my colleague, Senator GREGG, the ranking Republican on the committee, for his leadership in this matter. He has spent 2 years on this effort. We could not have a better partner.

I yield the floor.

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

MR. GREGG. Mr. President, first, let me congratulate the Senator from North Dakota. First, he was a "voice in the wilderness," as we say in New Hampshire. That is the motto of one of our colleges. Then he moved from being in the wilderness to being on the side of the wilderness, and people were starting to listen. Now he has become the clarion call.

The simple fact is, his statement, which summarized it all, presents the problem as it is. The debt is the threat. He, in his statement he just made, outlined the implications of the debt. You cannot deny it. It is there. It is coming. It exists. It is being added to. The numbers simply cannot be ignored any longer. We are, as a nation, on a path where, if we continue to spend and run deficits as we have and as are projected, our Nation will not be able to maintain its standard of living. We will not be able to finance our debt. The

value of our currency will come under acute threat.

The burden of taxes to pay for the cost of government will overwhelm the ability of people to live productive lifestyles. Inevitably—and this is not hyperbole, unfortunately—inevitably, we as a nation will go into insolvency of some form. Either we will have to inflate our economy radically or we will have to bear a burden that simply stifles the capacity of our children to have a high quality of life because of the cost of the government and the cost of the debt.

The Senator from North Dakota has cited the figures. We go to a public debt that is 100 percent of gross national product within the next budget window cycle. We crossed the 60-percent threshold, which is the tipping point, where, similar to a dog, we have trouble catching our tail because we have so much debt on the books, potentially, this year but certainly by next year.

These numbers are staggering. They are hard to understand—trillions and trillions of dollars in debt. As the Senator from North Dakota has also pointed out, the debt is owned not by Americans but by foreign nations. Today, China owns almost \$1 trillion of our debt. Oil-exporting nations own, as a group, almost \$1 trillion of our debt. We are shipping overseas the dollars which we should be reinvesting in the United States to create a more productive and vibrant economy and a better lifestyle for our Nation.

By the year 2017 or 2018, the interest on the debt alone will exceed every other account in the Federal Government. It will be approximately \$900 billion a year, almost \$1 trillion a year, more than what we spend on national defense, massively more than what we spend on education, on building roads, on doing the things a government is supposed to do.

Where does that interest go? It does not stay in the United States to benefit America and make us a stronger nation. It is going to go to countries such as China—not that I have anything against China—countries that have bought our debt.

So we are on an intolerable path, a path of unsustainability, a path which leads us down the road to a nation which is less prosperous and has a lower standard of living than what we received from our parents. That is simply not acceptable. So how do we address this? Well, for years we have said: Let's do it by regular order. Let's come up with ideas and run them through the committee process, run them up the political flagpole, let the community of interest that wants to speak out on issues speak out on it. Then we will evolve solutions that work on these very difficult problems.

Most of the issue, by the way, is driven by the cost of the entitlement programs and, for years, nothing has happened. Nothing has happened. There is a reason for that. Our political system

is inherently prejudiced against doing substantive activity on issues as big as entitlement reform. We have a system where, whenever anybody puts a policy on the table, a substantive, thoughtful policy or even a policy that is not thoughtful, as a presentation of the way you should address the cost and the burden of our government, it is immediately attacked either from the left or from the right.

They almost never even make it to the starting line. We have instance after instance of seeing this. So Senator CONRAD and I decided you cannot do this by putting policy on the table. There are too many interest groups in this town that make their living off poisoning the will either from the right or the left because that is how they generate their income. They send out these letters to their constituent groups. If it is a Social Security group, they send it out in a Social Security-type envelope and say: if you do not send this money soon, tomorrow, somebody is going to ruin Social Security for you or, if they are a tax group, they send out the same type of letter that looks similar to an IRS form letter: If you do not send this money tomorrow, your taxes are going to go up radically.

So as a very practical matter, nothing ever gets past the starting line around here. Regular order does not, has not, and will not work on those issues.

We decided, rather than using that process, which we know leads nowhere, let's set up a process that does lead somewhere. We came up with what is basically, to thumbnail it, a procedure which is totally and absolutely bipartisan and fair, where neither side may game the other, which leads to a policy position, which then leads to a vote on that policy. That is the task force we have. The key components are that it is totally and absolutely bipartisan. Neither side can game the other. It takes 14 of 18 people to report out the proposals. They don't have to be proposals for everything, but the proposals that are agreed to have to have a supermajority; that is, 78 percent of the people on this task force have to vote for it. Since the membership of this task force is appointed by the leadership of the two parties, a majority of the party membership of both parties on this task force has to vote for the final proposal.

One presumes that whoever goes on this task force, if chosen by the leaders of their party in the Senate, whether Senator REID or Senator MCCONNELL, or leaders of the party in the House, Ms. PELOSI or Mr. BOEHNER, is going to reflect fairly aggressively the viewpoints and the philosophies of the different parts. It will be a bipartisan report or it won't be a report at all. Then it comes to the Congress, and it has to be voted up or down on a supermajority vote. Once again, it basically moots the ability to game it. One side can't game the other. The proposal must be bipartisan and fair.



Why did we choose that path? Because the American people have shown very definitively that they will not accept proposals in these very big areas, especially Social Security and Medicare, that are not reached on a bipartisan agreement. They want fairness. They want to make sure nobody is gaming anybody around here. That is why we have these supermajorities. Then, it is on fast track, so the proposal has to be voted up or down and it cannot be amended. Why is that? Because, as we all know around here, amendments are for hiding in the corners. Amendments are offered not for the purposes of accomplishing anything but for the purposes of giving political cover. In fact, we are going to see a couple of amendments just like that on this issue, one from our side and one from the other side, so that people will have political cover if they vote against this task force approach.

The simple fact is, if you really want to do something here, you have to have an up-or-down vote on a fast track, and everything has to be on the table, all entitlement and tax reform issues. Why is that? Because this has to be bipartisan. It is that simple. I would be happy to have a commission that focused only on spending reductions or adjustments to Medicaid and Medicare and Social Security programs, but there isn't anybody on that side of the aisle who will agree to that. They would be happy to have a proposal that addresses tax reform, such as has been proposed on occasion by the Senator from North Dakota, which is to try to collect the \$300 billion of taxes owed and not paid every year. Nobody on this side is going to accept that. Everything has to be on the table. The key to protecting both sides' interests in this exercise, so that Social Security isn't treated inappropriately and so the tax increases aren't done inappropriately, if there are tax increases, is to make sure that the product has to be bipartisan and it has to be reported on supermajorities, which this does. That issue is addressed.

We are here again. I don't know that we will get the 60 votes needed to pass this. It has obviously been attacked from the right and from the left, which usually means you are on a pretty good course. Regrettably, the President put out his Executive order proposal which I think undermined it, but then he has come to support it. But it may be a little late to the dinner here. On our side of the aisle, some of our major interest groups have come out against it.

I know this much: We are getting to the point where we don't have too many alternatives around here. If we don't do something like this fairly soon, I genuinely believe that somewhere between 5 to 10 years from now, probably between 7 and 10 years, we as a nation will find it very hard to sell our debt. Countries will look at us and say: You cannot sustain your situation. You have run up a debt that you cannot pay back, and I am not going to

lend you money or, if they do, it will be at a very high price. At that point, the options for us will be very few. They will all be horrific options for our children because they will all lead to a lower standard of living for us as a nation. They will all make our country less competitive in the world economically, competition which is very aggressive and totally global now.

We can wait. We can punt this thing one more time, as we have done year-in and year-out. We can say there is not a problem out there or if there is a problem, if you don't address it the way we want to on our side or the way you want to on your side, then we won't vote for it. In the end, we will not have been responsible as people who have been given the mantle of government. We will not be fulfilling our responsibility to govern. Instead, the postwar baby-boom generation will be the first generation in history to pass on to our children a country with less prosperity than we received from our parents. That will not be a very good testament to our responsibility as people in charge of governance.

This is a chance. This is the closest we have ever gotten to this opportunity. I don't believe we will get this close again at any time in the future. We can either take it or we can allow it to pass. I have often said that Congresses are good at handling the next election but they are terrible at handling the next generation. Unfortunately, for years this issue used to be over the horizon. It is not any longer. It is not only on the horizon, it is closing fast. The red flags are everywhere. We have even seen Moody's, the rating agency, put the United States in a special category with England, not on a watch list, but they have given us a new definition compared to the rest of the industrialized countries. There is no question but the clock is ticking and the hour is late. If we don't proceed to action that leads to actual activity, that leads to actual policy, in my opinion we will not be fulfilling our responsibility as people who are elected to govern and to pass on to the next generation a stronger America rather than a weaker one.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

#### THE ECONOMY

Mr. KYL. Mr. President, it is time for the people of the U.S. Congress to be sure we are listening to what our constituents, the American people, are telling us. If it was unclear before, the Massachusetts Senate race should put to rest any doubts about what is really frustrating Americans. Americans have had it with the soaring level of spending and debt. They know that enormous spending and skyrocketing deficits take a bite out of the economy, dragging down our gross domestic product, our standard of living, and making investors and job creators very

nervous. They are concerned about the unfathomable amounts of money now being spent.

For the first year of the Obama administration, the numbers are eye-popping. Consider, one, a wasteful \$1.2 trillion stimulus that was a failure, according to the administration's own yardstick; two, a \$410 billion omnibus Federal spending bill that increased nondefense spending by 10 percent; three, a \$2.5 trillion government takeover of health care that this Senate passed on Christmas Eve. Hopefully, this will never actually become law. We have had two huge increases in the debt ceiling, with a third being debated now, and a massive budget that doubles the deficit in 5 years and triples it in 10. It is not necessary. It is not inevitable. We can and should prevent it. Remember, we have to borrow most of this money. Americans are very concerned about the amount of money we are borrowing from other nations such as China to help finance the exploding debt.

The administration and its defenders are still blaming President Bush for out-of-control deficits and debt, even though the other party has been in control of the Congress now for 3 years and the President has been out of office for over a year. Here are some important facts. President Bush's deficits ran an average of 3.2 percent of GDP, while President Obama's spending plans call for deficits that will average 4.2 percent of GDP over the next decade—in other words, an entire percentage point higher. From the day President Obama took office until the last day of fiscal year 2010, debt held by the public will grow by \$2.3 trillion, according to the Office of Management and Budget. You can't blame that on President Bush. President Bush added less than that—about \$3 trillion—to the debt during the entire 8 years he was in office. So in just 20 months, President Obama will add as much debt as President Bush ran up in 8 years.

This administration needs to take responsibility for its actions, start listening to what Americans are saying, and stop talking about the mess they inherited. Americans want Congress and the administration to stop their grand spending plans and focus on what is really needed for an economic recovery.

December saw another 85,000 jobs lost. Unemployment has not gone down; it is holding steady at about 10 percent. In my State, it is over 11 percent.

Mort Zuckerman wrote Friday in the Wall Street Journal:

The problem in the job market going forward is not so much layoffs in the private sector, which are abating, but a lack of hiring.

That brings me to concerns over tax policy. Americans look ahead and they see new taxes on the horizon. Unless Congress takes action this year, taxes are set to go up by \$2 trillion over the next decade, starting in 2011. The child

tax credit would be cut in half. Marginal tax rates will go up. Dividends and capital gains taxes will increase. It is no wonder that businesses are timid about hiring and investing and consumers are more cautious than ever about their own spending. Even if economists say we are technically out of the recession, dollars have not begun to flow because people and businesses are uncertain about what their burden will be in the coming years. They are very nervous that it will be higher.

We can eliminate some of that uncertainty and instill some much needed confidence in the economy by extending current tax law. Again, unless Congress acts, taxes will increase automatically. If the President is looking for a job stimulator, I suggest this is where to start. If he were to announce on Wednesday night that he is calling on Congress to keep taxes right where they are—in fact, if we can cut them in some areas, that would be even better—I think he would see businesses react immediately and positively to the news. But instead of increasing taxes, we need, as Zuckerman says, to draw up credible plans to bring down bloated deficits without triggering another downturn.

Let's keep something in mind about the American people: They know you can't spend what you don't have. The message this Congress and the administration have been sending to Americans is that even though they are bound by limits, Washington is not. As I said, it is time to start listening to our constituents and then act on their instructions. Stop spending, keep taxes where they are, reduce them where we can, and stop running up deficits.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

#### CONRAD-GREGG AMENDMENT

Mr. BAUCUS. Mr. President, Dr. Laurence Peter, the educator who came up with the Peter Principle, once said:

Democracy is a process by which the people are free to choose the [person] who will get the blame.

In a democracy, that is the people's right. In a democracy, the people elect us to represent them. And in a democracy, the people elect us to be accountable.

But the chairman and ranking Republican member of the Budget Committee have come up with a process to shift the blame. They have come up with a process for Congress to punt our accountability away. They have come up with a process to outsource Congress's central fiscal responsibilities to a new budget commission.

I can see that a commission may be attractive to some. It is the easy way out. Senators can blame everything on the commission. Senators can say: The commission made me do it.

But we should not shirk our responsibility. Rather, we should do the job our constituents sent us here to do. We al-

ready have a process for doing so. It is called the budget process.

The chairman and ranking Republican member of the Budget Committee have proposed a new budget process. No one has shown greater zeal in taking on the budget deficit than the chairman and ranking Republican member of the Budget Committee. I commend them for their good intentions. But we should reject their new process—not their intentions but their new process.

Senators CONRAD and GREGG have said: Everything needs to be on the table, including spending and revenues. But why stop there? If Congress is going to outsource its central fiscal responsibilities, why stop there? Why not cede to this commission all of our responsibilities? Why don't we outsource all of this year's work and then adjourn for the year?

Come to think of it, if we do cede all of our powers to this commission, what is to stop them from inserting anything and everything they choose into the commission's one, nonamendable, omnibus vehicle? They can insert anything they want—anything.

That is the catch with this commission. If we were to cede all of our responsibilities to this commission, and we were to tie our hands so we could not amend its recommendations, then we would risk setting in motion some truly terrible policy.

Under the proposed fast-track procedures, we would not be able to amend the proposal. But what if we did not like the committee's recommendations? We would not be able to replace the commission's recommendations with our own.

It is clear from the statements of Senators CONRAD and GREGG that they have painted a big red target on Social Security and Medicare. That is what this commission is all about. It is a threat to Social Security and Medicare.

That is why the first amendment this Senator offered is to protect Social Security. Senators CONRAD and GREGG have proposed a system that will not allow Senators to offer amendments to protect Social Security later, after the commission has come up with its recommendations. That is why we have to vote to protect Social Security now, while we still can offer amendments.

We already have a process to address the budget. It is called the congressional budget process. Anytime we wanted to, we could use the budget process to address the budget deficit. Since the creation of the budget process, it has been the process that Congress has usually used to address fiscal challenges.

The chairman and ranking Republican member of the Budget Committee should skip the commission. They should go straight to their recommendation. They should bring it up in their committee. That is exactly why Congress created the Budget Committee, the budget resolution, and the reconciliation bill in the first place. That was the purpose.

We do not need a commission to do our work. We do not need a new process to shift the blame. Rather, to address our fiscal challenges, let us get to work on it now. Let us do the job the people sent us here to do. Let us reject this commission.

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

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

Mr. REID. Mr. President, what is the pending business?

#### CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

#### INCREASING THE STATUTORY LIMIT ON THE PUBLIC DEBT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.J. Res. 45, which the clerk will report.

The assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 45) increasing the statutory limit on the public debt.

Pending:

Baucus (for Reid) amendment No. 3299, in the nature of a substitute.

Baucus amendment No. 3300 (to amendment No. 3299), to protect Social Security.

Conrad/Gregg amendment No. 3302 (to amendment No. 3299), to establish a Bipartisan Task Force for Responsible Fiscal Action, to assure the long-term fiscal stability and economic security of the Federal Government of the United States, and to expand future prosperity and growth for all Americans.

Reid amendment No. 3305 (to amendment No. 3299), to reimpose statutory pay-as-you-go.

AMENDMENT NO. 3305 TO AMENDMENT NO. 3299

Mr. REID. Mr. President, is amendment No. 3305 the pending amendment?

The ACTING PRESIDENT pro tempore. It is.

#### CLOTURE MOTION

Mr. REID. I have a cloture motion at the desk with respect to that amendment.

The ACTING PRESIDENT pro tempore. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the Reid amendment No. 3305 to the Baucus for Reid substitute amendment No. 3299 to H.J. Res. 45, a joint resolution increasing the statutory limit on the public debt.



Harry Reid, Max Baucus, Patrick J. Leahy, Christopher J. Dodd, Edward E. Kaufman, Mark R. Warner, Paul G. Kirk, Jr., Tom Udall, Daniel K. Inouye, Jeff Merkley, Robert Menendez, Byron L. Dorgan, Jack Reed, Debbie Stabenow, Tom Harkin, Roland W. Burris, John D. Rockefeller IV, Richard Durbin.

#### CLOTURE MOTION

Mr. REID. Mr. President, I have a cloture motion on the substitute amendment at the desk.

The ACTING PRESIDENT pro tempore. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the Baucus for Reid substitute amendment No. 3299 to H.J. Res. 45, a joint resolution increasing the statutory limit on the public debt.

Harry Reid, Max Baucus, Patrick J. Leahy, Edward E. Kaufman, Paul G. Kirk, Jr., Tom Udall, Daniel K. Inouye, Jeff Merkley, Robert Menendez, Byron L. Dorgan, Jack Reed, Debbie Stabenow, Tom Harkin, Roland W. Burris, John D. Rockefeller IV, Christopher J. Dodd, Charles E. Schumer, Richard Durbin.

#### CLOTURE MOTION

Mr. REID. Mr. President, I have a cloture motion on the joint resolution, which is at the desk.

The ACTING PRESIDENT pro tempore. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on H.J. Res. 45, a joint resolution increasing the statutory limit on the public debt.

Harry Reid, Max Baucus, Christopher J. Dodd, Patrick J. Leahy, Edward E. Kaufman, Paul G. Kirk, Jr., Tom Udall, Daniel K. Inouye, Jeff Merkley, Robert Menendez, Byron L. Dorgan, Jack Reed, Debbie Stabenow, Tom Harkin, Roland W. Burris, John D. Rockefeller IV, Charles E. Schumer, Richard Durbin.

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

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

The Senator from Montana.

Mr. BAUCUS. Mr. President, today is the Senate's fourth day of consideration of the joint resolution to increase the debt limit. I remind my colleagues this is the legislation that allows the government to honor its commitments to pay its bills.

Four amendments remain pending: The substitute amendment raising the amount of the debt limit; this Senator's amendment to protect Social Se-

curity; the Conrad-Gregg amendment to create a fast-track process to consider the budget commission's recommendations; and the majority leader's amendment reinstituting the statutory pay-as-you-go budget law. Up to seven other amendments remain in order to the joint resolution.

The Senator from Alaska has the right to offer an amendment on the Environmental Protection Agency's endangerment finding. We expect she will seek to address this matter through a freestanding resolution of disapproval rather than an amendment.

The remaining six amendments in order are a Coburn amendment proposing a package of rescissions; a Sessions amendment creating caps on appropriated spending; an amendment by the Republican leader's designee relevant to any on the list; an amendment by the majority leader relevant to any on the list; and two amendments by this Senator regarding the budget commission.

Under the previous order, every amendment to this joint resolution will be subject to a 60-vote threshold. The Senate will not, however, conduct any rollcall votes on the debt limit today. We are hopeful Senators with amendments on the list will offer some of those amendments today.

Under the previous order, at 5:30 this afternoon, the Senate will return to the nomination of Rosanna Peterson to be district judge for the Eastern District of Washington. At 6 o'clock this evening the Senate will conduct a rollcall vote on the confirmation of the Peterson nomination.

Under the previous order, at 11:30 tomorrow morning, the Senate will proceed to a vote in relation to the following two amendments to the debt limit: First, this Senator's amendment to protect Social Security; and second, the Conrad-Gregg amendment to create a fast-track process to consider a budget commission's recommendations.

So the Senate is open for business this afternoon for Senators to offer their amendments. We will work toward developing an agreement for the offering of all amendments by a time certain, perhaps as soon as tomorrow, and we hope to conclude action on this measure as soon as possible thereafter.

I thank all Senators.

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

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

#### BERNANKE NOMINATION

Mr. DORGAN. Mr. President, this weekend there was some discussion and writing in the papers and elsewhere in journals about the nomination of Mr.

Bernanke, the Chairman of the Federal Reserve Board, for another term as chair on that Board. The Washington Post had an editorial entitled "Scapegoat at the Fed." I don't normally come to the floor of the Senate to respond to the Washington Post editorials, but I do wish to respond to a portion of this editorial, and then in a broader way describe why I think this is an important moment for the Senate.

"Scapegoat at the Fed." The editorial begins:

There are many ways to interpret the election results in Massachusetts last week . . . But one thing Massachusetts did not represent was a mandate to make a national scapegoat out of Ben Bernanke, the Federal Reserve Board chairman.

Yet two Democratic Senators seeking reelection in November . . . plus another planning to retire . . . appear to read it that way. They took the occasion of last week's political upheaval to announce their opposition to another four-year term for Mr. Bernanke, whose current one expires January 31. These senators' attempt to burnish their populist credentials by making Mr. Bernanke the fall guy for all the sins, real and perceived, of Wall Street fuels the right-left anti-Fed chorus in Congress that has already produced troubling attempts to subject the Fed to intrusive and counterproductive audits of its monetary policy.

Well, that is a partial recitation of the editorial.

I can just condense the editorial by saying the editorial board at the Washington Post, as is always the case, has taken the position that if anybody wants to know anything about what the Federal Reserve Board is doing, it is none of their business. It is none of Congress's business; it is none of the American people's business. Stay out of it. Keep your nose out of the Federal Reserve Board. That is kind of the position of the Washington Post.

It is not since the Massachusetts election, however, that I have expressed reservations about the Federal Reserve Board. In fact, on six occasions I have given speeches on the floor of the Senate just since December 10, 2008. That day, plus on five additional occasions, I came to the floor to talk about the issues that persuaded me to say, as I did last week, that I don't even believe we should vote on Mr. Bernanke's nomination until he has decided to provide the Senate and the American people with information that he is now withholding. Let me describe what that is.

This is a Bloomberg report. It says:

The U.S. has lent, spent, or guaranteed \$11.6 trillion to bolster banks and to fight the longest recession in 70 years.

I have not come to the floor of the Senate critical of the Fed's policies by which they have lent, spent, or guaranteed \$11.6 trillion; although it is fair to say the \$11.6 trillion is not theirs. That represents the risks of the American people. That is the full faith and credit of this great country of ours.

The Federal Reserve Board has taken a number of actions to try to address this economic crisis. However, I would

suggest this economic crisis was caused, at least in significant part, by the malfeasance of the Federal Reserve Board and its previous Chairman, and, in some respects, this Chairman, who were content to take a long slumber, a very long nap, while the predatory lending was going on, the housing bubble was growing, and a massive amount of bad securities were finding their way—along with the payment of a lot of generous bonuses and fees—into the financial background of a lot of financial institutions in this country.

It says:

The Federal last year began extending credit directly to companies that aren't banks for the first time since it was created in 1913 . . . it has refused to divulge the details about the companies participating in the 10 lending programs.

For the first time in the history of this country, during this response to the economic crisis, the Federal Reserve Board did this, which previously has only lent money directly to FDIC-insured commercial banks. That is the only group of interests that can come to the Fed and get direct money from them. For the first time in history, the Fed said, during this crisis, we will open that window to allow investment banks to come and get money directly from us.

So I began coming to the floor of the Senate, and I didn't come criticizing the Fed at that point because I don't know if what they did was necessary, but they did it. I wasn't critical. We were in the middle of a crisis. Then I began coming to the floor and saying: All right. Now that we have some amount of stability, let's at least make certain the Federal Reserve Board tells the American people who got the money, who ended up with the money, and what were the terms of its being made available to these investment banks.

Well, a Federal court, as a result of a FOIA request and a lawsuit said this, and it was reported in Bloomberg:

The Federal Reserve must, for the first time, identify the companies in its emergency lending programs after losing a Freedom of Information Act lawsuit.

The judge said the central bank improperly withheld agency records. He said you have to disclose who got the money.

The Federal Reserve Board said we are going to appeal the judge's ruling. We don't intend to comply with that. We are going to appeal it and get a stay. The Federal Reserve is refusing to identify the recipients of almost \$2 trillion in emergency loans from the American taxpayers or the troubled assets the central bank is accepting as collateral.

The Federal court says you have to do it, and they appealed the court ruling and got a stay and they are saying we don't intend to do it. In the meantime, I and Senator GRASSLEY authored a letter with eight of our colleagues to the Federal Reserve Board last July and said: We want you to disclose to the Congress and the American people who got the money and how much and what the terms were.

We got a letter back from the Federal Reserve Board, dated September 16. It has a lot of paragraphs in it, but you can summarize it this way: No.

It is interesting to me that the Chairman of the Federal Reserve Board has said: We believe one of the hallmarks of what we are doing is transparency. I don't understand, if transparency means you are going to disclose things and give people the opportunity to understand what happened, why is there no transparency? Even after a Federal court said you improperly withheld records, even after Members of the Senate said make this information available, even after the American people said we deserve to know who got our money, the Federal Reserve Board said: We don't intend to tell you a thing.

There are a couple trillion dollars out there that the Fed has made available. It was a risk to the American taxpayer, and \$2 trillion is not a small amount; it is a very large amount. The Fed said: That is our business, not yours. That is the business of the Federal Reserve Board. We, in effect, have a right to operate in secret and we intend to continue to do that.

My problem with Mr. Bernanke—as I have said last week, I don't think his nomination should be voted on in the Senate until and unless he discloses to us and the American people the details about this \$2 trillion and who got it. What were the terms? We now see some of the investment banks reporting the largest profits in their history, and they are preparing now to provide bonuses, we are told, of \$120 billion to \$140 billion. These are firms, by the way, that would no longer exist were it not for the Federal Government. These are firms perched on the edge of a financial cliff, ready to go under, except for the guarantee of the Federal Government in all kinds of ways. Of course, they are the first to get well. No, it is not a company back on Main Street, not a company back in my hometown. The first to get well in this new economy are the investment banks.

Did they get well because they were able to get a couple trillion dollars from the Federal Reserve Board, probably at zero interest rate—I don't know—and invest back into Treasury securities and get paid interest on it? Were they arbitraging money? I don't know. I think we ought to know. We have a right to know.

Mr. President, the issue, from my standpoint especially, is, we have a right to know, and the chairman of the Federal Reserve Board has a responsibility to tell us and the American people. I noticed last weekend, when these writers, including editorial writers and others, were having an apoplectic seizure over this issue: Oh, My God, somebody might vote against Bernanke. Then they say: You know what. More than that being what they call Fed bashing—it is not—it is also the case that this Congress is thinking of tight-

ening the rules on financial regulations to prevent those who were doing what they did to create this crisis from ever doing it again. Shame on them. That is antibusiness.

Isn't it interesting how this has morphed into a situation where, if we want to close the gate and create rules that prevent the kind of nonsense that happened from ever happening again, which drove this country into the ditch, somehow that is antibusiness. I don't think so. I think what is antibusiness is this notion of Alan Greenspan—and I will put up his quote—came to Congress after the fact, after the collapse, and he said:

I made a mistake in presuming that the self-interests of organizations, specifically banks and others, were best capable of protecting their own shareholders and their own equity in the firms.

His point was, we don't need to regulate or oversee anything. Self-regulation will work best. They will be fine. Leave them alone and they will come home. What an unbelievable, tragic mistake by the Chairman of the Federal Reserve Board.

I made a mistake in presuming that the self-interests . . . were best capable—

It is a suggestion that somehow capitalism works and you don't need any regulatory oversight at all because the free market is best left to its own devices. The free market is the best allocator of goods and services I know of by far, and I support the free market. I also understand that, such as in any other area of competition, you need a referee, somebody with a striped shirt who blows the whistle when there is a foul. There are plenty of fouls in the free market system. That is why you need a referee. You need regulation. That is not a 4-letter word. It is called regulation. You need effective regulation to make sure the free market system works the way it was supposed to work.

There are a lot of interests in this free market system that want to clog the arteries of the free market and cause some sort of substantial problem in the free market, as long as it exists in their self-interests to do so. There are plenty of interests wanting to do it. That is why effective regulation is important. I am not talking about overregulation or underregulation; I am talking about effective regulation that is anticipated and which, for about 8 years, took a vacation by the hiring of regulators who actually boasted they were going to be willfully blind and say: You all do what you want to do in this system because we will not look.

I brought, again—and I know it is repeating—some of the things nobody looked at. The biggest mortgage company in the country that helped set up the subprime scandal that fed itself into the balance sheets of banks—commercial banks and investment banks—and caused a massive collapse and about \$15 trillion of lost value to the American people. We all have seen Countrywide's advertisements:

Do you have less than perfect credit? Do you have late mortgage payments? Have you been denied by other lenders? Call us. . . .

That is unbelievable. You may think: How on Earth can that be a business model? They were advertising to say: Are you a bad credit risk? We want to do business with you. If you have missed payments or been bankrupt, come see us.

This is Zoom Credit. Here is their advertisement. We saw these on television and heard them on the radio and saw them in newspapers. We thought: How did this work? They said this:

Credit approval is just seconds away. Get on the fast track at Zoom Credit. At the speed of light, Zoom Credit will preapprove you for a car loan, a home loan, or a credit card. Even if your credit's in the tank. Zoom Credit's like money in the bank. Zoom Credit specializes in credit repair and debt consolidation, too. Bankruptcy, slow credit, no credit—who cares?

Can you imagine that? This is an advertisement from a mortgage company saying if you have been bankrupt or have slow or no credit, who cares.

Finally, this is Millennia Mortgage:

12 months, no mortgage payment. That's right. We will give you the money to make your first 12 payments if you call within the next 2 days. We pay it for you. Our loan program may reduce your current monthly payments by 50 percent and allow you no payments for the first 12 months.

We saw all these things as they were creating the rot at the bottom of this system from which the house of cards collapsed. By the way, all this put mortgages out there in the country and the result was those mortgages were wrapped into securities and those securities were then sold from mortgage companies to hedge funds and investment banks, selling the risk north so they didn't have the risk anymore. There is no underwriting at the bottom because you don't have to underwrite if you sell the risk ahead.

Then we saw the spectacle of very large commercial banks with their financial belly loaded with this rot—CDOs, credit default swaps, you name it. There were securities rated AAA that were worthless. Then we all stood around scratching our heads wondering: How did this happen? It was unbelievable, unprecedented greed. A lot of people at the top made massive amounts of money. The guy who ran Countrywide got away with about \$200 million, I believe. That is now under investigation. A lot of them got away with a lot of money. Then this country and the American people got stuck with about a \$15 trillion bill and an economy that has been limping ever since.

One asks the questions: Is it Fed bashing? Is it antibusiness? Is it Fed bashing to say the Fed owes the American people information about who got the \$2 trillion and what the terms were? Is it antibusiness for those of us who are trying to put together rules and regulations that say this cannot happen again, we will not allow that?

I wish to close with one additional quote. This one is from me. It was al-

most 10½ years ago on the floor of the Senate when we passed legislation at the request of all those big financial institutions, the investment banks, you name it. They wanted to strip away protections that were put into place after the Great Depression, saying it was old-fashioned; let's compete with the Japanese and Asians and others in commercial finance—one-stop financial service centers, create big holding companies and put it together, commercial and investment and securities, all in one big tub and put up firewalls and we guarantee you will never be hurt and we will be able to better compete.

On the floor of the Senate I said this:

This bill will, in my judgment, raise the likelihood of future massive taxpayer bailouts. It will fuel the consolidation and mergers in the banking and financial services industry at the expense of customers and others.

It certainly did that. For those of us who decide: You know what, let's begin to put some of these pieces back together, let's begin to provide some protection for this country's economy, let's get rid of this orgy of speculation, that unbelievable greed, this bubble of incompetence of people who were supposed to be regulating but didn't—yes, that includes the Federal Reserve Board. Let's do this right and put it back together. That is not antibusiness; that is probusiness. The businesspeople in this country who go to work in the morning and put a key in the door and open are going to work all day, risking everything they have. They want an economy that is working, not in collapse but one that is providing opportunity. That certainly cannot happen, and it doesn't happen, when you allow this kind of unbelievable speculation and the rancid behavior and the things that happened at the bottom with the predatory lending and exotic things such as CDOs and credit default swaps, so complicated that those on both ends of them, in many cases, didn't understand them. Will Rogers once described, a long time ago, people who bought things they will never get from people who never had them and both smiled because both made money.

That is the sort of thing that was going on in this country, and that does not work. The real economic health and the real wealth of this country is what we produce, not trading paper and especially not trading paper as a matter of speculation to try to build the bubbles we saw in the last decade or so.

We have a lot to do to fix what is wrong. I say to those who wrote the Washington Post editorial, the smallest amount of effort could have avoided that mistake in terms of the six speeches I have given on the floor of the Senate on this subject. This is not a revelation since the Massachusetts election. I have been coming to the Senate floor for a long time to talk about these problems.

Let me finally say, I think as we move from here to the issue of finan-

cial reform, aside from the Bernanke nomination, the question is: Are we going to do that right? Are we going to allow the kind of pressures that have built on the outside to influence what we do?

We should certainly know by now that if you are too big to fail in the financial industry, then you are too big and we ought to do something about it. We ought to know by now that putting together commercial banks that are insured by the taxpayers with investment banks is a recipe for disaster, and there is a way to separate them. That ought to be our business as we turn to financial reform in the years ahead.

I yield the floor.

The PRESIDING OFFICER (Mr. KAUFMAN). The Senator from New Mexico.

Mr. UDALL of New Mexico. Mr. President, let me say to my good friend Senator DORGAN, first of all, we all know he has served his State for 40 years. Many of us will be talking about that service and applauding him. It has been a real pleasure to have him chairman of the Senate Indian Affairs Committee while I have served on that committee. There will be many more things I will say about him and his fine public service. I thank him because I think what he has said about the Fed and transparency is something that needs to be said. I look forward to debating that with him. I thank Senator DORGAN.

(The remarks of Mr. UDALL of New Mexico pertaining to the submission of S. Res. 396 are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

Mr. UDALL of New Mexico. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

AMENDMENT NO. 3302

Ms. COLLINS. Mr. President, I rise today in support of the amendment offered by Senators CONRAD and GREGG to create a bipartisan budget commission to address our Nation's long-term fiscal crisis.

The Conrad-Gregg amendment would create an 18-member bipartisan commission which would be charged with developing a specific plan to correct our government's long-term fiscal imbalance. All options would be on the table. The commission's legislative recommendations would require expedited consideration by the Congress, a supermajority vote in both Chambers, and Presidential approval.

While I would prefer that Members of Congress have the ability to offer revenue-neutral amendments to the commission's legislative recommendations, it is imperative that we move forward on this proposal. For this reason, I am pleased to be a cosponsor of the legislation.

I would note that I have not always thought the creation of an independent commission was the right approach. I was hopeful that Congress could tackle

the issue of the looming fiscal catastrophe confronting us. But I have concluded that the only way we are going to achieve urgent action on the very serious fiscal problems we face is through the creation of this independent commission.

The fact is, America's out-of-control debt is a grave threat to our future prosperity. Just last month, the Senate voted to increase the debt limit to an astonishing \$12.4 trillion, and yet here we are again today considering another increase in the debt limit—this time by \$1.9 trillion, to \$14.3 trillion. Last year, this body approved the President's budget which will double our debt in 5 years and triple it in 10 years. In other words, we are facing an explosion in the Federal debt.

As bad as that sounds, our Nation's debt problem is actually far worse. America has nearly \$60 trillion in unfunded liabilities for programs such as Social Security and Medicare. These unfunded liabilities amount to \$184,000 per person living in our country, or \$483,000 per household. By contrast, median household income is just over \$50,000.

As David Walker, the former Comptroller General and now president of the Peterson Foundation, put it in recent testimony before our Senate Homeland Security and Governmental Affairs Committee:

It doesn't take an economist or a mathematician to realize that this is unsustainable.

We are talking about debt levels that are unsustainable and threaten the very future economy of our country. Our problem, in a nutshell, is that government has promised more than our citizens can afford to pay.

One columnist described this as the collision between the high and rising demand for government services and the capacity of the economy to produce the tax revenues to meet those demands. Historically, Americans have paid about 18 percent of gross domestic product in Federal taxes. But with the explosion in entitlement spending tied to the retirement of the baby boom generation, plus interest on the national debt, Americans would need to pay taxes equal to 34 percent of GDP to keep pace with spending 25 years from now. That is right, the tax burden would have to soar to 34 percent of our gross domestic product.

I am looking at the young pages who are on the floor right now. It is their future we are talking about. They are the ones who are going to be faced with this enormous debt.

Even if it were possible to raise taxes in order to finance this rate of spending, that remedy would do tremendous damage to our economy. It would crush job creation, devastate our already battered small businesses and dash the aspirations and can-do spirit of our people. Thus, our decisionmaking must begin by reconsidering spending that, although popular, simply cannot be justified during this fiscal crisis. It is

wishful thinking to hope we can simply grow our way out of this problem. Economic growth helps, there is no doubt about that, but it is itself endangered by this enormous debt.

Becoming more efficient and productive helps reduce our long-term financial challenges, but economic growth alone will not rescue us from the predicament we face. If we fail to stop this approaching tsunami of red ink, then the futures of our children and our grandchildren will be swamped by our negligence. The American dream as we know it, where each succeeding generation can achieve a higher standard of living and quality of life than the previous generation, will be over. It will not be easy, even with this commission, but we must confront the conflict between what we want and what we can afford. It is time to reassess our priorities, to make the hard decisions and to set a new fiscally responsible course for our country.

The budget reform commission proposed by Senator GREGG and Senator CONRAD would begin to move us forward as a nation in facing these serious financial challenges. I know it is not easy for many of my colleagues to give away some authority to this commission. I remind them that the commission's recommendations would still come back to us and could not become law without our voting for them and without the President deciding to sign the recommendations into law. But I have concluded that the only way to jump-start the process, to do what needs to be done, to right the fiscal boat, to help us face these challenges, to help us move forward as a nation, is to enact the Conrad-Gregg amendment. I urge all my colleagues to support their effort.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I notice other speakers who wish to speak are on the floor now. I will make a very short statement here and defer to those Senators.

I ask unanimous consent the pending amendments be temporarily set aside so I can call up one of my amendments under the previous order.

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

AMENDMENT NO. 3306 TO AMENDMENT NO. 3299  
(Purpose: To establish a bipartisan task force for responsible fiscal action, to assure the long-term fiscal stability and economic security of the Federal Government of the United States, and to expand future prosperity and growth for all Americans)

Mr. BAUCUS. Pursuant to the previous order, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Montana [Mr. BAUCUS] proposes an amendment numbered 3306 to amendment No. 3299.

Mr. BAUCUS. I ask unanimous consent the reading of the amendment be dispensed with.

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

(The text of the amendment is printed in today's RECORD under "Text of Amendments.")

Mr. BAUCUS. Mr. President, I will briefly explain my amendment. This amendment would achieve all of the same objectives of the Conrad-Gregg amendment but with one exception, and this is an important exception. In the amendment I just offered, there are no fast-track procedures for consideration of the commission's recommendation. Thus, for Senators who want to have a commission consider our fiscal situation and report back to us, this is your alternative. But this alternative would protect the rules of the Senate and the prerogatives of the Senators. I urge my colleagues to support this alternative.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

RENOMINATION OF CHAIRMAN BERNANKE  
Mr. BINGAMAN. Mr. President, I want to speak for a few minutes about the upcoming confirmation vote on Chairman Bernanke of the Federal Reserve Board. I should begin by stating very clearly that there is no way to overestimate the severity of the economic downturn that began in this country in 2007. To date, our Nation has lost 7.2 million jobs. In my home State of New Mexico, unemployment is now 7.8 percent. That is more than twice the rate it was 2 years ago. But even at that it is considerably lower than the unemployment rate in many States—in fact, in a majority of States. American households have lost \$12.6 trillion in wealth; more than 5 million American families have seen their homes foreclosed, many have lost their businesses, and many have lost their farms. In short, there are millions of families across our country who are and have been experiencing severe economic pain and dislocation. While indicators suggest the recession has officially ended, our economy is hardly out of the woods.

In the face of such pain, it is tempting to grasp for ways to demonstrate disapproval of the economic downturn or to put distance between ourselves as elected officials and the policies involved with the economic downturn. It is tempting, particularly in this political climate, to want to seize on a particular individual to take the brunt of the criticism.

I rise today to urge my colleagues not to use Federal Reserve Chairman Ben Bernanke's renomination for any such exercise. I rise to offer my strong support for his reconfirmation. With the benefit of hindsight, it now seems the Fed might have done more to prevent the economic downturn. Some have pointed to financial institution bailouts and have argued that the Fed should not have provided financial support or guarantees to vulnerable financial institutions. Some have argued that the Fed's support should have

been structured differently. Historians, with 20/20 hindsight, will be able to argue those issues for years to come. But hindsight also tells us that without the bold and aggressive actions Chairman Bernanke in fact took, the outcome of this economic downturn could have been considerably worse. I can imagine no Fed Chairman since the Great Depression who has faced such a Herculean task. If ever there were praise for averting a disaster, then in my view Chairman Bernanke deserves that praise. He deserves praise for working effectively with other domestic and foreign agencies to ensure the continuity of our global banking system, for taking significant steps to boost banks' access to funding, and for establishing targeted lending programs to restart the flow of credit in critical markets.

It is because of this skillfulness and aptitude that Chairman Bernanke demonstrated he has had the strong support of President Obama for reconfirmation to his position. President Obama said the Chairman's "bold, persistent experimentation, has brought our economy back from the brink."

Similarly, in nominating Chairman Bernanke to his first term, President George W. Bush said he was choosing Chairman Bernanke for his "reputation for intellectual rigor and integrity" and the "deep respect he enjoyed in the global financial community."

It would be shortsighted for this Congress to second-guess the judgment of our current and our former Presidents in this regard. President Obama's call for the reappointment of Chairman Bernanke is echoed by some of our Nation's most distinguished economic thinkers. Former Chairmen Alan Greenspan and Paul Volcker have both said it would be irresponsible not to extend Chairman Bernanke's term. Douglas Holtz-Eakin, who was Senator McCain's chief economic adviser in the 2008 election campaign, says "it would be a disaster not to confirm" Bernanke.

Warren Buffett has said if he could vote for Mr. Bernanke's confirmation he would—twice. As Mr. Buffett explained:

We talked about [the economic downturn] being an economic Pearl Harbor, and he did what should have been done in response to that Pearl Harbor.

These respected economic thinkers know that emerging from our Nation's deepest and most protracted economic downturn since the Great Depression will require continuity of policy. Financial conditions might now suggest that our economy is in fact turning around, but a complete turnaround will require that families and businesses, investors and financial markets see consistent policy actions. Central to that consistency and that continuity is leadership at the helm of the Federal Reserve Board. If we were to change chairmen now, we would add considerable uncertainty to our already fragile business and financial markets and al-

most certainly trigger a sell-off of the dollar and a sell-off of equities. This could have the unfortunate effect of prolonging the economic downturn we are now experiencing.

Finally, while I rise to support Chairman Bernanke's reconfirmation, I also renew my call for policymakers in all positions, ourselves included, to make job creation the centerpiece of any economic recovery agenda. We in the Congress must also press forward with the urgent task of reforming our financial regulatory infrastructure, the cracks and holes of which have been exposed by this recession.

Our Nation faces considerable and urgent challenges. In my view, that is why it is essential that Ben Bernanke be confirmed for another term as Chairman of the Federal Reserve Board.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

AMENDMENT NO. 3302

Mr. VOINOVICH. Mr. President, I rise today to urge my colleagues to support the Conrad-Gregg amendment. I believe the issues this amendment is designed to address—our national debt and deficits as far as the eye can see—are two of the most important issues Congress and our Nation face. Our failure to address these issues will damage our economy, our Nation's security, peace in the world, and the kind of future we leave to our children and grandchildren.

The greatness of the issue has resulted in the chairman and ranking member of the Senate Budget Committee, Senators CONRAD and GREGG, coming together and introducing the Bipartisan Task Force for Responsible Fiscal Action Act, which is supported by 29 Senators—14 Democrats and 15 Republicans. I am pleased to say I am one of those 15 Republicans.

I think those who followed the recent operations of the Senate will appreciate that in this Balkanized Senate, where nothing seems to get done on a bipartisan basis, this commission has significant bipartisan support. The Conrad-Gregg proposal would create a statutorily based commission of 18 members, 16 of them Members of Congress, who would study the long-term fiscal imbalance of the Federal Government and submit recommendations as a legislative proposal that would receive expedited consideration by Congress resulting in an up-or-down vote. The commission would consider all options on both sides of the ledger and would require the approval of 14 of its 18 members, ensuring a bipartisan product.

I want to emphasize to my Republican colleagues who may be skeptical of this bipartisan commission, half of the congressionally appointed members will be appointed by the Senate minority leader and the House minority leader, which guarantees that the Conrad-Gregg commission will protect the concerns of my colleagues.

For example, large tax increases are unlikely, given the makeup and procedures of the commission. And, finally, three-fifths of the Senate and three-fifths of the House must vote for passage of the recommendations, ensuring strong bipartisan support from both Chambers.

The bipartisanship is the key to success because this is not a Democratic or Republican problem. It affects everyone. I believe this special process is the most practical and effective method to deal with the looming debt crisis that endangers the economic future of all of us.

A commission to address our Nation's fiscal issues has been recommended by outside budget experts from across the political spectrum. These experts have declared that the regular process is incapable of dealing with long-term fiscal issues. Just ask me. This is my 12th year in the Senate. The regular process does not work.

In February 2009, groups including Brookings, the Urban Institute, the Peter G. Peterson Foundation, the Concord Coalition, AEI, Progressive Policy Institute, and the Heritage Foundation issued a statement calling for the establishment of a commission to address our fiscal issues.

I ask unanimous consent to have this letter printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. VOINOVICH. Recently, on PBS's nightly business program, Maya MacGuineas, president of the Committee for a Responsible Federal Budget, who has been working on this problem for a dozen years, made a strong statement in support of a commission. I ask unanimous consent to have printed her full statement in the RECORD at the conclusion of my remarks, and I would highlight that in her statement Ms. MacGuineas notes her early opposition to such a commission, but she has changed her mind based on the urgency of our Nation's fiscal situation.

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

(See exhibit 2.)

Mr. VOINOVICH. David Walker, President and CEO of the Peter G. Peterson Foundation, former Comptroller General of the United States, has long advocated a special process to get our Nation's fiscal house in order. Mr. Walker has testified:

Clearly escalating Federal deficits and debt levels, combined with our growing dependency on foreign lenders and the deepening Federal financial hole, represents challenges that must be addressed. A commission could make recommendations in connection with needed statutory budget control, social insurance program reforms, tax reform, additional health care reforms, and other appropriate areas.

Importantly—

This is the most important thing—everything must be on the table with the commission to be credible and to have a real chance of success.

Recently, Mr. Walker released a book entitled "Comeback America: Turning the Country Around and Restoring Fiscal Responsibility." In his book, Mr. Walker explains the nature of the crisis and why we must act now. Rather than describe all of the frightening statistics myself, and many people have heard those statistics, I would recommend this book to my colleagues if they have any doubts about the seriousness of this fiscal crisis facing our Nation.

Of course, throughout the debate on their amendment, Senators—and I heard them earlier today—CONRAD and GREGG have described the dire fiscal future our Nation faces without action. We just heard another presentation from my distinguished colleague from the State of Maine. I have, in my prior floor speeches on this topic, which probably are dozens, described the significance of this fiscal crisis our Nation faces. For any of my colleagues or members of the public, you can access these speeches on my Web site.

I would note that the American people agree. This is important. The American people agree with Senators CONRAD and GREGG. In fact, the latest bipartisan public opinion poll commissioned by the Peter G. Peterson Foundation this past November indicates that 80 percent—80 percent—of American voters are concerned about escalating debt and deficits.

Voter concern about debt and deficits exceeded concern about health care access and affordability by 24 percent—by 24 percent—and 70 percent of Americans believe the regular order in Washington is broken. They think the regular order is broken, and it is time for a fiscal reform commission to become a reality.

I was pleased last year that the distinguished minority leader, the senior Senator from Kentucky, spoke eloquently about the merits of the bipartisan Conrad-Gregg Commission. In a July statement on the Senate floor, Senator MCCONNELL said:

This means that in order to face our problem head on, we will have to address the problem of entitlement spending. And the only serious option on the table is the Conrad-Gregg proposal which would provide a clear pathway for fixing these long-term challenges by forcing us to get debt and spending under control.

He goes on to say:

I have had a number of good conversations about this proposal with the President. Based on those conversations, I am hopeful it will be given serious attention. For the safety and security of our Nation, the Conrad-Gregg proposal deserves broad bipartisan support.

That was the minority leader of the Senate. Senator REID has been silent on his support, but based on conversations I have had with him, I believe he also appreciates the dire financial situation our Nation faces. Still I want to say that I have been disappointed there has not been more of a recent effort by leaders of both parties embracing the Conrad-Gregg Commission, which is

one of the most bipartisan pieces of legislation we have seen in the Senate during this Congress—in fact, I believe the most bipartisan legislation that has come before this session of Congress.

My question to Senators REID and MCCONNELL is, If you are not in favor of the Conrad-Gregg Commission, what bipartisan proposal are you for? In other words, if you do not like the commission, then what bipartisan proposal are you for?

I was also disappointed that the President initially threw in the towel on the Conrad-Gregg Commission on the grounds that he understood the votes to pass this proposal were not there. Instead the President proposed issuing an Executive order establishing a debt commission. An Executive order commission, I believe, will be looked upon by many on my side of the aisle as nothing more than an exercise in political messaging. But I say to my colleagues on this side of the aisle: If you are not for the Conrad-Gregg proposal, what are you for? What are you for?

Thus, I am grateful that this Saturday the President has changed his position and stated:

The only way to solve our long-term fiscal challenge is to solve it together, Democrats and Republicans. That's why I strongly support legislation under consideration to create a bipartisan fiscal commission to come up with a set of solutions to tackle our nation's fiscal challenges, and call on Senators from both parties to vote for the creation of a statutory, bipartisan fiscal commission.

The President of the United States made it clear. He wants this bipartisan statutory commission to pass the Senate. The beauty of creating the commission through legislation is it would force Congress to deal with the Nation's looming fiscal catastrophe, rewarding the work of the commission's members by ensuring that if their proposal gets 14 out of 18 votes, the bill will not be placed on a shelf to gather dust.

I can tell you, as I watched this Senate during the last 11 years, if someone would ask me to sit on a commission and spend the time I would have to spend to deal with the problems that would be confronting the commission, I would want a guarantee. I would want a guarantee that if the majority, 14 out of 18 members were for it, it would get expedited procedure; that I would get a vote, up or down, on that labor of work in which I had participated.

I think the President understands if we are going to respond to the fiscal crisis facing our Nation, it has to be bipartisan. I am prayerful he will use his political capital with Senator REID and Senator MCCONNELL to secure the 60 votes needed for this landmark legislation and then urge our House colleagues to do the same.

Some of my colleagues have other proposals. Many of them are worthy of consideration. However, none of these proposals is bipartisan. In the end, such proposals might result in great messaging. Boy, we do a lot of mes-

saging around here. For some it would provide a way to cover their behinds or, more tactfully, to provide a fig leaf to cover their unwillingness to support something that is bipartisan and ultimately good for the country. Moreover, of course, these folks would save themselves from heartburn, heartburn that they might suffer when special interests complain, and perhaps give ammunition to someone who might be running against them in a Republican or Democratic primary for the Senate.

Since the possible passage of this commission has become a reality, it is interesting how this starts to work. Special interest groups on both sides of the aisle have assailed it as terrible. The taxpayer organizations on the right warn that the commission will increase taxes. The liberal groups on the left warn it will result in cuts to Social Security, Medicare, and other government programs.

You know something. If the left and the right are so unhappy with this, this has to be good legislation. Others, frankly, want to use the debt limit issue to embarrass our friends on the other side of the aisle because of the large increases we have approved, particularly as a result of the recession and the collapse of our financial markets. Other members continue to blame President Bush and earlier Congresses.

The truth is, none of us, Republicans or Democrats, has clean hands. Since 2002 there have been nine votes, nine votes to increase the debt limit. They have occurred both under Democrats and Republicans when they controlled Congress. In that time, our debt has gone from \$6.4 trillion to roughly \$12.4 trillion. All of us, all of us have done it.

The American people know the chickens have come home to roost, and we better understand that. That is what I hear when I go back to Ohio. If one thing came out of Massachusetts, the people are tired of the—to put it in the vernacular—BS coming out of Congress. Congress's numbers continue to be among the worst they have ever been because the folks back home think we are more interested in protecting our political hide and who is going to control the next Congress than working in a bipartisan way to solve our Nation's problems.

They know when their elected representatives are scrapping, their interests are scraps falling off the table. They also know, as I know, that even when we work together, it is often difficult to get things done because many of us have sincere differences of opinion. I learned both of those lessons as mayor of the city of Cleveland and Governor of Ohio.

The eyes of the American people are focused on what we are doing. The American people will be watching to see if we got the wake-up call from Massachusetts. They are telling us they are mad as hell with business as usual and they are not going to take it anymore. The American people want us



to work together. They do. They want us to work together. They do not want messaging and back-room deals that favor one group or another.

Americans always hear from politicians about how they will work for bipartisan solutions to America's problems that will strengthen our future. How many times have they heard that on the floor of this Senate? Well, here is the opportunity for Members of the Senate, the House, and President Obama to show when they make such statements they are serious.

I came here in 1999, and one of the major reasons I came here was to deal with paying down our Nation's debt and balance budgets. I can remember back in 2000, I was the only Republican that voted against the Republican legislation to reduce taxes because I said that money should be used to pay down debt.

I am leaving the Senate at the end of this year, as is the Presiding Officer. I have three children and seven grandchildren. The wife of my youngest son Peter is expecting their first child. I have always believed it is my responsibility to try to leave this world and particularly our Nation in better shape than how I found it. It was something that was ingrained in my first-generation parents: George, you have a responsibility to leave this country a better place than that which you found. I am running out of time to do something. So is the country. On too many occasions, Congress has been unwilling to experience short-term pain to achieve long-term gain. We have been unwilling to do without or pay for things that many folks have wanted us to do.

Our Nation has put the financial costs of the two wars on the credit card, even while the soldiers and their families continue to bear the human cost of these wars. To me, this lack of effective action is absolutely immoral. It is absolutely immoral. I recently talked with my oldest son George, the father of four beautiful girls, who genuinely feels there will be no Social Security for him, that Medicare may not be there either. He understands the global competition facing his generation and his daughters' generation is greater than at any other time in our Nation's history, that global competition is greater than at any other time in this Nation's history. The burden we have created because of our fiscal irresponsibility brings into question whether his children will enjoy the same opportunity for a standard of living that we have had.

I said in the beginning of my speech, I believe the issues this amendment is designed to address, our national debt and deficits as far as the eye can see, are two of the most important issues Congress and our Nation face. Our failure to address these issues will damage our economy, our Nation's security, peace in the world, and the kind of future we leave to our children and grandchildren.

The future of our Nation is in our hands. The future of our Nation is in the hands of these 100 Senators. I pray the Holy Spirit will come down and inspire us to make the right decision. My two mottos have been over the years: "Together we can do it" and, Ohio's motto, "With God all things are possible." Working together on a bipartisan basis and with God's help, I am positive we can solve our problems, meet our challenges, and take advantage of the opportunities before us.

I yield the floor.

#### EXHIBIT 1

#### STATEMENT ON THE FISCAL RESPONSIBILITY SUMMIT

FEBRUARY 19, 2009.

President Obama's intention to convene a fiscal responsibility summit is a very welcome development. It offers a valuable opportunity to focus public attention on our nation's unsustainable budget outlook and to highlight various approaches to meaningful action.

As a group of budget analysts and former senior budget officials, we view this summit as the first step to addressing the enormous long-term fiscal problem facing the United States. Without decisive action this problem will lead to serious harm to our economy and a huge financial burden on our children and grandchildren.

Tackling these problems will require a degree of sacrifice impossible under the existing policy process, which discourages bipartisan compromise and encourages procrastination and obstructionism. Unless those procedures are modified, and the American people are engaged in the process, future legislative attempts to address the looming fiscal crisis will almost certainly fail.

In our view, the American people are ready to confront the challenge. For the last three years several of us have traveled around the country as a group, discussing these issues with thousands of Americans in dozens of cities, in a bipartisan effort known as the Fiscal Wake-Up Tour. We have found that when Americans are given the facts and options in a neutral and bipartisan way, they want action and are willing to make difficult trade-offs.

We therefore urge the President to lead a major public engagement effort—beyond a one-day summit—to inform Americans of the scale and nature of the long-term fiscal crisis, explain the consequences of inaction and discuss the options for solving the problem. This should be bipartisan, and involve a serious conversation with Americans to help guide action in Washington. As a group with some experience in this domain, we stand ready to assist if needed.

We also believe that for this policy commitment to produce tangible results, the President and others who share the goal of fiscal responsibility must address the fact that the regular political process has been incapable of dealing with long-term fiscal issues. We see no alternative but to create an independent and truly bipartisan commission or other mechanism capable of bringing about decisive action that has broad public support. We therefore urge the President to support such a commission. For this commission or some other mechanism to break through the legislative logjam it will need four key elements:

It must be truly bipartisan and develop solutions that command wide support.

It must have a broad mandate to address all aspects of the fiscal problem while fostering strong economic growth.

There must be no preconditions to the deliberations. All options must be on the table

for discussion. Nobody should be required to agree in advance to any option.

Recommendations must go before Congress for an up-or-down vote with few if any amendments. Such a game-changing process is not without precedents; controversial military base closings or the ratification of international trade agreements, for example, have long been governed by special rules along these lines, not by business as usual.

We are deeply worried about the long-term fiscal imbalance and the dangers it carries for the economy and for our children and grandchildren. We know the President is concerned as well, as are many Members of Congress in both political parties. We are ready to help in building public understanding of the problem and the options, and in crafting an approach that will enable the legislative process to deal with the problem.

This statement is offered by members of the Brookings-Heritage Fiscal Seminar. The views expressed are those of the individuals involved and should not be interpreted as representing the views of their respective institutions. For purposes of identification, the affiliation of each signatory is listed.

#### Signatories:

Joe Antos, American Enterprise Institute; Robert Bixby, Concord Coalition; Stuart Butler, Heritage Foundation; Alison Fraser, Heritage Foundation; William Galston, Brookings Institution; Ron Haskins, Brookings Institution; Julia Isaacs, Brookings Institution; Will Marshall, Progressive Policy Institute; Pietro Nivola, Brookings Institution; Rudolph Penner, Urban Institute; Robert Reischauer, Urban Institute; Alice M. Rivlin, Brookings Institution; Isabel Sawhill, Brookings Institution; C. Eugene Steuerle, Peter G. Peterson Foundation.

#### EXHIBIT 2

[PBS Nightly Business Report, Jan. 12, 2010]

#### "COMMENTARY"—BUDGET COMMISSION

SUSIE GHARIB: Tonight's commentator says with a budget deep in red ink and a Congress that hasn't cut spending, she's taking a fresh look at things. She's Maya MacGuineas, president of the Committee for a Responsible Federal Budget.

MAYA MACGUINEAS, PRES., COMMITTEE FOR A RESPONSIBLE FEDERAL BUDGET: For years there has been a push to create a budget commission and even though many of my fellow fiscal worry warts liked the idea, I just didn't. I couldn't avoid the nagging feeling that coming up with a workable plan to fund our national priorities is supposed to be the core work of Congress and that Congress should just do its job. Well enough time has gone by without that job getting done and the recent deterioration in the country's fiscal health has caused me to change my tune and so I say bring on the commission. We no longer have the luxury of time. For every year we wait, we dig the deficit hole billions of dollars deeper. Recently a heated fight over creating a commission has broken out with those who oppose it on the left arguing it is a secret, well-funded plot to cut entitlements and those on the right arguing it is a devious strategy to raise taxes. Well, yeah, we are going to have to do both. Creating a commission won't make those policy choices much easier, but at least it will lend an important layer of political cover. I will say that the need to create a commission is a poor reflection on politicians more generally. So as a reluctant budget commission supporter and an avid congressional reform supporter, I'd suggest that once a budget commission comes up with a plan, Congress turn the mirror on itself and ask what it is doing there if it can't perform

its most basic job. Perhaps the next commission policymakers create should be one to reform Congress. I'm Maya MacGuineas.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. I ask unanimous consent for 5 minutes to speak on the judicial nomination coming before us at 6 o'clock.

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

(The remarks of Mrs. MURRAY are printed in today's RECORD under "Executive Session.")

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. NELSON of Nebraska. I ask unanimous consent to speak as in morning business for up to 8 minutes.

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

#### UNFUNDED MANDATES

Mr. NELSON of Nebraska. Mr. President, I rise to discuss a serious problem with the way Washington has done business for years. The problem is passing unfunded Federal mandates on to the States that throw State budgets into disarray. Everyone in Congress has to decide how to best look out for their State. A little over a month ago, I decided to look out for all their States and mine too. But the efforts I made to protect my State and all other States should not be the issue. The issue should be, why wasn't everyone taking steps to protect their States and why weren't the critics reacting to the real issue rather than coining names to describe this effort to protect State budgets from the effects of yet another unfunded Federal mandate?

The reason is, all along they wanted to derail health reform. Misrepresenting this issue would help that goal. So it was too easy, too convenient to come up with a catchy name and to impugn motives. It was too easy, too convenient to ignore the problem facing Nebraska and every other State—another mandate without money.

Unfunded Federal mandates are not just bad for Nebraska; they are bad for all States, from sea to shining sea. They are a fiscal injustice that I fought for two decades during my tenure as a Senator and through two terms as Governor. They are a burden on the States that I will keep fighting to eliminate as long as they continue.

Unfunded Federal mandates are pretty simple, but they appear in many unexpected and unwanted ways. They are orders that arrive from Washington on State Capitol doorsteps with too little or no money to carry them out. Unfunded Federal mandates force States all across the country into no-win choices: cut spending on State priorities or raise revenue with tax hikes. They are a fiscal injustice States have no option to avoid. Unfunded Federal mandates are both bad Federal policy and bad fiscal policy.

As a Senator, I have said I will put Nebraska first, Nebraska always but not Nebraska only. That remains the case with questions about how the Sen-

ate health care bill dealt with an underfunded mandate for expanding Medicaid. First, my goal has always been to draw attention to and fix, with one approach or another, any unfunded Federal mandate that would be passed on to every State through the Senate's health care bill. The bill sought to expand Medicaid to provide health insurance to millions of Americans who do not have it today. The Federal Government would pay 100 percent of the cost for the first 3 years through 2016. In 2017 and thereafter, States would have to pick up a portion of the cost. In other words, they would pay for a new unfunded Federal mandate.

I sought an opt-in or opt-out for all States to ease the Federal unfunded mandate. But because there was no Congressional Budget Office analysis for that approach, a provision was placed into the bill for Nebraska. It is not something I sought. It is something I accepted to launch the larger battle against the unfunded mandate affecting all States. I have taken criticism over this issue. If I have received it because I drew attention to unfunded Federal mandates, fine. But the larger question is: How do we in Congress eliminate this practice of passing these mandates on to the States? Rather than criticize me, others should join in fighting the war to stop all these burdens on the States. It is an effort I welcome the Governors to join in, too, for they have a direct interest in the success of this battle.

The Nebraska provision was a victory in the battle against unfunded mandates necessary to win the war. What otherwise had gone completely unaddressed is now part of the debate, not only in the Nation's Capital but in State capitals across America.

We only have to look back a few years to see what trouble unfunded mandates cause for States. When Congress passed the No Child Left Behind Act, it was hailed as a landmark that would improve education nationwide. It established new standards to measure educational achievement in our schools and required States to develop assessments in basic skills to be given to all students in certain grades. States had to make sure that happened for their schools to receive Federal aid. But the law provided far too little money to meet its requirements. This was a fact acknowledged by its chief sponsor, the late Senator Kennedy.

He said:

The tragedy is that these long overdue reforms are finally in place, but the funds are not.

Was that ever a true statement. States have paid and paid and are still paying for that whopper of an unfunded mandate. In fact, No Child Left Behind, which I opposed largely because of its being an unfunded Federal mandate, has cost my State of Nebraska at least \$382.7 million. Nationwide, it has cost all States a total of \$70.9 billion from 2002 through 2008, according to U.S. Department of Education data. Those

costs have kept piling up ever since, and that is not right.

I fought another unfunded Federal mandate in the 2003 major tax cut bill. At the time, cutting Federal taxes would also have forced cuts in State taxes. That, in turn, would have blown holes in State budgets. So I teamed up on a bipartisan basis with my colleagues, Senator COLLINS from Maine and Senator ROCKEFELLER from West Virginia, to help the States. We won a provision that provided \$20 billion in Federal funding to the States to make up for the lost money they needed to pay their ongoing Medicaid costs.

Today, here we are again hearing from financially strapped States across the country asking for additional Federal money to pay for other previous unfunded Medicaid mandates. I do not blame them for asking. The government tells them they have to pay a share of certain social services and medical expenses, and in tough economic times such as these they just do not have the money. Unfortunately, neither does Washington. Then, while States are currently seeking aid from Congress, we are busy creating this new unfunded mandate set to hit States beginning in 2017. When would that one be addressed? In 2018, 2019, sometime later? Talk about the left hand not knowing what the right hand is doing.

I have been asking: Why not deal with that now in this health care reform legislation and change the paradigm from unfunded mandates and do it in a different way? Just last week, we learned how big this unfunded mandate would be. The Congressional Budget Office estimated that covering the Medicaid expansion costs for all States would cost the Federal Government \$35 billion. That means Congress was about to pass a \$35 billion unfunded Federal mandate on to the States—until I got wind of it. Let me say that again. Congress was about to send a \$35 billion bill to the States, until I blew the whistle.

We need to stop this madness of passing these fiscal timebombs on to the States. I would hope my colleagues, on a bipartisan and a bicameral basis, would work with me to make sure Congress stops passing unfunded mandates of any kind on to the States and that the Governors would join in also. They certainly do not like Washington telling them how to spend State money.

I hope people put aside the spin, the partisan talking points, and misrepresentation they have heard on this issue, including the media. I hope people stop citing the inaccurate interpretation of it as an excuse to avoid working for health care reform that provides coverage to millions of Americans who today do not have insurance and lower costs to all other Americans who pay ever-rising costs for health care. I hope we can also stop the practice of Washington burdening the

States with unfunded Federal mandates which are truly bad for every single State—not just mine but every State—from sea to shining sea.

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

Mr. BAUCUS. Mr. President, 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. SESSIONS. 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 ROSANNA MALOUF PETERSON TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF WASHINGTON

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 bill clerk read the nomination of Rosanna Malouf Peterson, of Washington, to be United States District Judge for the Eastern District of Washington.

The PRESIDING OFFICER. Under the previous order, the time until 6 o'clock shall be equally divided between the Senator from Vermont, Mr. LEAHY, and the Senator from Alabama, Mr. SESSIONS.

The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, we are about to vote on the nomination of Rosanna Malouf Peterson to the District Court for the Eastern District of Washington.

I am pleased to be able to support the nomination, as I have most of the nominations President Obama has submitted. I think we are moving in a rather expeditious way in the process to confirm Federal judges. Less than a week ago, we confirmed Judge Beverly Martin to serve on the Eleventh Circuit Court of Appeals. Frankly, we failed to confirm her before Christmas because the Democratic leadership, for some reason, would not bring her nomination up. I cleared it on our side on several different occasions and made sure there were no objections. At any rate, she was confirmed and she is now on that bench.

Before the recess, we confirmed two judges, seven U.S. attorneys, and five U.S. marshals.

We are moving faster than we have previously—at least in comparison to President Bush's tenure. This chart shows the average number of days to confirm President Bush's circuit court nominations. We waited an average of 350 days for confirmation. President Obama's nominees are being confirmed

about 4½ months faster, which is a good bit faster. In addition, the Judiciary Committee has held hearings for every single circuit court nominee.

This chart shows that during President Bush's tenure, it was 350 days, and for President Obama, it is a little over 200 days. For President Clinton, it was under 250. The others in the past were quicker. But these are lifetime appointments. We have had some more intense scrutiny of nominees, which I think is appropriate. But most of the nominees are coming through well and should move on to confirmation at a reasonable pace.

I will note that if a judge who is about to obtain a lifetime appointment fails to convince Members of the Senate that they are committed to faithfully following the law, being a neutral umpire, not favoring one side in the "ball game" over the other—if they are not committed to that, then they should not be confirmed. Or if they have other weaknesses, such as lack of skill, or a demonstrated bias, or a lack of background and ability, then I think they should be examined closely and not confirmed.

On the district court nominees, you can see that President Obama's district court nominees are being confirmed, on average, a little over 100 days after being nominated. Whereas, President Bush's were at 180. Under President Clinton, it was about 130. So President Obama is doing well there as well—pretty close to President Bush 1—for nominations moving forward.

I am pleased with this nominee. I think she has the skills and gifts necessary to be a good Federal judge. I hope so. She has the support of her Senators. She has been moved through committee, and I believe she will be confirmed when we vote. I urge my colleagues to support her nomination.

I yield the floor.

Mr. LEAHY. Mr. President, today the Senate considers the nomination of Rosanna M. Peterson to fill a judicial vacancy in the Eastern District of Washington. While I am pleased that we will consider, and I am confident the Senate will confirm, this nominee, I remain disappointed by the Republican delays and obstruction.

This is only the 14th Federal circuit or district court nominee considered since President Obama was inaugurated over 1 year ago. By this date during President Bush's second year in office, the Senate had confirmed more than double that number, having confirmed 30 of his judicial nominees to lifetime appointments on the Federal courts.

Last Friday the majority leader tried to secure an agreement to take up the next judicial nominee on the Senate Executive Calendar, but Republican objection continued to stall consideration of Judge Joseph Greenaway's nomination to the Third Circuit. That is a shame. He is a good judge. His nomination was reported unanimously by the Senate Judiciary Committee al-

most 4 months ago, on October 1 last year. Senator SESSIONS praised him at his confirmation hearing. I do not know why he is being stalled, and no one has explained. His is one of the many outstanding judicial nominations reported by the Senate Judiciary Committee that remain stalled on the Senate Executive Calendar. They should have been confirmed last year, and would have been, but for Republican objection. When considered they will be confirmed, but not before being needlessly delayed for months.

I saw last week's statement by the Judiciary Committee's ranking Republican member, when the Senate finally considered the long-delayed nomination of Beverly Martin to the Eleventh Circuit. He was misinformed about that nomination, as he was about the history of other nominations. In fact, I expedited consideration of Judge Martin's nomination. The Senate Democratic leadership sought an agreement for prompt consideration of Judge Martin's nomination but was rebuffed by Republicans who were in no hurry to consider it. Indeed, we have been seeking time agreements for the consideration of both Judge Martin and Judge Greenaway for weeks and months. Republicans finally agreed at the end of last year to consider Judge Martin's nomination after the recess. I had pressed for Judge Martin and the many other judicial nominees who had been reported unanimously by the Senate Judiciary Committee to be considered and confirmed before Christmas last year. Republicans would not agree. I asked repeatedly that we act on all the judicial nominees on the Senate Executive Calendar in December. The reason the Senate did not was not because any Democratic Senator objected. It is solely because Republicans would not agree.

The efforts of the Democratic leadership to seek a time agreement for prompt consideration of Judge Martin's nomination were rebuffed by Republicans, just as they are now refusing to consider the nomination of Judge Greenaway.

The Republicans unsuccessfully filibustered the nomination of Judge David Hamilton last November, having delayed its consideration for months. Republicans insisted on hours of debate for the nomination of Judge Andre Davis, who was confirmed with more than 70 votes. They insisted on debate on the nomination of Judge Gerard Lynch, who was confirmed with more than 90 votes. As the Senate Democratic leadership was forced to work through a number of nominations denied consent for prompt consideration, the last Federal circuit court nominations considered before Judge Martin was Judge Hamilton in November. It is true that Judge Davis and Judge Hamilton were considered and confirmed by the Senate before Judge Martin, but they were also considered three months earlier by the Senate Judiciary Committee than Judge Martin. They had

been on the Senate Executive Calendar since before she was even nominated. I do not fault the Senate Democratic leadership for following that order of consideration.

What the ranking Republican member of Judiciary does not acknowledge, and perhaps is unaware of, is that it was his own Republican leadership that slowed consideration of Judge Martin. Even the ranking Republican member has no excuse for the delay after November 19, when both Judge Davis and Judge Hamilton had been confirmed. For the last 2 months, Judge Martin's nomination was stalled because Republicans would not agree to consider it before January 20.

Judge Martin's nomination offers a troubling example, as well, of the consequences of the Republican strategy of obstruction and delay. Even though Judge Martin was a well-respected district court judge with the strong support of both of her home State Republican Senators, Senator CHAMBLISS and Senator ISAKSON, and the highest possible rating from the American Bar Association's Standing Committee on the Federal Judiciary, it took over 4 months to reach agreement with the Republican leadership for the Senate to consider her nomination.

Regrettably, the nomination of Judge Greenaway of New Jersey to the Third Circuit is another example of these tactics. The Judiciary Committee favorably reported his nomination by unanimous consent last October 1, and he is now the longest pending judicial nomination on the Senate Executive Calendar. The Democratic leadership sought to build on our belated progress last week when we were allowed finally to consider and confirm Judge Martin. We asked for agreement to consider the nomination of Judge Greenaway. As the majority leader indicated last Friday: "[The Democratic] majority was in a position to agree to a vote on the nomination of Joseph Greenaway to be a U.S. circuit judge for the Third Circuit. However, I was advised the Republicans would not agree to such request." See CONGRESSIONAL RECORD, S166, January 22, 2010, daily ed. Again, Senate Republicans have withheld consent and have objected to consideration of a nominee. Instead, they would consent only to consideration of a district court nominee, Professor Peterson. While it is appropriate that the Senate considers Professor Peterson's nomination today, we should also be able, in regular order, to consider other nominations without months of delay.

None of the eight remaining judicial nominations currently pending on the Senate Executive Calendar should be controversial. Many, like Professor Peterson and Judge Greenaway, were reported by the Senate Judiciary Committee without a single dissenting vote. We have wasted weeks and months having to seek time agreements in order to consider nominations that were reported by the Senate Judi-

ciary Committee unanimously and who are then confirmed unanimously by the Senate once they were finally allowed to be considered.

These obstructionist tactics from Republicans last year led to the lowest number of judicial confirmations in more than 50 years. Only 12 of President Obama's judicial nominations to Federal circuit and district courts were confirmed all last year. The 12 Federal circuit and district court nominees confirmed last year was less than half of what we achieved during President Bush's first tumultuous year. In the second half of 2001, the Democratic majority in the Senate proceeded to confirm 28 judges. In the 17 months that I chaired the Senate Judiciary Committee during President Bush's first term, the Senate confirmed 100 of his judicial nominees.

The Judiciary Committee's ranking Republican member was also mistaken last week when he stated that Democrats sent 40 of President Bush's judicial nominations back to the White House in August 2001. It was the objections of the Republican minority, in fact objection by the Republican leader, Senator Lott, that resulted in the Senate returning over 40 of President Bush's nominations before the August recess to the White House.

Just before the Senate recessed in early August 2001, the Senate's Democratic leadership requested all pending judicial nominations be retained through the August recess. That is right; the Democrats in the Senate were asking that the judicial nominations not be returned but be allowed to continue in place. I know; I was the Chairman of the Senate Judiciary Committee at the time. In fact, the only two nominations the Democratic leadership sought to return to the President were two controversial executive nominees: Mary Sheila Gall, nominated to be Chairman of the Consumer Product Safety Commission, and Otto J. Reich to be an Assistant Secretary of State. The Commerce Committee had voted not to report the Gall nomination. The Reich nomination had become highly controversial and the Assistant Majority Leader sought to give the President an opportunity to reconsider the nomination. The proposal by the Democratic leadership would have continued in place every other nomination including every judicial nomination notwithstanding the Senate rule that nominations should be returned to the President when the Senate recesses for a period of more than 30 days.

At that time it was the Republican leader, Senator Lott, who objected to the Democratic consent request and insisted on returning all nominations, including all judicial nominations, to President Bush in early August. See CONGRESSIONAL RECORD Vol. 147, No. 112, S8888 (Aug. 3, 2001). That Republican objection resulted in a strict application of the Senate rules which required needless paperwork and occa-

sioned more unnecessary delay in early September 2001.

I remember it well. In fact, in order to continue making progress on judicial nominations despite the action by the Senate Republican leader, I convened two unprecedented confirmation hearings during the August recess in 2001 for President Bush's nominees whose nominations were not technically pending before the Senate. They had been returned to the White House in accordance with Senator Lott's objection and were not renominated until the Senate reconvened in September. As Chairman, I convened those hearings as yet another indication of my commitment to filling vacancies on the Federal courts. We had already at that time been delayed for a month in reorganizing the Senate, as well as by President Bush's decision to turn away from a 50-year-old precedent to delay the American Bar Association's evaluation of a judicial nominee's qualifications until the nomination is made public. Even with the subsequent September 11 attacks, and the anthrax attacks in the Senate, we continued our work and ultimately confirmed 28 judicial nominees that year, including 10 confirmations in December 2001. By contrast, in December 2009, Senate Republicans would only allow consideration of three judicial nominations, returned two to the White House and carried over eight, including Judge Martin's, without final action.

There are currently more than 100 vacancies on the Federal courts around the country. Professor Peterson will fill one of those vacancies but we must do better. The American people deserve better. The cost will be felt by ordinary Americans seeking justice in our overburdened Federal courts.

I am pleased that today we will confirm Professor Peterson. When confirmed, Professor Peterson will be the first woman to serve on the U.S. District Court for the Eastern District of Washington. She earned her B.A. and her M.A. from the University of North Dakota and her J.D., with distinction, from the University of North Dakota School of Law, where she served as editor-in-chief of the law review and was chosen by her professors as the "Outstanding Graduate."

After graduation, Professor Peterson clerked for U.S. District Court Judge Fred Van Sickle, whom she would now replace on the district court. Over the course of her 18-year legal career, Professor Peterson has been a law professor and a lawyer with a diverse private practice. Professor Peterson has the strong support of both home state Senators, Senator MURRAY and Senator CANTWELL.

I congratulate Professor Peterson and her family on her confirmation today.

Mrs. MURRAY. Mr. President, I rise this evening in support of Professor Rosanna Malour Peterson. She is a distinguished law professor and attorney.

She is a woman who enjoys broad bipartisan support, and she deserves a seat on the Federal bench.

I was very pleased to introduce Professor Peterson before the Judiciary Committee last November and meet her and her family. I thought it was telling of the type of nominee she is that so many of her current and former students were there to support her confirmation. Tonight I am honored to recommend that the Senate confirm Professor Peterson as a district court judge for the Eastern District of my home State.

Professor Peterson has strong bipartisan support with good reason. She has devoted her career to serving the interests of justice and to instilling those values in a future generation of leaders.

Professor Peterson is a graduate of the University of North Dakota, where she earned her bachelor's, master's and law degrees. After law school, she started her legal career in the chambers of Judge Fred Van Sickle in Spokane. This is the very same seat she has now been nominated to fill.

During her distinguished career, Professor Peterson has worked as an attorney in Spokane area law firms, for corporate and individual clients. She has worked in private practice, often representing teachers, and she has worked as a court-appointed representative for criminal defendants in State and Federal court. Since 1999, Professor Peterson has been a law professor at the Gonzaga Law School in Spokane, where she is assistant professor of law and director of the law school's externship program. At the same time, Professor Peterson has maintained her private practice, where she has continued to work with Federal defendants on a pro bono or reduced-fee basis.

Professor Peterson has also played a leadership role in the Washington legal community, including serving as president of the Federal Bar Association of the Eastern District of Washington, president of the Washington Women Lawyers Bar Association, and on the judicial selection committee that helped recommend a magistrate judge in 2003. In recognition of her service in 2006, she was awarded the Smithmoore P. Myers Professionalism Award, the Spokane County Bar Association's highest honor.

Professor Peterson's accomplishments stand for themselves, but I have also received numerous letters and e-mails testifying to her toughness, her work ethic, her understanding of the law, and her advocacy on behalf of her clients. I have also received many letters from her former students and the people she has mentored, taught, and befriended over the years, letters that all say she has made a difference in the lives of so many in my State.

She clearly meets the standards of fairness, of evenhandedness, and adherence to the law that we expect of our Federal judges.

Outside of her many professional credentials, I have been impressed by her

professionalism and decency. I know I speak on behalf of a large number in the Washington State legal community in supporting the nomination of Rosanna Peterson to be the next district judge for the Eastern District of Washington.

I do think it is also important to note, for all my colleagues, that Professor Peterson's nomination was the product of a bipartisan selection committee that we use in my State of Washington to get to where we are with this confirmation vote. The commission was formed and did much of its work on Professor Peterson under the previous administration. It has proven that it works, even as we have moved from one administration to the next. I am proud to have created that selection commission and believe it is something that has served our State and our Federal judiciary well.

Therefore, it is my pleasure to recommend my colleagues confirm a great lawyer, a teacher, and a mentor who I believe will make an exceptional Federal judge. I urge my colleagues, this evening, to vote for the confirmation of Professor Rosanna Peterson as the next district judge for the Eastern District of Washington.

Ms. CANTWELL. Mr. President, I rise today along with my colleagues, Senator LEAHY and Senator MURRAY, to express support for the confirmation of Professor Rosanna Peterson.

Professor Peterson has been nominated to be a U.S. District Judge for the Eastern District of Washington. I have no doubt that she will be an excellent Federal judge.

It is important to ensure that all branches of our government, including the judiciary, reflect diversity. If confirmed, Professor Peterson would be the first woman to serve on the U.S. District Court for the Eastern District of Washington.

Rosanna Peterson is currently an Assistant Professor of Law at Gonzaga University. She teaches Evidence, Federal Jurisdiction, and Trial Advocacy. She also runs the law school's externship program. Previously, she worked as an attorney in private practice at a number of Spokane law firms. She also clerked for U.S. District Court Judge Fred Van Sickle, whom she will now replace.

Professor Peterson has long been recognized by her peers for her intellect, dedication to the law, and commitment to equal justice.

She has been an active member of Washington State's legal community, having served as President of the Federal Bar Association for Eastern Washington, President of Washington Women Lawyers State Bar Association and President of the Spokane County Washington Women Lawyers Bar Association.

I urge the Senate to confirm Professor Peterson this afternoon.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mrs. SHAHEEN). Without objection, it is so ordered.

Mr. REID. Madam President, I ask unanimous consent that we go out of executive session and that I be allowed to speak for up to 3 minutes.

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

HONORING SENATOR ARLEN SPECTER ON HIS  
10,000TH VOTE

Mr. REID. Madam President, in just a few minutes, as soon as I finish my remarks, we will move to vote on a judge. This will be the 10,000th vote of ARLEN SPECTER. I congratulate our distinguished colleague, Senator SPECTER, as he is about to cast his 10,000th vote as a Senator. He is only the 30th Senator to reach this number of five digits.

I have known Senator SPECTER for more than a quarter of a century. I have read his book. The book on his life is a remarkably impressive travel through his political career. He was a crime fighter as a district attorney. As far as lawyers go, the Specter genes are pretty good. The largest judgment in the history of the State of Nevada was a judgment his son received. His son is a prominent trial lawyer. Nevada knows the Specter name from more than Arlen.

Arlen has always been a man of honor and integrity and a tremendous public servant. The State of Pennsylvania, of course, is home to some of our Nation's most significant political history—the Declaration of Independence and the Constitution were drafted in Senator SPECTER's hometown of Philadelphia. No one has served that State longer than Senator SPECTER.

I congratulate my friend ARLEN SPECTER on making this historic milestone. It will make Pennsylvania proud. No one with whom I have served in the Senate has a better legal mind than ARLEN SPECTER. We always look to him when there is a complex legal issue to give one of his renowned statements.

I am sorry to hold up everybody, but I wanted this night not to go forward without saying something about our friend, ARLEN SPECTER.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Rosanna Malouf Peterson, of Washington, to be United States District Judge for the Eastern District of Washington?

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from Hawaii (Mr.

INOUE), the Senator from Minnesota (Ms. KLOBUCHAR), and the Senator from Virginia (Mr. WARNER) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Utah (Mr. BENNETT), the Senator from Kansas (Mr. BROWNBACK), the Senator from North Carolina (Mr. BURR), the Senator from Texas (Mrs. HUTCHISON), the Senator from Oklahoma (Mr. INHOFE), the Senator from Alaska (Ms. MURKOWSKI), and the Senator from Kansas (Mr. ROBERTS).

The PRESIDING OFFICER (Mr. MERKLEY). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 89, nays 0, as follows:

[Rollcall Vote No. 3 Ex.]

YEAS—89

Akaka	Enzi	Menendez
Alexander	Feingold	Merkley
Barrasso	Feinstein	Mikulski
Baucus	Franken	Murray
Bayh	Gillibrand	Nelson (NE)
Begich	Graham	Nelson (FL)
Bennet	Grassley	Pryor
Bingaman	Gregg	Reed
Bond	Hagan	Reid
Boxer	Harkin	Risch
Brown	Hatch	Rockefeller
Bunning	Isakson	Sanders
Burr	Johanns	Schumer
Cantwell	Johnson	Sessions
Cardin	Kaufman	Shaheen
Carper	Kerry	Shelby
Casey	Kirk	Snowe
Chambliss	Kohl	Specter
Coburn	Kyl	Stabenow
Cochran	Landrieu	Tester
Collins	Lautenberg	Thune
Conrad	Leahy	Udall (CO)
Corker	LeMieux	Udall (NM)
Cornyn	Levin	Vitter
Crapo	Lieberman	Voinovich
DeMint	Lincoln	Webb
Dodd	Lugar	Whitehouse
Dorgan	McCain	Wicker
Durbin	McCaskey	Wyden
Ensign	McConnell	

NOT VOTING—11

Bennett	Hutchison	Murkowski
Brownback	Inhofe	Roberts
Burr	Inouye	Warner
Byrd	Klobuchar	

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 shall be immediately notified of the Senate's action.

## LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

The Senator from Pennsylvania.

### SENATOR ARLEN SPECTER CASTS HIS 10,000TH VOTE

Mr. CASEY. Mr. President, I rise tonight to speak of my colleague, Senator ARLEN SPECTER, who tonight cast his 10,000th vote as a Member of the Senate. We watched history tonight. Sometimes we have a chance to witness history. Of course, we look forward to his many more votes, but we also look behind us at some of his own personal political history as well his service here in the Senate.

I will offer a few remarks tonight about his service. I can say, after knowing him for many years, and especially after serving with him for now more than 3 years, if you go down that list of votes—all those rollcall votes over many years, serving the people of Pennsylvania—he has had one priority with those votes: Those votes were cast on behalf of the people of Pennsylvania.

He has always been an independent voice for the people of our State. He has fought a lot of battles for the people of Pennsylvania. I know the people of our Commonwealth are proud of his service.

His public service began after he became a lawyer. He went to the University of Pennsylvania, and then to Yale Law School, and then eventually he joined the District Attorney's Office in Philadelphia. He rose through that office and became the District Attorney of Philadelphia. He was elected twice to that office and served 8 years.

He was elected to the Senate in 1980 and was reelected four times after that. He was reelected in 1986, 1992, 1998, and 2004. So he has performed those years of service as a Senator. Of course, it is more than about years and about votes. It certainly is about the substance of those votes, fighting those battles, such as on behalf of the veterans of Pennsylvania.

We have had a million or more veterans, for many years, in our State. Those who fought our wars, those who worked in our factories, those who went on to build Pennsylvania gave their first measure of devotion to the country fighting on battlefields. He has always fought for them. He chaired the Veterans' Affairs Committee here in the Senate. He continues those battles on behalf of the veterans of Pennsylvania.

On health care, we could talk for a long time about the battles he has fought over and over again; not only the battles he fought in the last year or two as the issue was being debated in the Senate, but especially the battles he fought over many years, battles on behalf of children and women, battles for health care for the vulnerable, those who were poor and may not have a strong advocate other than their Senators or Members of Congress. So he has fought battles on health care.

You could isolate a lot of different issues under that general heading, but one that comes to mind for me is the National Institutes of Health. No one I know of in the Senate has fought more battles for the National Institutes of Health and all of the research that comes from the great work done there, and all the cures, all the ways people are saved because of that research at NIH.

He has fought battles on job creation, not only to preserve and protect and create more jobs at a time of recession—such as the horrific recession we have been living through and our workers and families have been suffering

through—but battles over many years, battles to protect the rights of workers to organize and collectively bargain, battles to make sure jobs are kept in Pennsylvania instead of going overseas or somewhere else. He has fought those battles to protect our workers and our jobs.

He has fought battles on national defense, making sure we are doing everything possible to keep the people of our Commonwealth and our country safe from foreign enemies, safe from terrorists, and safe from those who seek to do us harm. Over many years, ARLEN SPECTER has cast those votes as well, keeping us safe and keeping us strong.

His independence is something that is critically important to any State, but especially a State such as Pennsylvania. We have a State of over 12 million people. We have a lot of different regions in our State, a lot of different constituencies, and a lot of different challenges all across the State.

What the people of Pennsylvania expect their Senators to do is to try their best to fight their battles, to try to remain an independent voice for them, not for some special interests in Washington. ARLEN SPECTER has done that for years, being that strong, consistent, independent voice for the people of our State.

He has had a strong sense of justice from the time he was a young lawyer, through his service as a prosecutor making sure our streets were safe in Philadelphia, and through what he has done here in the Senate, fighting battles for justice every day in his service in the Senate.

Finally, in a very broad sense, but a very important sense, not only when times are tough, as they are now economically, but even when times seem good, even when the budgets are better and people do not seem to be as concerned about what the Federal Government can do to help them through a difficult period—even in those times of prosperity, he has always fought for our workers and our families.

It is very easy for me to stand here, as someone who has watched him over the years in his service in this Senate—and I know as someone who has served with him for more than 3 years—it is very easy for me to say, without any effort at all, that those 10,000 votes he has cast have been votes on behalf of the people of Pennsylvania, and I believe for the best interests of the people of the United States of America.

I commend ARLEN on that tremendous vote total. I commend him also for his public service, his enduring public service for the people of Pennsylvania. I also commend his wife Joan and his family who I know have supported him for many years to make sure he could help us serve the people of Pennsylvania.

Congratulations, ARLEN.

The PRESIDING OFFICER. The Senator from Pennsylvania.



Mr. SPECTER. Mr. President, I thank my distinguished colleague Senator CASEY for those very generous remarks. He and I have worked together for the past 3 years plus, but beyond that we have worked during his tenure as a statewide officeholder, as Auditor General and Treasurer of the Commonwealth of Pennsylvania.

I have not only worked with ROBERT CASEY, JR., but I have worked with Robert Casey, Sr., his distinguished father who was Governor of the State.

While we were waiting for the train to arrive—this is an unusual evening in the Senate because the Acela was late, and it had a number of Senators coming from New York and points north. The train was about an hour late, so the vote was kept open for their arrival, and we had a chance to reminisce about some of our experiences in the past, such as when I first met his father, who was a young State senator and a candidate for Governor, when I was District Attorney of Philadelphia, and reminiscing about the controversial report his father, as Auditor General, made in 1970 on welfare problems, and it was very controversial. Although we were of different parties at that time, I backed up Auditor General Casey because I was the DA and I knew he was right. When his father was Governor, I was a frequent recipient of calls on the need for some assistance for Pennsylvania, and the answer was always yes.

I am delighted to be his colleague in the Senate, and I thank him for those remarks.

While waiting for the past hour, I have been reflecting on the 10,000 votes I have cast. I said to Senator CASEY, it gave me a unique time where I had nothing else to do except to wait for some Senators to arrive on the late train to vote, and I made some notes about those reflections.

Senator MENENDEZ arrived on the train and has some comments to make, and I told him I would yield to him. When he has finished his statement, in the absence of any other Senator seeking recognition, I intend to reflect on those 10,000 votes. So I say to people who think C-SPAN is about to go off, if you are interested, wait.

I again thank Senator CASEY and defer to my colleague, the distinguished Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, let me first of all thank my distinguished colleague from Pennsylvania for yielding before he reflects on the history of his 10,000 votes. I am sure there are many of great consequence he cast that he is going to reflect upon.

I want to echo my colleague from Pennsylvania as well, Senator CASEY's comments about Senator SPECTER. I will only focus on two points of the many he mentioned. One is the National Institutes of Health. The reality is, ARLEN SPECTER's advocacy and passion—partly from his own personal ex-

perience when he has had to overcome some of his own personal health challenges—has given him a real understanding of what the National Institutes of Health is all about and what it means. His advocacy and work there has made a huge difference in the lives of literally millions of people across this country based on the research that is done there that ultimately can save a life or can enhance a life. That is a legacy that any one of us in the United States would want to give.

Secondly, the other thing I respect about Senator SPECTER is that when he has had to cross the aisle in order to make sure he has stood on behalf of the people of Pennsylvania and in the Nation's best interests, he has done that. Nowadays, that is a lot more difficult to find. Senator SPECTER has a history of crossing the aisle when it is necessary on behalf of the people of Pennsylvania to stand by their side. That did not impede him from moving to whomever he could with whomever he could in this body and with administrations, both present and past, in order to achieve those goals. I salute him in that respect.

I appreciate Senator SPECTER letting me have a few minutes on an incredibly important issue.

#### NOMINATION OF JUDGE JOSEPH A. GREENAWAY, JR.

Mr. MENENDEZ. Mr. President, I rise in support of the nomination to the United States Court of Appeals for the Third Circuit of a distinguished jurist from New Jersey, Judge Joseph A. Greenaway, Jr., which seems to be blocked by some people in this Chamber yet unknown. I know it is not from my side of the aisle because I have checked. So it is on the Republican side of the aisle. Yet Judge Greenaway fully embodies the respect for justice and the rule of law that we demand of all of our judges. He has strong bipartisan support, and his nomination could easily have been taken care of this evening but for a few Republicans blocking the vote.

I say to my friends on the other side of the aisle: End the obstructionism. Do what is right. Let us have a vote on this eminently qualified, noncontroversial nominee. It is clear the obstruction of this nomination is not about this nominee. He is eminently qualified. I will talk about that in a moment. And it is not about what is right for this Nation. It certainly is not about acting in the best interests of a badly overburdened Federal judicial system. In fact, oddly enough, it is not about ideology. It is not even about Judge Greenaway or the other seven nominees whom our friends are delaying. It is about the politics of having this President and this Congress fail, the politics of no, the politics of obstruction, of stopping any progress on any issue and almost every nominee. Our friends on the other side came to the floor in the last administration,

the administration of President Bush, on countless occasions to argue for an up-or-down vote. I heard that many times: "Give us an up-or-down vote," demanding that a simple majority of the President's nominees is all that is needed—a simple majority of this Chamber. That is a position diametrically opposed to their position today. In fact, they went so far at that time to proclaim that filibusters of the President's nominations were unconstitutional, and they threatened what became known then as the nuclear option—to undo the right of Senators to filibuster a nominee. Well, which is it? What do my friends on the other side believe is right or is the question: What do they believe will work? Where is the call for an up-or-down vote now from our Republican colleagues? Where is the argument on the unconstitutionality of filibusters now? You can't have it both ways.

We can agree to disagree on some nominees on principle, and we have over the years. But the numbers this year belie any notion that the obstruction of Judge Greenaway and all the pending nominees is purely a matter of principle. In this past year, our Republican colleagues have obstructed virtually all the President's nominees, confirming only 12 Federal circuit and district court nominees, the lowest number in a half century. Let me repeat that: the lowest number in a half century. Contrast that to the 100 judicial nominees confirmed in the 17 months Chairman LEAHY chaired the Judiciary Committee during the Bush administration.

As Chairman LEAHY has pointed out on this floor, in December of 2001, the first year of George W. Bush's administration, Senate Democrats confirmed 10 of President Bush's nominees in December alone, leaving only 4 nominations on the calendar—in the first year. All four of those nominees were confirmed soon after the Senate returned the following year, in 2002. In stark contrast, this past December, our Republican colleagues left 10 judicial nominees without Senate action and insisted on returning 2 of them to the President for renomination.

So I urge my colleagues to reconsider, to end this obstructionism, and allow this body to exercise its constitutional authority of advice and consent and confirm the nomination of Joseph A. Greenaway to the U.S. Court of Appeals for the Third Circuit. He is eminently qualified and deserves consideration.

Let me close on that. At the age of 40, Justice Greenaway was appointed by then-President Clinton to the Federal bench, where he served for over a dozen years with distinction. By the way, he got put through by unanimous consent. It wasn't even—it was by unanimous consent of the Chamber when he was put on the Federal bench. He went through unanimously, out of the Judiciary Committee, for this position on the appellate division—unanimously out of the committee.

Joe Greenaway earned a Bachelor of Arts from Columbia University, where he was honored in 1997 with the Columbia University Medal of Excellence and with the John Jay Award in 2003. He was an Earl Warren Legal Scholar at Harvard University. He clerked for the late Honorable Vincent L. Broderick in the U.S. District Court for the Southern District of New York. He became an assistant U.S. attorney in Newark and later received a promotion to become chief of the Narcotics Bureau. In the private sector, he was an associate with the firm of Kramer, Levin, Nessen, Kamin, and Frankel and served at Johnson & Johnson as in-house counsel. He has an incredible background. He is chair emeritus of the Columbia College Black Alumni Council and has been an adjunct professor at Rutgers Law School.

Currently, he is an adjunct professor at the Cordozo School of Law and at Columbia College, where he teaches courses on trial practice and a seminar on the Supreme Court.

But this is merely Judge Greenaway's impressive resume in one way—a distinguished resume to say the least—but it does not do justice to the man. There is an inscription over the 10th Street entrance to the Department of Justice a few blocks from here. It reads: "Justice in the life and conduct of the State is possible only as it first resides in the hearts and souls of men."

The two qualities of justice do indeed reside in the heart and soul of Joe Greenaway, and he deserves a vote.

He grew up in Harlem in the northeast Bronx. He is accomplished and successful, but he has always given much back. He has been instrumental in mentoring students and graduates, often taking them under his wing as law clerks or fellows. He once said:

I tell my students to work hard and work smart. Our profession requires a drive to search for perfection; without that goal mediocrity becomes the norm.

He has always strived for excellence. He has always taught young lawyers to do the same.

So Judge Joseph Greenaway respects the law. For all that Judge Greenaway stands for—justice served; for honor and decency; for the qualities and qualifications that have brought him to this place in his career; for his years of service and his judicial temperament; for his respect for the Constitution and precedent; for the fact that justice does, indeed, reside in the heart and soul of this man; for the fact that, in fact, he was unanimously passed out of the Judiciary Committee and previously, to become a district court judge, had the unanimous consent of this body—somehow, despite all that history and all that qualification, there are colleagues on the Republican side of the aisle holding up this nominee.

I urge my colleagues to end the obstructionism and to give us a vote up or down. I know when we get that vote,

Judge Joseph A. Greenaway will be confirmed to the U.S. Court of Appeals for the Third Circuit. I will continue to come to the floor to dramatize this challenge. We cannot have a set of circumstances under which the judiciary labors, especially with eminently qualified, bipartisan candidates, because there are those who want to see this President or this Congress fail. It is about the Nation not failing. It is about our judicial system not failing. It is not about the politics of obstructionism.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, as I commented a few moments ago, I thanked Senator CASEY for the comments he made about my 10,000th vote and said that I would be speaking at the conclusion. But I yielded to the Senator from New Jersey because my speech will be somewhat longer, and Senator LAUTENBERG has now come to the floor. I don't want to keep him for a lengthy speech, so I would be glad to yield—if I may inquire as to how long the Senator from New Jersey will take.

Mr. LAUTENBERG. Mr. President, I would say about 10 minutes. Ten minutes would be more than adequate.

Mr. SPECTER. I yield to the Senator from New Jersey. I had called some family, to be very personal about it—my wife, sister, aunt—and I don't want them to think I am not going to speak, but for 10 minutes I will yield.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I thank my colleague from Pennsylvania, and I congratulate him for having cast 10,000 votes. We all know Senator SPECTER so well, and we know that 10,000 votes cast by him represents 10,000 thoughtful decisions. He is a lawyer of distinction. He came to the Senate and was accorded respect for his views. We have often listened to debates where Senator SPECTER participated and his views were always respected by others and carried much weight. He and I have gotten along over the years very well. I was pleased to see him have the courage to switch parties because of his beliefs in how this body ought to function, and we congratulate him for that as well. The only disagreement we have is whether the Philadelphia football team, the Eagles, is more loved by people in the southern part of our State, New Jersey, or whether their loyalty is better appreciated by those from Pennsylvania. It depends, with me, on what their record is. I am sorry, excuse me.

But it is a pleasure to serve with Senator SPECTER. I am somewhat behind him for the number of votes cast, but it is easy and particularly when I am asked: Well, what was the vote 8,003 that you cast? I say: Well, I will have to check the RECORD. Thousands of votes are a lot of votes. They require a lot of decisionmaking. Once again, I congratulate Senator SPECTER for his good decisionmaking.

#### GREENAWAY NOMINATION

Mr. LAUTENBERG. Mr. President, tonight I wish to highlight what my colleague, Senator MENENDEZ, talked about in getting on with the business of the Senate and defining what takes place in this body, this place of the people, where some say we shouldn't move quickly—we shouldn't move, period—on decisions that matter because, politically, our colleagues on the other side are determined to do whatever they can to bring down this administration's ability to function, including the majority's ability to function.

I rise to talk about a target that our Republican friends have in their sight and that is Judge Joseph A. Greenaway, Jr., of New Jersey. He exemplifies the dreams so many have about what can be accomplished in life. He is the son of a nurse and a carpenter. He rose from humble beginnings to attend Columbia University and Harvard Law School.

Joseph Greenaway is a well-qualified judge. He served on our district court for over a decade with distinction. His credentials and qualifications are beyond reproach, and there is no opposition to his nomination to the Third Circuit Court. Yet the Republicans blocked a vote—not cast a vote but blocked a vote—on his confirmation tonight. It is unconscionable. Let the Senate make its decision. Those on the other side who don't want to vote for him, let them say so. Let them say it with a vote. But, no, they insist on tying things up, which has been the manner of things here for some time now, since President Obama has taken office. This man and our country deserve better than what we are seeing.

Some of us in this Chamber came to Congress to move the country forward because we are so grateful to this Nation of ours that we want to make sure—and I speak for myself, but I am sure I speak for others—that we are so grateful for the opportunities that befell us and our families. I speak from personal experience. I come from parents who were brought here as immigrants when they were infants and had the opportunity to do well in business for a number of years after coming and being here for 25 years.

I want to do this job because I wish to help people. I know what it is like to be deprived of resources. It is painful. I saw it through my entire childhood. My father died when he was 43, without any insurance, without any help from the government to help my mother carry on while I was in the Army.

Unfortunately, our Republican colleagues have a different agenda. They are focused on bringing this Chamber to a standstill. They are focused on delay and stopping progress on nearly every issue. The filibuster used to be reserved for only the most controversial issues and was meant to allow enough time for debate. Now it is being abused, hijacked by Republicans who are more interested in political and procedural games than in legislating.

We have seen it in the health care bill, when one of our colleagues on the other side said that if they can defeat the health care bill President Obama produced with the Congress, they will have presented the Waterloo to President Obama's career.

It is terrible to have that kind of an attitude. Serve the people. Forget about stopping things. Talk about them and come out here on the floor and say why don't you want to help people. That is what we are talking about. Today we see an example in the simplest form.

Republicans have used the filibuster over 100 times since the start of this Congress. They have used it to block health care reform, funding for our troops, and even help for our veterans. They are using it to block well-qualified judges from serving on the Federal bench.

Republican obstructionism last year led to the lowest number of judicial confirmations in more than 50 years. Republicans sit on their hands and block the Senate from considering qualified nominees for months on end.

Last week, we finally had a vote on the confirmation of Beverly Martin to serve on the Eleventh Circuit Court of Appeals. She was unanimously supported in the Judiciary Committee and then forced to wait over 4 months on the Senate calendar for no good reason, except to chalk up another victory over progress. What was the final vote on her confirmation? It was 97 to 0. They would not let us vote, but there was a willingness to have everyone in the Chamber vote for her. No opposition, not a single dissenter.

Once again, we are witnessing a judge being caught in the crosshairs of the party of no.

Judge Greenaway was nominated to serve on the Third Circuit and voted unanimously out of the Judiciary Committee. Yet his nomination has languished for nearly 4 months. This is unreasonable. Judge Greenaway is an exceptional public servant and will be an excellent addition to the bench. Judge Greenaway started in public service as an assistant U.S. attorney in Newark in 1985. He distinguished himself prosecuting bank fraud and white-collar crime cases before being picked to head the narcotics division in the U.S. Attorney's office.

Since 1996, he has served on the U.S. District Court in Newark. In his tenure, he has demonstrated his firm commitment to the values we want to see in our judges—fairness, equity, and justice. These are the same values that will make him a success on the Third Circuit Court of Appeals.

Judge Greenaway has spent his career protecting New Jerseyans and their rights. That is why the American Bar Association—his peers—rated him “unanimously well qualified” for this position. That is why it is so incomprehensible to understand why they insist on not permitting us a vote. Let us vote. Maybe he won't be accepted by

the Senate. Let us vote, by gosh. We ought to confirm him without further delay.

The Third Circuit Court has a vacancy that needs to be filled. This is a noncontroversial, well-qualified judge waiting and anxious to serve.

I call on my colleagues on the other side of the aisle, stop your obstructionism and let this vote move forward.

I thank the Chair and I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, as I had said earlier, I intended to make some comments following the speech by Senator CASEY on my 10,000th vote. I have since deferred to Senators MENENDEZ and LAUTENBERG. I intend to get to that speech.

I will make some unanimous consent requests before I speak instead of after so that the clerks can go about their business and go home.

As I mentioned, I have told family members that I was going to speak—my wife, my sister, and aunt. So it is coming. First, I will do some other business of the Senate.

#### MORNING BUSINESS

Mr. SPECTER. Mr. President, on behalf of the leader, 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.

#### TRIBUTE TO PAMELA GAVIN

Mr. REID. Mr. President, I rise today to pay tribute to Pamela Gavin, who will retire from Office of the Secretary of the Senate on February 1, 2010, after more than 24 years of service as the Superintendent of Public Records. During that time, she and her staff have shepherded and safeguarded the filing of thousands of Senate public documents, including financial disclosure reports, Federal Election Commission campaign reports and lobby disclosure documents.

Ms. Gavin has seen numerous milestones in Senate history, including passage of the Lobby Disclosure Act of 1995 and the Honest Leadership and Open Government Act of 2007. She successfully led her team in implementing new laws and providing guidance to those endeavoring to follow the law. She has been a dependable, thoughtful public servant throughout her career, known by her colleagues for her cheerful nature and clever insight. A mentor to many Senate staffers, Ms. Gavin is a tremendous resource to the entire Senate community.

During these 24 years of service, Ms. Gavin has met unusual challenges and upheld her responsibilities even under the most trying circumstances. During the anthrax attacks of 2001, in which Senate staff were forced to vacate the

Hart building for several months, she kept the Office of Public Records in business every day, using a small corner of the Senate Library to maintain her responsibilities to the Senate community and to the public.

I am pleased to offer congratulations on such an outstanding and accomplished career. We are all grateful for Pam Gavin's years of dedicated public service. While I know that her friends and colleagues will miss her greatly, I join my colleagues today in wishing her the very best in the years to come.

#### FURTHER CHANGES TO S. CON. RES. 13

Mr. CONRAD. Mr. President, pursuant to section 301(a) of S. Con. Res. 13, I previously filed revisions to S. Con. Res. 13, the 2010 budget resolution. Those revisions were made for the Patient Protection and Affordable Care Act, an amendment in the nature of a substitute to H.R. 3590, as well as for two amendments to that substitute.

The Senate passed H.R. 3590 on December 24, 2009. To preserve the adjustment for legislation transforming and modernizing America's health care system, I am further revising the 2010 budget resolution and reversing the adjustments previously made pursuant to section 301(a) to the budgetary aggregates and the allocation provided to the Senate Finance Committee. Assuming it meets the conditions of the deficit-neutral reserve fund specified in section 301(a), I will again adjust the aggregates and the Senate Finance Committee's allocation for final health care legislation.

I ask unanimous consent that the following revisions to S. Con. Res. 13 be printed in the RECORD.

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

#### CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2010—S. CON. RES. 13; FURTHER REVISIONS TO THE CONFERENCE AGREEMENT PURSUANT TO SECTION 301(a) DEFICIT-NEUTRAL RESERVE FUND TO TRANSFORM AND MODERNIZE AMERICA'S HEALTH CARE SYSTEM

[In billions of dollars]

Section 101	
(1)(A) Federal Revenues:	
FY 2009 .....	1,532,579
FY 2010 .....	1,614,788
FY 2011 .....	1,935,431
FY 2012 .....	2,137,235
FY 2013 .....	2,298,817
FY 2014 .....	2,520,688
(1)(B) Change in Federal Revenues:	
FY 2009 .....	0,008
FY 2010 .....	-51,198
FY 2011 .....	-153,200
FY 2012 .....	-223,158
FY 2013 .....	-216,520
FY 2014 .....	-112,970
(2) New Budget Authority:	
FY 2009 .....	3,675,736
FY 2010 .....	2,898,207
FY 2011 .....	2,845,866
FY 2012 .....	2,848,108
FY 2013 .....	3,012,328
FY 2014 .....	3,188,867
(3) Budget Outlays:	
FY 2009 .....	3,358,952
FY 2010 .....	3,012,191
FY 2011 .....	2,971,521

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2010—S. CON. RES. 13; FURTHER REVISIONS TO THE CONFERENCE AGREEMENT PURSUANT TO SECTION 301(a) DEFICIT-NEUTRAL RESERVE FUND TO TRANSFORM AND MODERNIZE AMERICA'S HEALTH CARE SYSTEM—Continued

(In billions of dollars)

FY 2012 .....	2,883,055
FY 2013 .....	3,019,952
FY 2014 .....	3,175,217

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2010—S. CON. RES. 13; FURTHER REVISIONS TO THE CONFERENCE AGREEMENT PURSUANT TO SECTION 301(a) DEFICIT-NEUTRAL RESERVE FUND TO TRANSFORM AND MODERNIZE AMERICA'S HEALTH CARE SYSTEM

(In millions of dollars)

Current Allocation to Senate Finance Committee:	
FY 2009 Budget Authority .....	1,178,757
FY 2009 Outlays .....	1,166,970
FY 2010 Budget Authority .....	1,244,616
FY 2010 Outlays .....	1,242,672
FY 2010–2014 Budget Authority .....	6,845,767
FY 2010–2014 Outlays .....	6,822,645
Adjustments:	
FY 2009 Budget Authority .....	0
FY 2009 Outlays .....	0
FY 2010 Budget Authority .....	–7,280
FY 2010 Outlays .....	–4,830
FY 2010–2014 Budget Authority .....	12,130
FY 2010–2014 Outlays .....	34,660
Revised Allocation to Senate Finance Committee:	
FY 2009 Budget Authority .....	1,178,757
FY 2009 Outlays .....	1,166,970
FY 2010 Budget Authority .....	1,237,336
FY 2010 Outlays .....	1,237,842
FY 2010–2014 Budget Authority .....	6,857,897
FY 2010–2014 Outlays .....	6,857,305

## HAITI

Mr. KAUFMAN. Mr. President, the world has been overwhelmed by the immeasurable scale of human suffering and devastation in Haiti. My thoughts and prayers are with the people of Haiti, the courageous humanitarian and peacekeeping workers, the countless victims, and their families in the wake of this horrific tragedy.

The U.S. Government has responded with determination and resolve to help the people of Haiti. I am especially pleased with the rapid deployment of U.S. military, civilian, and medical personnel to Haiti, the pledge of \$100 million in aid, and the work of the search and rescue teams. I am grateful for the role of U.S. Southern Command in leading the military efforts, and the vast coordinating responsibilities taken on by the U.S. Agency for International Development in conjunction with the Department of State. I was especially heartened earlier this week by the images of a U.S. rescue team surrounded by Haitians chanting “U.S.A.!”

While these and other courageous efforts of countless Americans are highly publicized, many Americans may not be aware of the role of U.S. international broadcasting, under the leadership of the Broadcasting Board of Governors, in assisting the people of Haiti. Shortly after the earthquake, Voice of America began Creole broadcasts on multiple frequencies in Haiti from Commando Solo, a C-130 aircraft operated by the 193rd Special Oper-

ations Wing. Since then, VOA Creole service has broadcast news and information on the relief efforts, utilizing reporters on the scene in Port-au-Prince and the surrounding areas, 24 hours a day.

The VOA Creole broadcasts include public service announcements with information and statements from U.S. Government agencies, including USAID and the Department of Defense, aimed at helping Haitians find immediate shelter, medical assistance, and aid. There are hourly public safety and relief supply updates, as well as a call-in line to broadcast messages from families and friends of the injured and missing. Ronald Cesar is running this program, with a small but very dedicated staff, and I thank all of them for their commitment to the disaster relief.

Online, VOA has updated Twitter and Facebook feeds around the clock with the latest news and information about Haiti. All this coverage is making a difference. If you searched “Haiti” on Google News the weekend after the earthquake, the first hit was of a VOA news story, thanks to the presence of numerous VOA stringers reporting around the clock from Haiti.

This response by VOA in Haiti is not new. It is indicative of the critical role of U.S. international broadcasting has played in similar situations throughout history. In 2008, when Kenya erupted into violence, VOA provided one of the sole sources of credible news and information worldwide. When the 2004 tsunami devastated Indonesia, Thailand, and countries across the Indian Ocean, VOA helped millions stay up to date with the international relief effort, providing news and valuable information on where to find assistance. The same was true in the 1990s in Somalia, the Balkans, and Rwanda, where VOA broadcasts played a critical role reuniting families torn apart by war and strife.

The free flow of information is essential to managing any crisis situation, and U.S. international broadcasting has historically played, and continues to play, a critical role in disaster relief. It is in this regard that I wish to recognize the Broadcasting Board of Governors, and VOA in particular, as well as all U.S. civilian, military, and volunteer response teams for their invaluable service in Haiti. Their efforts demonstrate the best of America's generous spirit, and their compassion and dedication is making a difference to the millions of people in Haiti affected by this terrible tragedy.

## TRIBUTE TO JO ANNE GOODNIGHT

Ms. SNOWE. Mr. President, today I recognize Jo Anne Goodnight, an extraordinary member of my staff who will shortly be leaving the Hill to return to her position as division of special programs director and SBIR/STTR program manager at the National Institutes of Health, or NIH. Jo Anne has brought tremendous enthusiasm, in-

sight, and expertise to her position as a detailee for the Senate Committee on Small Business and Entrepreneurship, and I am sad to see her leave.

Jo Anne joined my committee staff in June 2009 to help me shepherd the reauthorization of the Small Business Innovation Research, or SBIR, and Small Business Technology Transfer, or STTR, programs through the Senate. These critical initiatives help move innovative ideas from mind to marketplace, and there is probably no one who understands the details of these programs better than Jo Anne. A recognized expert in her field, she began her present position at NIH in 1999, where she manages and coordinates the SBIR and STTR programs for the Department of Health and Human Services' public health agencies, such as NIH, the Food and Drug Administration, or FDA, and the Centers for Disease Control and Prevention. In her capacity as program manager, Jo Anne has appeared as a witness before many congressional committees, which is why I had the utmost confidence that she would hit the ground running upon her arrival at the committee—and she did!

From her first moment here, Jo Anne established a reputation as a hard-working, intelligent, and dedicated staff member. She dedicated countless hours preparing me to work towards a consensus to reauthorize the SBIR and STTR programs with my colleagues, and she was a vocal leader at staff-driven meetings. She had no shortage of ideas on how best to advance our interests, and was open and honest about the best approach to take in forging a compromise. While our work is not complete regarding a long-term reauthorization of these initiatives, Jo Anne has laid a tremendous foundation for our future negotiations.

As time went on, Jo Anne demonstrated a strong capacity for developing new ideas, and she began aiding me with other issue areas, such as innovation and technology. Her assistance was essential in helping to move a critical bill I introduced with Senator MARK PRYOR on science parks through the Commerce Committee. Additionally, Jo Anne helped me add language to the bill encouraging the development of science and research parks on bases closed by the Base Realignment and Closure process. I am hopeful that this language, if passed by the full Senate, will help communities like Brunswick, ME, redevelop quickly.

Jo Anne has had a remarkable career in and out of government. In addition to her most recent service at NIH, she worked for several years at the National Cancer Institute, or NCI, as its SBIR/STTR program coordinator and the special assistant to the director of the division of cancer biology. She also has extensive research experience at the NIH, the FDA, the University of

Southern California, and, as an undergraduate cooperative education student from Virginia Tech, at the Department of Agriculture's Animal Parasitology Institute in Maryland.

Throughout her lengthy career, Jo Anne has been the recipient of numerous awards, including three NIH Director's Awards and five more NIH Merit Awards for dedication, initiative, and exemplary contributions to various projects. Jo Anne has also won the 1996 Outstanding Performance Award from the NCI's division of cancer biology, and the 2007 Federal Executive Institute's Certificate of Achievement.

What is most striking about Jo Anne—aside from her remarkable intelligence and passion for her work—is her easygoing and humorous nature. A true joke teller, Jo Anne loves to laugh and make others laugh with her. She is a kind and generous person who is constantly willing to help her coworkers in any way possible. Jo Anne always has a smile on her face, and her upbeat personality makes her a pleasure to work with.

Additionally, Jo Anne and her husband Will have a home in Lamoine, a small coastal town near Maine's beautiful Acadia National Park. They find themselves driving to Maine at least once a month, and Jo Anne hopes to relocate there in the coming years. It is wonderful talking with her about all of the great and unique places to visit in the area, and I am thrilled that she has fallen so deeply in love with my home State.

Jo Anne also enjoys spending time with her colleagues off the Hill. In October, she organized an office chili cook-off, where members of my staff brought pots of their homemade chili to Jo Anne's home. There, they enjoyed a wonderful afternoon dedicated to getting to know one another better while consuming numerous varieties of chili. Jo Anne was a gracious hostess, and everyone greatly enjoyed the experience.

I am honored to have had someone as talented and passionate as Jo Anne Goodnight on my staff. Jo Anne brings a visible sense of dedication and professionalism to the job every day, and her commendable work ethic and incredible creativity are sources of pride. I wish Jo Anne and her family the best of luck as she transitions back to the NIH, and look forward to seeing her in Maine.

#### 2010 CENSUS

Mr. BEGICH. Mr. President, I commemorate the launch of the 2010 Decennial Census in Noorvik, AK, and thank the U.S. Census bureau for the honor of kicking off this decade's census. Our State is honored to once again have this privilege. I am proud our country is acknowledging the contributions of all its citizens by beginning this historic count in a small, rural village in Alaska.

Noorvik is a rural community in the Northwest Arctic Borough of Alaska

with a population of 642 residents. Because there are no roads linking the community to the rest of the State, it is only accessible by plane or shallow-draft vessel. The majority of the population consists of Inupiaq Eskimo residents primarily working as miners, construction workers, teachers, and public administrators. Noorvik may be a small town, but its residents contribute a great deal to Alaska's infrastructure and industry. Therefore, it is important the decennial count begin in this small yet significant community. The Census will also provide several thousand jobs for Alaskans, who will be travelling to remote areas to collect accurate data from our most remote regions.

The U.S. Census is a valuable and time-honored tradition. Its roots can be traced back to article 1, section 2 of the U.S. Constitution, where the founders of our democracy stated, "The actual Enumeration shall be made within three Years after the first Meeting of the Congress of the United States, and within every subsequent Term of ten Years." When our Nation was founded, the Census was a way to determine the number of each State's delegation in the House of Representatives. Since then, the Census has become more than a mechanism for allotting congressional seats, but also provides policymakers with the data they need to better serve Americans.

I thank the U.S. Census Bureau for launching the 2010 Decennial Census in Noorvik, AK. This is a great opportunity to reach out to rural Alaska and honor our State's rich cultural heritage.

#### ADDITIONAL STATEMENTS

##### IDAHO WHEAT COMMISSION 50TH ANNIVERSARY

• Mr. CRAPO. Mr. President, it is an honor for me to recognize the Idaho Wheat Commission, which celebrated its 50th anniversary recently. The Idaho Wheat Commission was founded in 1959 and has been a leader in the wheat industry, working on behalf of Idaho's wheat growers and providing them with an invaluable service. Wheat is one of Idaho's top five commodities; it is grown in nearly every county; and Idaho is ranked 10th in national production of wheat. The Idaho Wheat Commission engages in research, market development, consumer education and much more on behalf of Idaho wheat growers.

The Idaho Wheat Commission funds research and provides science-based information to Idaho wheat growers concerning topics such as improved wheat variety, pest management and best practices. Research and information on these and many other topics help Idaho Wheat growers remain competitive and profitable. The Idaho Wheat Commission also aids growers by playing an important role in the development of

markets at home and overseas, which helps Idaho growers find new and emerging markets for their wheat. More than 50 percent of Idaho's wheat crop is exported to over 90 other countries around the world.

The Idaho Wheat Commission, along with the University of Idaho Extension, the Idaho Grain Producer Association and the Idaho Barley commission, sponsors Cereal Schools in many different Idaho counties. These schools educate and update growers on various issues, such as results from new studies and trials or current legislative issues. They also conduct Wheat Quality Workshops twice a year where growers get a hands-on education on the importance of growing quality wheat.

Because of their many excellent educational and informational programs, the Idaho Wheat Commission has had, and will continue to have, a positive influence on the Idaho wheat industry. The Idaho Wheat Commission has been working for Idaho's wheat growers for 50 years, helping to fund research and education and to develop new markets for growers. In their first 50 years, they have succeeded at this and much more. Congratulations to the Idaho Wheat Commission for 50 years of supporting the growers of one of Idaho's most important crops. I look forward to its next 50.●

#### TRIBUTE TO GEORGE FRAZIER

• Mrs. LINCOLN. Mr. President, I wish to recognize a man who I am proud to call a fellow Arkansan. Hope native George Frazier, 91, embodies Arkansas and the values we hold so close to our hearts: community, family, and faith. Earlier this month, George was honored by his fellow Kiwanis Club members in Hope for 62 years of service in the organization.

Known by some as "Mr. Hope, Arkansas," George and his wife Effie have touched countless members of the Hope community, including former President Bill Clinton, who telephoned George on his 75th birthday to thank him for the positive impact he had on his life. George is such an integral part of his community that the local newspaper, The Hope Star, recently penned a series of articles in his honor.

I salute George Frazier and all residents of Hope for their strong sense of Arkansas values and community pride. Renowned for its annual watermelon festival, Hope is often said to be "a slice of the good life." I couldn't agree more.●

#### TRIBUTE TO MAJOR STEVEN HALL AND CHIEF WARRANT OFFICER RICKY BULLINGER

• Mrs. LINCOLN. Mr. President, today I honor two brave Arkansas Guardsmen who risked their lives to rescue a citizen in need. Maumelle resident Major Steven Hall, a native of Rector, and Chief Warrant Officer Ricky Bullinger of North Crossett recently received the

Soldier's Medal, the highest award for heroism not involving combat, for risking their lives to rescue a woman who was being electrocuted underneath a hotel dock on Lake Hamilton in Arkansas.

On August 23, 2008, Hall and Bullinger had spent the day at a training workshop, later joining their families to boat on Lake Hamilton. Before long, they heard cries for help from two families nearby on the water and immediately went to their aid.

Both Hall and Bullinger jumped into the water, quickly finding it to be full of electricity from a nearby streetlight. The pair spent 15 minutes diving for a woman trapped in the water. Eventually, their efforts were successful as they pulled her from the lake. Not everyone was saved, however. A 14-year-old girl lost her life that day.

I salute these two brave servicemen. My father and both grandfathers served our Nation in uniform and taught me from an early age about the sacrifices our troops and their families make to keep our Nation free. All of our service men and women from the Greatest Generation to Vietnam war veterans to the new generation of servicemembers in the Middle East and across the globe have sacrificed greatly on behalf of our country and local communities.

It is the responsibility of our Nation to provide the tools necessary to care for our country's servicemembers and honor the commitment our Nation has made to them. During these tough economic times, it is even more important that we don't shortchange our veterans. It is the least we can do for those whom we owe so much.●

#### RECOGNIZING BOONE AND NEWTON COUNTIES

● Mrs. LINCOLN. Mr. President, today I recognize Boone and Newton Counties, in my home State of Arkansas, for their efforts to create communities where children and their families have access to healthy, affordable foods and safe places to play and exercise. These counties, through the North Arkansas Partnership for Health Education, NAPHE, recently received a \$360,000 grant from the Robert Wood Johnson Foundation's "Healthy Kids: Healthy Communities" program.

The funding will help local officials and organizations create policies that encourage active lifestyles for children and healthier eating habits for all residents in Boone and Newton Counties. The project will create a walking path to connect the south side of Lake Harrison to the schools and grocery stores to the north and will develop a system to deliver healthy foods to underserved neighborhoods and more remote parts of the counties.

According to Rick Hinterthuer, NAPHE executive director, "our community model is extremely efficient and effective. If we can do it in Harrison, it can be done in other places. We reach our community best through

the Home Town Health Coalitions of Boone and Newton Counties."

I have had the pleasure of visiting the Boone County Hometown Health Improvement Coalition. The program is a model for the rest of the country and illustrates how a community can leverage its resources to address community health issues through local, State, regional and national partnerships.

As chairman of the Senate Committee on Agriculture, Nutrition and Forestry, I have fought to include funding to provide meals to needy children during summer months, to secure grants for States to modernize their school lunch delivery systems, to improve health outcomes for infants participating in the WIC Program, and to promote the health of young children in early childhood settings.

I salute the good work going on in Harrison and North Arkansas to help keep our youngest citizens healthy.●

#### TRIBUTE TO JAMES WILSON

● Mr. SANDERS. Mr. President, I would like to take a moment today to recognize an armchair explorer who never left the Northeast but brought the world to the United States. In 1809–1810 in the town of Bradford, VT, Mr. James Wilson fashioned the first terrestrial and celestial globes made in the United States. In doing so Mr. Wilson gave to all Americans an invaluable tool that would be used for centuries to come.

A self-taught and passionate cartographer, James Wilson started the first geographic globe factory in Bradford. He achieved such great success that soon after he and his sons opened a second factory in Albany, NY. Wilson Globes set the standard by which all other globes were measured, achieving such perfection that in 1827 he argued to Congress there was no longer a need to import them from abroad.

The accomplishments of James Wilson and his sons are treasured in the picturesque town of Bradford. So much so that the Bradford Historical Society commissioned the Williamstown Art Conservator to repair the historical society's Wilson globe—one of the few remaining in the world. Funds for this project were received from across the Nation. Understandably, the town takes great pride in this small piece of history that they can call their own. Although Mr. Wilson only ever saw a few hundred miles of this great country, he was responsible for bringing the world to most Americans. We applaud James Wilson for the legacy he left us. Furthermore, we applaud the Historical Society and town of Bradford for recognizing Mr. Wilson's remarkable gift and their dedication to preserving the past for our future.●

#### 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-4312. A communication from the Acting Division Chief, Wireline Competition Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Interim Cap on High-Cost Support for Competitive Eligible Telecommunications Carriers" (FCC08-122) received in the Office of the President of the Senate on December 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-4313. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Shipping; Vessel Inspections; Technical and Conforming Amendments" (RIN1625-ZA21) (Docket No. USG-2008-1107) received during adjournment of the Senate in the Office of the President of the Senate on January 5, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4314. A communication from the Senior Trial Attorney, Office of the Secretary of Transportation, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Enhancing Airline Passenger Protections" (RIN2105-AD72) received during adjournment of the Senate in the Office of the President of the Senate on January 15, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4315. A communication from the Trial Attorney, Federal Railroad Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Positive Train Control Systems" (RIN2130-AC03) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4316. A communication from the Deputy Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Removal of Entry from the Entity List: Person Removed Based on Removal Request" (RIN0694-AE75) received in the Office of the President of the Senate on December 23, 2009; to the Committee on Commerce, Science, and Transportation.

EC-4317. A communication from the Deputy Chief, Consumer and Governmental Affairs Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Closed Captioning of Video Programming, Order, CG Docket No. 05-231" (FCC 09-109) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4318. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Television Broadcasting Services; Bangor, Maine" (MB Docket No. 09-122) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4319. A communication from the Regulations Officer, Federal Highway Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "National Bridge Inspection Standards" (RIN2125-AF33) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4320. A communication from the Regulations Officer, Federal Highway Administration, Department of Transportation,



transmitting, pursuant to law, the report of a rule entitled “Discontinuance of Form FHWA-47” (RIN2125-AF31) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4321. A communication from the Director, Census Bureau, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Temporary Suspension of the Population Estimates and Income Estimates Challenge Programs” (RIN0607-AA49) received during adjournment of the Senate in the Office of the President of the Senate on January 6, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4322. A communication from the Chief of the Policy and Rules Division, Office of Engineering and Technology, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled “Revision of Parts 2 and 15 of the Commission’s Rules to Permit Unlicensed National Information Infrastructure (U-NII) Devices in the 5GHz Band” ((ET Docket No. 03-122) (FCC06-12)) received in the Office of the President of the Senate on December 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-4323. A communication from the Director, Bureau of Economic Analysis, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Direct Investment Surveys: BE-605, Quarterly Survey of Foreign Direct Investment in the United States—Transactions of U.S. Affiliate with Foreign Parent” (RIN0691-AA70) received during adjournment of the Senate in the Office of the President of the Senate on January 8, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4324. A communication from the Attorney, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Hazardous Materials: Adjustment of Maximum and Minimum Civil Penalties” (RIN2137-AE48) received in the Office of the President of the Senate on December 23, 2009; to the Committee on Commerce, Science, and Transportation.

EC-4325. A communication from the Assistant Chief Counsel for Hazardous Materials Safety, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Hazardous Materials: Revision to Requirements for the Transportation of Batteries and Battery-Powered Devices; and Harmonization with the United Nations Recommendations, International Maritime Dangerous Goods Code, and International Civil Aviation Organization’s Technical Instructions; Correction” (RIN2137-AE54) received during adjournment of the Senate in the Office of the President of the Senate on January 15, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4326. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Vehicle Identification Number Requirements; Technical Amendment” (RIN2127-AK63) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4327. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Federal Motor Vehicle Safety Standards; Designated Seating Positions” (RIN2127-AK65) received

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

EC-4328. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Federal Motor Vehicle Safety Standards; Lamps, Reflective Devices, and Associated Equipment” (RIN2127-AK66) received in the Office of the President of the Senate on December 23, 2009; to the Committee on Commerce, Science, and Transportation.

EC-4329. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Federal Motor Vehicle Safety Standard; Air Brake Systems; Interim Final Rule” (RIN2127-AK44) received in the Office of the President of the Senate on December 23, 2009; to the Committee on Commerce, Science, and Transportation.

EC-4330. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Federal Motor Vehicle Safety Standard; Air Brake Systems” (RIN2127-AK62) received in the Office of the President of the Senate on December 23, 2009; to the Committee on Commerce, Science, and Transportation.

EC-4331. A communication from the Trial Attorney, Federal Railroad Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Qualification and Certification of Locomotive Engineers; Miscellaneous Revisions” (RIN2130-AB95) received in the Office of the President of the Senate on December 23, 2009; to the Committee on Commerce, Science, and Transportation.

EC-4332. A communication from the Director, National Institute of Standards and Technology, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Technology Innovation Program” (RIN0693-AB59) received during adjournment of the Senate in the Office of the President of the Senate on January 6, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4333. A communication from the Director, National Institute of Standards and Technology, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “FY2010 Management, Science and Engineering Research Grants Programs; Availability of Funds” (RIN0693-ZA91) received during adjournment of the Senate in the Office of the President of the Senate on January 6, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4334. A communication from the Director, National Institute of Standards and Technology, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Summer Undergraduate Research Fellowships (SURF) NIST Gaithersburg and Boulder Programs; Availability of Funds” (RIN0693-ZA92) received during adjournment of the Senate in the Office of the President of the Senate on January 6, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4335. A communication from the Deputy Assistant Administrator for Operations, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Pacific Halibut Fisheries; Limited Access for Guided Sport Charter Vessels in Alaska” (RIN0648-AW92) received during adjournment of the Senate in the Office of the President of the Senate

on January 15, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4336. A communication from the Deputy Assistant Administrator for Operations, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-Grouper Fishery of the South Atlantic; Red Snapper Closure” (RIN0648-AX75) received in the Office of the President of the Senate on December 23, 2009; to the Committee on Commerce, Science, and Transportation.

EC-4337. A communication from the Deputy Assistant Administrator for Operations, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “International Fisheries; Western and Central Pacific Fisheries for Highly Migratory Species; Bigeye Tuna Catch Limits in Longline Fisheries in 2009, 2010, and 2011” (RIN0648-AX59) received in the Office of the President of the Senate on December 23, 2009; to the Committee on Commerce, Science, and Transportation.

EC-4338. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Fisheries of the Exclusive Economic Zone Off Alaska; Inseason Adjustment to the 2010 Gulf of Alaska Pollock and Pacific Cod Total Allowable Catch Amounts” (RIN0648-XT52) received during adjournment of the Senate in the Office of the President of the Senate on January 15, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4339. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States” (RIN0648-AY19) received during adjournment of the Senate in the Office of the President of the Senate on January 15, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4340. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Fisheries of the Northeastern United States; Summer Flounder, Scup, and Black Sea Bass Fisheries; 2010 Summer Flounder, Scup, and Black Sea Bass Specifications; Preliminary 2010 Quota Adjustments; 2010 Summer Flounder Quota for Delaware” (RIN0648-XR08) received during adjournment of the Senate in the Office of the President of the Senate on January 7, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4341. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; Pacific Whiting Allocation; Pacific Whiting Seasons” (RIN0648-XT30) received during adjournment of the Senate in the Office of the President of the Senate on January 7, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4342. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Fisheries Off West Coast States; Coastal Pelagic Species Fisheries; Closure” (RIN0648-XT31) received during adjournment of the Senate in the Office of the President

of the Senate on January 7, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4343. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Western and Central Pacific Fisheries for Highly Migratory Species; Bigeye Tuna Longline Fishery Closure" (RIN0648-XT01) received during adjournment of the Senate in the Office of the President of the Senate on January 7, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4344. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Summer Flounder Fishery; Quota Transfer" (RIN0648-XT39) received during adjournment of the Senate in the Office of the President of the Senate on January 15, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4345. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Inseason Adjustment to the 2010 Bering Sea and Aleutian Islands Pacific Cod Total Allowable Catch Amount" (RIN0648-XT41) received during adjournment of the Senate in the Office of the President of the Senate on January 15, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4346. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Inseason Adjustment to the 2010 Bering Sea Pollock Total Allowable Catch Amount" (RIN0648-XT40) received during adjournment of the Senate in the Office of the President of the Senate on January 15, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4347. A communication from the Attorney, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Chimes and Lights Fireworks Display, Port Orchard, WA" ((RIN1625-AA00) (Docket No. USG-2009-0989)) received during adjournment of the Senate in the Office of the President of the Senate on January 5, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4348. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Atlantic Intracoastal Waterway, Sunset Beach, NC" ((RIN1625-AA00) (Docket No. USG-2009-0985)) received during adjournment of the Senate in the Office of the President of the Senate on January 5, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4349. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Naval Training December 2009 and January 2010; San Clemente Island, CA" ((RIN1625-AA00) (Docket No. USG-2009-0920)) received during adjournment of the Senate in the Office of the President of the Senate on January 5, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4350. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; San Clemente Island North-

west Harbor December and January Training; Northwest Harbor, San Clemente Island, CA" ((RIN1625-AA00) (Docket No. USG-2009-0921)) received during adjournment of the Senate in the Office of the President of the Senate on January 5, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4351. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operation Regulation; Automated and Remotely Operated Bridges" ((RIN1625-AA09) (Docket No. USG-2009-0968)) received during adjournment of the Senate in the Office of the President of the Senate on January 5, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4352. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Security and Safety Zone; Cruise Ship Protection, Elliott Bay and Pier-91, Seattle, WA" (Docket No. USG-2009-0331) received during adjournment of the Senate in the Office of the President of the Senate on January 5, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4353. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Security and Safety Zone; Chicago Sanitary and Ship Canal, Romeoville, IL" ((RIN1625-AA11) (Docket No. USG-2009-1004)) received during adjournment of the Senate in the Office of the President of the Senate on January 5, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4354. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Point Thomson, AK" ((RIN2120-AA66) (Docket No. FAA-2009-0457)) received in the Office of the President of the Senate on December 23, 2009; to the Committee on Commerce, Science, and Transportation.

EC-4355. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Elim, AK" ((RIN2120-AA66) (Docket No. FAA-2009-0200)) received in the Office of the President of the Senate on December 23, 2009; to the Committee on Commerce, Science, and Transportation.

EC-4356. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Spencer, WV" ((RIN2120-AA66) (Docket No. FAA-2009-0602)) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4357. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Riverside/Rubidous Flabob Airport, Riverside, CA" ((RIN2120-AA66) (Docket No. FAA-2009-0690)) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4358. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace;

Albany, TX" ((RIN2120-AA66) (Docket No. FAA-2009-0631)) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4359. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Clarks Point, AK" ((RIN2120-AA66) (Docket No. FAA-2009-0197)) received in the Office of the President of the Senate on December 23, 2009; to the Committee on Commerce, Science, and Transportation.

EC-4360. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Manokotak, AK" ((RIN2120-AA66) (Docket No. FAA-2009-0694)) received in the Office of the President of the Senate on December 23, 2009; to the Committee on Commerce, Science, and Transportation.

EC-4361. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Burnet, TX" ((RIN2120-AA66) (Docket No. FAA-2009-0859)) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4362. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Myrtle Beach, SC" ((RIN2120-AA66) (Docket No. FAA-2009-0650)) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4363. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Riverton, WY" ((RIN2120-AA66) (Docket No. FAA-2009-0704)) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4364. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Gadsden, AL" ((RIN2120-AA66) (Docket No. FAA-2009-0955)) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4365. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Altus, OK" ((RIN2120-AA66) (Docket No. FAA-2009-0540)) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4366. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; West Branch, MI" ((RIN2120-AA66) (Docket No. FAA-2009-0696)) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2010; to the

Committee on Commerce, Science, and Transportation.

EC-4367. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Road Oak, IA" ((RIN2120-AA66)(Docket No. FAA-2009-0801)) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4368. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class D and Class E Airspace; State College, PA" ((RIN2120-AA66)(Docket No. FAA-2009-0750)) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4369. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Use of Uncertain Portable Oxygen Concentrator Devices Onboard Aircraft" ((RIN2120-AJ55)(Docket No. FAA-2009-0767)) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4370. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment and Modification of Class E Airspace; Bishop, CA" ((RIN2120-AA66)(Docket No. FAA-2009-0695)) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4371. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Sarasota, FL" ((RIN2120-AA66)(Docket No. FAA-2009-0652)) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4372. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class D and Class E Airspace; Albemarle, NC" ((RIN2120-AA66)(Docket No. FAA-2009-0203)) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4373. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Gadsden, AL" ((RIN2120-AA66)(Docket No. FAA-2009-0955)) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4374. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Engine Components, Inc. (ECI) Reciprocating Engine Cylinder Assemblies" ((RIN2120-AA64)(Docket No. FAA-2008-0052)) received during adjournment of the Senate in the Of-

fice of the President of the Senate on January 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4375. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; McDonnell Douglas Corporation Model MD-11 and MD-11F Airplanes" ((RIN2120-AA64)(Docket No. FAA-2009-0686)) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4376. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Fire Fighting Enterprises Limited Portable Halon 1211 Fire Extinguishers as Installed on Various Transport Airplanes, Small Airplanes, and Rotorcraft" ((RIN2120-AA64)(Docket No. FAA-2009-1225)) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4377. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Honeywell International Inc. ALF502 Series and LF507 Series Turbofan Engines" ((RIN2120-AA64)(Docket No. FAA-2007-0096)) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4378. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A380-841, -842, and -861 Airplanes" ((RIN2120-AA64)(Docket No. FAA-2009-1211)) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4379. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Construcciones Aeronauticas, S.A. (CASA), Model CN-235, CN-235-100, CN-235-200, and CN-235-300 Airplanes" ((RIN2120-AA64)(Docket No. FAA-2009-0637)) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4380. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A300-600 Series Airplanes" ((RIN2120-AA64)(Docket No. FAA-2009-1114)) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4381. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A330-243 Airplanes and Model A330-341, -342, and -343" ((RIN2120-AA64)(Docket No. FAA-2009-1109)) received in the Office of the President of the Senate on December 23, 2009; to the Committee on Commerce, Science, and Transportation.

EC-4382. A communication from the Program Analyst, Federal Aviation Administra-

tion, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bell Helicopter Textron Canada (BHTC) Model 407 and Model 427 Helicopters" ((RIN2120-AA64)(Docket No. FAA-2009-1123)) received in the Office of the President of the Senate on December 23, 2009; to the Committee on Commerce, Science, and Transportation.

EC-4383. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of a Special Air Traffic Rule in the Vicinity of Luke Air Force Base (AFB), AZ" ((RIN2120-AJ29)(Docket No. FAA-2008-1087)) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4384. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Dassault-Aviation Model Falcon 7X Airplanes" ((RIN2120-AA64)(Docket No. FAA-2009-1252)) received during adjournment of the Senate in the Office of the President of the Senate on January 15, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4385. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus (Type Certificate Previously Held by Airbus Industrie) Model A340-200, -300, -500, and -600 Series Airplanes" ((RIN2120-AA64)(Docket No. FAA-2009-1230)) received during adjournment of the Senate in the Office of the President of the Senate on January 15, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4386. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; PIAGGIO AERO INDUSTRIES S.p.A Model PIAGGIO P-180 Airplanes" ((RIN2120-AA64)(Docket No. FAA-2009-0699)) received during adjournment of the Senate in the Office of the President of the Senate on January 15, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4387. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Area Navigation (RNAV) Route Q-108; Florida" ((RIN2120-AA66)(Docket No. FAA-2009-0885)) received in the Office of the President of the Senate on December 23, 2009; to the Committee on Commerce, Science, and Transportation.

EC-4388. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Colored Federal Airways; Alaska" ((RIN2120-AA66)(Docket No. FAA-2009-0824)) received in the Office of the President of the Senate on December 23, 2009; to the Committee on Commerce, Science, and Transportation.

EC-4389. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Jet Route J-20; Florida" ((RIN2120-AA66)(Docket No. FAA-2009-0888)) received in the Office of the President of the Senate on December 23, 2009; to the Committee on Commerce, Science, and Transportation.

EC-4390. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class D Airspace; St. Louis, MO" ((RIN2120-AA66)(Docket No. FAA-2009-0543)) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4391. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; The Boeing Company Model 737-600, -700, and -800 Series Airplanes" ((RIN2120-AA64)(Docket No. FAA-2008-0669)) received during adjournment of the Senate in the Office of the President of the Senate on January 15, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4392. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; The Boeing Company Model 737-300, -400, and -500 Series Airplanes" ((RIN2120-AA64)(Docket No. FAA-2009-0788)) received during adjournment of the Senate in the Office of the President of the Senate on January 15, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4393. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; PILATUS Aircraft Ltd. Model PC-7 Airplanes" ((RIN2120-AA64)(Docket No. FAA-2009-0938)) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4394. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; The Boeing Company Model 737-600, -700, -700C, -800, and -900 Series Airplanes" ((RIN2120-AA64)(Docket No. FAA-2009-1226)) received during adjournment of the Senate in the Office of the President of the Senate on January 15, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4395. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; The Boeing Company Model 747-200F, 747-200C, 747-400, 747-400D, and 747-400F Series Airplanes" ((RIN2120-AA64)(Docket No. FAA-2009-0655)) received during adjournment of the Senate in the Office of the President of the Senate on January 15, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4396. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 747-100, 747-100B, 747-100B SUD, 747-200B, 747-300, 747-400, 747SR, and 747SP Series Airplanes" ((RIN2120-AA64)(Docket No. FAA-2009-0682)) received in the Office of the President of the Senate on December 23, 2009; to the Committee on Commerce, Science, and Transportation.

EC-4397. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; The Bo-

eing Company Model 747-400, -400D, and -400F Series Airplanes" ((RIN2120-AA64)(Docket No. FAA-2009-1222)) received in the Office of the President of the Senate on January 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4398. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; The Boeing Company Model 737-100, -200, -200C, -300, -400, and -500 Series Airplanes" ((RIN2120-AA64)(Docket No. FAA-2009-1210)) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4399. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; The Boeing Company Model 707 Airplanes, and Model 720 and 720B Series Airplanes" ((RIN2120-AA64)(Docket No. FAA-2009-1209)) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4400. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 737-300, -400, -500, -600, -700, -700C, -800, and -900, and 747-400 Series Airplanes; and Model 757, 767, and 777 Airplanes" ((RIN2120-AA64)(Docket No. FAA-2009-0911)) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4401. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 737-600, -700, -700C, -800, and -900 Series Airplanes" ((RIN2120-AA64)(Docket No. FAA-2007-29087)) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4402. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 737-300, -400, and -500 Series Airplanes Equipped with a Digital Transient Suppression Device (DTSD) Installed in Accordance with Supplemental Type Certificate (STC) ST00127BO" ((RIN2120-AA64)(Docket No. FAA-2009-0521)) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4403. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; The Boeing Company Model 767-200, -300, -300F, and -400ER Series Airplanes" ((RIN2120-AA64)(Docket No. FAA-2009-1195)) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4404. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; The Boeing Company Model 727 Airplanes"

((RIN2120-AA64)(Docket No. FAA-2009-1104)) received in the Office of the President of the Senate on December 23, 2009; to the Committee on Commerce, Science, and Transportation.

EC-4405. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; General Electric Company (GE) CF34-1A, CF34-3A, and CF34-3B Series Turbofan Engines" ((RIN2120-AA64)(Docket No. FAA-2008-0328)) received during adjournment of the Senate in the Office of the President of the Senate on January 15, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4406. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; General Electric Company GE90-110B1, GE90-113B, and GE90-115B Series Turbofan Engines" ((RIN2120-AA64)(Docket No. FAA-2009-0143)) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4407. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; General Electric Company CF6-80C2 Series Turbofan Engines; Correction" ((RIN2120-AA64)(Docket No. FAA-2009-0018)) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4408. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; General Electric Company CF34-1A, -3A, -3A2, -3B, and -3B1 Turbofan Engines" ((RIN2120-AA64)(Docket No. FAA-2007-27687)) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4409. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; General Electric Company (GE) CF34-1A, CF34-3A, and CF34-3B Series Turbofan Engines; Delay of Effective Date" ((RIN2120-AA64)(Docket No. FAA-2009-0328)) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4410. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures (9); Amdt. No. 3351" (RIN2120-AA65) received in the Office of the President of the Senate on December 23, 2009; to the Committee on Commerce, Science, and Transportation.

EC-4411. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures (71); Amdt. No. 3352" (RIN2120-AA65) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4412. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures (24); Amdt. No. 3353" (RIN2120-AA65) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4413. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures (99); Amdt. No. 3354" (RIN2120-AA65) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4414. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures (2); Amdt. No. 3355" (RIN2120-AA65) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4415. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier, Inc. (Type Certificate Previously Held by de Havilland, Inc.) Model DHC-8-400 Series Airplanes" (RIN2120-AA64) received in the Office of the President of the Senate on January 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4416. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class D and E Airspace; Fort Stewart (Hinesville), GA" (RIN2120-AA66)(Docket No. FAA-2009-0959) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4417. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier, Inc. Model BD-100-1A10 (Challenger 300) Airplanes" (RIN2120-AA64)(Docket No. FAA-2009-1113) received in the Office of the President of the Senate on December 23, 2009; to the Committee on Commerce, Science, and Transportation.

EC-4418. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A330-200 and -300 Series Airplanes; Model A340-200 and -300 Series Airplanes; and Model A340-500 and -600 Series Airplanes" (RIN2120-AA64)(Docket No. FAA-2009-1112) received in the Office of the President of the Senate on December 23, 2009; to the Committee on Commerce, Science, and Transportation.

EC-4419. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier, Inc. Model CL-600-2B19 (Regional Jet Series 100 & 440) Airplanes" (RIN2120-AA64)(Docket No. FAA-2009-1196) received during adjournment of the Senate in the Of-

fice of the President of the Senate on January 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4420. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Eurocopter France (ECF) Model AS332C, AS332L, AS332L1, AS332L2, SA330F, SA330G, and SA330J Helicopters" (RIN2120-AA64)(Docket No. FAA-2009-1008) received in the Office of the President of the Senate on December 23, 2009; to the Committee on Commerce, Science, and Transportation.

EC-4421. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Eurocopter France Model SA 330 F, G, and J Helicopters" (RIN2120-AA64)(Docket No. FAA-2009-1124) received in the Office of the President of the Senate on December 23, 2009; to the Committee on Commerce, Science, and Transportation.

EC-4422. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Eurocopter France Model EC120B Helicopters" (RIN2120-AA64)(Docket No. FAA-2009-1118) received in the Office of the President of the Senate on December 23, 2009; to the Committee on Commerce, Science, and Transportation.

EC-4423. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Eurocopter France Model EC225LP Helicopters" (RIN2120-AA64)(Docket No. FAA-2009-1089) received in the Office of the President of the Senate on December 23, 2009; to the Committee on Commerce, Science, and Transportation.

EC-4424. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; McDonnell Douglas Corporation Model DC-10-10, DC-10-10F, DC-10-15, DC-10-30, DC-10-30F (KC-10A and KDC-10), DC-10-40, DC-10-40F, MD-10-10F, and MD-10-30F Airplanes" (RIN2120-AA64)(Docket No. FAA-2007-0186) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4425. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; AeroSpace Technologies of Australia Pty Ltd Models N22B, N22S, and N24A Airplanes" (RIN2120-AA64)(Docket No. FAA-2009-0987) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4426. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Turbomeca Arriel 1A1, 1A2, 1B, 1C, 1C2, 1D, 1D1, 1E2, 1K1, 1S, and 1S1 Turboshaft Engines" (RIN2120-AA64)(Docket No. FAA-2009-0544) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4427. A communication from the Program Analyst, Federal Aviation Administra-

tion, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Cirrus Design Corporation Model SR22 Airplanes" (RIN2120-AA64)(Docket No. FAA-2009-1162) received in the Office of the President of the Senate on December 23, 2009; to the Committee on Commerce, Science, and Transportation.

EC-4428. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model ERJ 170 Airplanes, and Model ERJ 190-100 LR, -100 IGW, -100 STD, -200 STD, -200 LR, and -200 IGW Airplanes" (RIN2120-AA64)(Docket No. FAA-2009-0412) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4429. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-135BJ, -135ER, -135KE, -135KL, -135LR, -145, -145ER, -145MR, -145LR, -145XR, -145MP, and -145EP Airplanes" (RIN2120-AA64)(Docket No. FAA-2007-0083) received in the Office of the President of the Senate on December 23, 2009; to the Committee on Commerce, Science, and Transportation.

## 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. SCHUMER (for himself and Mrs. GILLIBRAND):

S. 2948. A bill to establish the African Burial Ground International Memorial Museum and Educational Center in New York, New York, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. NELSON of Florida, Mr. MENENDEZ, and Mr. LEMIEUX):

S. 2949. A bill to amend section 1113 of the Social Security Act to provide authority for increased fiscal year 2010 payments for temporary assistance to United States citizens returned from foreign countries, to provide necessary funding to avoid shortfalls in the Medicare cost-sharing program for low-income qualifying individuals, and for other purposes; considered and passed.

By Mr. SCHUMER (for himself and Mr. HATCH):

S. 2950. A bill to extend the pilot program for volunteer groups to obtain criminal history background checks; considered and passed.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. UDALL of New Mexico:

S. Res. 396. A resolution to enable each newly constituted Senate to carry out its responsibility to determine the Rules of its Proceedings at the beginning of each Congress; to the Committee on Rules and Administration.

## ADDITIONAL COSPONSORS

S. 714

At the request of Mr. WEBB, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 714, a bill to establish the National Criminal Justice Commission.

S. 1154

At the request of Ms. KLOBUCHAR, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1154, a bill to amend the Public Health Service Act to facilitate emergency medical services personnel training and certification curriculums for military veterans.

S. 1438

At the request of Mrs. GILLIBRAND, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 1438, a bill to express the sense of Congress on improving cybersecurity globally, to require the Secretary of State to submit a report to Congress on improving cybersecurity, and for other purposes.

S. 1598

At the request of Mr. SCHUMER, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1598, a bill to amend the National Child Protection Act of 1993 to establish a permanent background check system.

S. 1672

At the request of Mr. REED, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1672, a bill to reauthorize the National Oilheat Research Alliance Act of 2000.

S. 1709

At the request of Ms. STABENOW, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1709, a bill to amend the National Agricultural Research, Extension, and Teaching Policy Act of 1977 to establish a grant program to promote efforts to develop, implement, and sustain veterinary services, and for other purposes.

S. 2747

At the request of Mr. BINGAMAN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 2747, a bill to amend the Land and Water Conservation Fund Act of 1965 to provide consistent and reliable authority for, and for the funding of, the land and water conservation fund to maximize the effectiveness of the fund for future generations, and for other purposes.

S. 2781

At the request of Ms. MIKULSKI, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of S. 2781, a bill to change references in Federal law to mental retardation to references to an intellectual disability, and to change references to a mentally retarded individual to references to an individual with an intellectual disability.

S. 2935

At the request of Mr. GRASSLEY, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 2935, a bill to clarify that the revocation of an alien's visa or other documentation is not subject to judicial review.

S. RES. 164

At the request of Mr. FEINGOLD, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. Res. 164, a resolution amending Senate Resolution 400, 94th Congress, and Senate Resolution 445, 108th Congress, to improve congressional oversight of the intelligence activities of the United States, to provide a strong, stable, and capable congressional committee structure to provide the intelligence community appropriate oversight, support, and leadership, and to implement a key recommendation of the National Commission on Terrorist Attacks Upon the United States.

AMENDMENT NO. 3302

At the request of Mr. GREGG, the names of the Senator from Tennessee (Mr. ALEXANDER) and the Senator from Florida (Mr. LEMIEUX) were added as cosponsors of amendment No. 3302 proposed to H.J. Res. 45.

AMENDMENT NO. 3304

At the request of Mr. SESSIONS, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of amendment No. 3304 intended to be proposed to H.J. Res. 45.

## SUBMITTED RESOLUTIONS

SENATE RESOLUTION 396—TO ENABLE EACH NEWLY CONSTITUTED SENATE TO CARRY OUT ITS RESPONSIBILITY TO DETERMINE THE RULES OF ITS PROCEEDINGS AT THE BEGINNING OF EACH CONGRESS

Mr. UDALL of New Mexico submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 396

Whereas article I, section 5 of the United States Constitution provides that "Each House may determine the Rules of its Proceedings";

Whereas it is a longstanding common law principle, upheld in Supreme Court decisions, that one legislature cannot bind subsequent legislatures;

Whereas rule V of the Standing Rules of the Senate states that "the Rules of the Senate shall continue from one Congress to the next unless they are changed as provided in these rules";

Whereas rule XXII of the Standing Rules of the Senate requires an affirmative vote of two-thirds of Senators present and voting to limit debate on a measure or motion to amend the Senate Rules; and

Whereas rule V and rule XXII of the Standing Rules of the Senate, taken together, can effectively deny the Senate the opportunity to exercise its constitutional right to determine the Rules of its Proceedings under article I, section 5, thus allowing one Congress to bind its successors; Now, therefore, be it

*Resolved*, That upon the expiration of the Standing Rules of the Senate at the Sine Die Adjournment of the 111th Congress, the Senate shall proceed in accordance with article I, section 5 of the Constitution to determine the Rules of its Proceedings by a simple majority vote.

Mr. UDALL of New Mexico. Mr. President, it is with great humility and respect for the institution of the Senate, reverence for the many great men and women who have served here, and affection for my colleagues that I rise today to discuss what I believe is an issue of great importance.

Reflecting on my first year as a Member of this body, I have come to believe that we are failing to represent the best interests of the American people. We as elected representatives have a duty to our constituents. But partisan rancor and the Senate's own incapacitating rules often prevent us from fulfilling that duty.

While I am convinced that our inability to function is our own fault, we have the authority within the Constitution to act. Article I, section 5, of our Constitution states in clear language that "Each House may determine the rules of its proceedings. . . ."

Yet at the beginning of the 111th Congress, we implicitly acquiesced to the rules adopted decades and sometimes more than a century ago, rules that most Members of this Senate have never voted to adopt.

Today these rules put in place generations ago make effective legislating nearly impossible. Specifically, under rule XXII, it is not possible to limit debate, end a filibuster, invoke cloture without 60 votes. Such cloture votes used to occur perhaps seven or eight times during a congressional session. But in the 110th Congress alone, there were 112 cloture votes, and most of these were occasioned simply by the threat of a filibuster.

The American people spoke loudly in the 2008 election. They clearly desired a President and a Congress that would set a new direction. It was not necessarily an endorsement of one ideology over another but instead a call for us to put partisanship aside and to take care of the country's business.

Although this Chamber was able to pass historic health care legislation last year, we are far from finished. More than anything, what the health care debate has demonstrated is how difficult the rules have made our legislative process. And it is not just health care. Other important pieces of legislation still languish, Federal judicial vacancies remain unfilled, and many of the President's appointees to key positions are still not confirmed. The American people deserve better.

I applaud Leader REID for what he has been able to accomplish, given the way this Chamber's rules have been used to impede progress. Senate rules are designed to allow for substantive debate and to protect the views of the minority, as our Founders intended. But they have been used instead to prevent the Senate from beginning to even debate critical legislation.



Protecting the views of the minority makes sense, but not at the expense of the will of the majority. Indeed, as the rules are being used today, a single Senator can hold a bill hostage until his or her demands are met. This is not the spirit of compromise and collegiality our Founders envisioned for this body.

Even worse, the rules as they exist today make any effort to change them a daunting process. Under the current Standing Rules of the Senate, rule V states:

The Rules of the Senate shall continue from one Congress to the next unless they are changed as provided in these rules.

As adopted in 1975, rule XXII requires two-thirds of Senators present and voting to agree to end debate on a change to the Senate rules, in most cases 67 votes. Taken together, these two rules effectively deny the Senate the opportunity to exercise its constitutional right to determine the rules of its proceedings and serve to bind this body to rules adopted by its predecessors.

Many of my colleagues will argue that the Senate is not designed to be efficient, that the use of filibusters and delay tactics was what the Founders intended. They will quote George Washington's comment to Thomas Jefferson that the Framers created the Senate to cool House legislation, just as a saucer was used to cool hot tea. While I understand their argument, I do not believe that the Framers envisioned the Senate as the graveyard for good ideas. We can have lengthy debate about the merits of legislation, but there should come a time when we actually vote on the bill. We can discuss the qualifications of a judicial nominee, but each nominee deserves an up-or-down vote. To quote one of this body's most esteemed Members, Senator Henry Cabot Lodge:

To vote without debating is perilous, but to debate and never vote is imbecile.

This is a bipartisan issue. I express my opinions today as a member of the majority. But they will not change if I become a member of the minority party.

We are all too aware of the power of rule XXII, the filibuster rule, adopted in 1975. Yet except for the distinguished Senators BYRD, INOUE, and LEAHY, none of us—Republicans or Democrats alike—has ever voted to adopt this rule.

Opponents of rules reform argue that the Senate is a continuing body and, therefore, the rules must remain in effect from one Congress to the next. I disagree with this assertion. Even if the Senate is deemed to have continued because two-thirds of its Members remain in office, there is no reason that the rules must remain in effect.

Many things change with a new Congress. It is given a new number. All of the pending bills and nominations from the previous Congress are dead, and each party may choose its leadership. If the party in the majority changes, the new Senate becomes substantially different from the last.

Senators of both parties have argued that the rules may change with a new Congress, as my esteemed colleague from Utah, Senator HATCH, stated in a *National Review* article in 2005:

The Senate has been called a "continuing body." Yet language reflecting this observation was included in Senate rules only in 1959. The more important, and much older, sense in which the Senate is a continuing body is its ongoing constitutional authority to determine its rules. Rulings by vice presidents of both parties, sitting as the President of the Senate, confirm that each Senate may make that decision for itself, either implicitly by acquiescence or explicitly by amendment. Both conservative and liberal legal scholars, including those who see no constitutional problems with the current filibuster campaign, agree that a simple majority can change Senate rules at the beginning of a new Congress.

I agree with Senator HATCH. And I agree with our good friend Senator Ted Kennedy who said:

The notion that a filibuster can be used to defeat an attempt to change the filibuster rule cannot withstand analysis. It would impose an unconstitutional prior restraint on the parliamentary procedure in the Senate. It would turn rule XXII into a Catch-XXII.

The early history of this body suggests that the use of unlimited debate as a tool of obstruction was not an issue.

The original Senate rules adopted under article I, section 5, of the Constitution included a provision allowing a Senator to make a motion "for the previous question." If passed, the motion allowed a simple majority of Senators to halt debate on a pending issue. This simple rule for limiting debate was inadvertently dropped in 1806—perhaps for lack of need—and the Senate entered a period with no means to limit debate. It was not until the 1830s that the Senate saw the first filibusters, as Members recognized that the lack of any rule to limit debate could be used to effectively block legislation opposed by even a minority of the minority. It was not, however, until 1917 that the Senate adopted a formal cloture rule.

Woodrow Wilson's armed ships bill had just been filibustered by 11 Senators. The President was furious, demanding a change in Senate procedural rules. In response, Montana Senator Thomas Walsh, citing article I, section 5, of the Constitution introduced the constitutional option.

Walsh argued that a newly convened Senate was not bound by the rules of the previous Senate and could adopt its own rules, including a rule to limit debate. He reasoned that every new Senate had the right to adopt rules, saying that "it is preposterous to assume that [the Senate] may deny future majorities the right to change" the rules. In response to Walsh's proposal, the Senate reached a compromise and amended rule XXII. The compromise permitted cloture on any pending measure at the will of two-thirds of all Senators present and voting.

Back then, the toxic partisanship we face today had not yet poisoned the

system, but the manipulative use of the filibuster had already taken hold. It was used to block some of the most important legislation of that time—anti-lynching bills in 1922, 1935, and 1938, and anti-race discrimination bills were blocked almost a dozen times starting in 1946.

By the 1950s, a bipartisan group of Senators had had enough. On behalf of himself and 18 other Senators, New Mexico's Clinton Anderson, my predecessor, attempted to limit debate and control the use of a filibuster by adopting the 1917 strategy of Thomas Walsh. Just as Senator Walsh did almost four decades earlier, Senator Anderson argued that each new Congress brings with it a new Senate entitled to consider and adopt its own rules. On January 3, 1953, Anderson moved that the Senate immediately consider the adoption of rules for the Senate of the 83rd Congress.

Anderson's motion was tabled, but he introduced it again at the beginning of the 85th Congress. In the course of that debate, Senator Hubert Humphrey presented a parliamentary inquiry to Vice President Nixon, who was presiding over the Senate. Nixon understood the inquiry to address the basic question, "Do the rules of the Senate continue from one Congress to another?" Noting that there had never been a direct ruling on this question from the Chair, Nixon stated that:

While the rules of the Senate have been continued from one Congress to another, the right of a current majority of the Senate at the beginning of a new Congress to adopt its own rules, stemming as it does from the constitution itself, cannot be restricted or limited by rules adopted by a majority of a previous Congress. Any provision of Senate rules adopted in a previous Congress which has the expressed or practical effect of denying the majority of the Senate in a new Congress the right to adopt the rules under which it desires to proceed is, in the opinion of the Chair, unconstitutional.

Nixon's opinion was consistent with the longstanding common law principle, upheld in Supreme Court decisions, that one legislature cannot bind subsequent legislatures.

Nixon went on to explain that under the Constitution, a new Senate had three options to deal with the rules at the beginning of a new Congress: No. 1, proceed under the rules of the previous Congress and "thereby indicate by acquiescence that those rules continue in effect"; No. 2, vote down a motion to adopt new rules and thereby "indicate approval of the previous rules"; and No. 3, "vote affirmatively to proceed with the adoption of new rules."

Despite Nixon's opinion from the chair, Anderson's motion was tabled. In 1959, Anderson raised the constitutional option again at the start of the 86th Congress, with the support of some 30 other Senators. This time, he raised the ire of then-Majority Leader Johnson, who realized that a majority of Senators might join Anderson's cause. To prevent Anderson's motion from receiving a vote, Johnson came forward

with his own compromise—changing rule XXII to reduce the required vote for cloture to “two-thirds of Senators present and voting.” And to appease a small group of Senators, Johnson also included new language that stated that the rules continued from one Congress to the next unless they were changed under the rules. It was a move that would effectively bind all future Senators.

Throughout his career, Clinton Anderson relied on the constitutional option as the basis to ease or at least reconsider the cloture requirements laid out in rule XXII. As he said in 1959:

My motion does not prejudice the nature of the rules which the Senate in its wisdom may adopt, but it does declare in effect that the Senate of the 85th Congress is responsible for and must bear the responsibility for the rules under which the Senate will operate. That responsibility cannot be shifted back upon the Senate of past Congresses.

In 1975, 2 years after Anderson left office, the Senate adopted the rule we operate under today: It takes the vote of “three-fifths of all Senators duly chosen and sworn” to cut off debate or the threat of unlimited debate.

As the junior Senator from New Mexico, I have the honor of serving in Senator Clinton Anderson’s former seat, and I have the desire to take up his commitment to the Senate and his dedication to the principle that in each new Congress, the Senate should exercise its constitutional power to determine its own rules. Let me be very clear. I am not arguing for or against any specific changes to the rules, but I do believe each Senate has the right, according to the Constitution, to determine all of its rules by a simple majority vote.

As my distinguished colleague Senator BYRD, the longest serving Member in the history of Congress, once said:

The Constitution in article 1, section 5, says that each House shall determine the rules of its proceedings. Now we are at the beginning of Congress. This Congress is not obliged to be bound by the dead hand of the past.

It is time for reform. There are many great traditions in this body that should be kept and respected, but stubbornly clinging to ineffective and unproductive procedures should not be one of them. There is another way.

The resolution I am introducing today is simple. It would enable the 112th Congress to carry out its responsibility to determine the rules of its proceedings in accordance with the Constitution. This is not to say that between now and the beginning of the 112th Congress we cannot use our political will to find a way to avoid the gridlock of 2009. It is to say that at the beginning of the 112th Congress, the Senate can exercise its constitutional right to adopt its rules of procedure by a simple majority vote. The Senate may choose to adopt new rules or it may choose to continue with some or

all of the rules of the previous Congress. The point is, it is our choice. It is our responsibility.

As Clinton Anderson said:

It is a responsibility that cannot be shifted back upon the Senate of past Congresses.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 3306. Mr. BAUCUS proposed an amendment to amendment SA 3299 proposed by Mr. BAUCUS (for Mr. REID) to the joint resolution H.J. Res. 45, increasing the statutory limit on the public debt.

SA 3307. Mr. SPECTER (for Mr. CRAPO) proposed an amendment to the resolution S. Res. 373, designating the month of February 2010 as “National Teen Dating Violence Awareness and Prevention Month”.

#### TEXT OF AMENDMENTS

**SA 3306.** Mr. BAUCUS proposed an amendment to amendment SA 3299 proposed by Mr. BAUCUS (for Mr. REID) to the joint resolution H.J. Res. 45, increasing the statutory limit on the public debt; as follows:

At the appropriate place, insert the following:

SEC. 1. SHORT TITLE.—This Act may be cited as the “Bipartisan Task Force for Responsible Fiscal Action Act of 2009.”

SEC. 2. ESTABLISHMENT OF TASK FORCE.—Title III of the Congressional Budget Act of 1974 (2 U.S.C. 631 et seq.) is amended by adding at the end the following new section:

##### “ESTABLISHMENT OF TASK FORCE FOR RESPONSIBLE FISCAL ACTION

“SEC. 316. (a) DEFINITIONS.—In this section:

“(1) TASK FORCE.—The term “Task Force” means the Bipartisan Task Force for Responsible Fiscal Action established under subsection (b)(1).

“(2) TASK FORCE BILL.—The term “Task Force bill” means a bill consisting of the proposed legislative language of the Task Force recommended under subsection (b)(3)(B) and introduced under subsection (e)(1).

“(3) FISCAL IMBALANCE.—The term “fiscal imbalance” means the gap between the projected revenues and expenditures of the Federal Government.

“(b) ESTABLISHMENT OF TASK FORCE.—

“(1) ESTABLISHMENT.—There is established in the legislative branch a task force to be known as the “Bipartisan Task Force for Responsible Fiscal Action”.

“(2) PURPOSES.—

“(A) REVIEW.—The Task Force shall review the fiscal imbalance of the Federal Government, including—

“(i) analyses of projected Federal expenditures;

“(ii) analyses of projected Federal revenues; and

“(iii) analyses of the current and long-term actuarial financial condition of the Federal Government.

“(B) IDENTIFY FACTORS.—The Task Force shall identify factors that affect the long-term fiscal imbalance of the Federal Government.

“(C) ANALYZE POTENTIAL COURSES OF ACTION.—The Task Force shall analyze potential courses of action to address factors that affect the long-term fiscal imbalance of the Federal Government.

“(D) PROVIDE RECOMMENDATIONS AND LEGISLATIVE LANGUAGE.—The Task Force shall provide recommendations and legislative language that will significantly improve the

long-term fiscal imbalance of the Federal Government, including recommendations addressing—

“(i) Federal expenditures;

“(ii) Federal revenues; and

“(iii) the current and long-term actuarial financial condition of the Federal Government.

“(E) PRIORITY TO ELIMINATING WASTE.—The Task Force shall give priority to reducing or eliminating waste, fraud, abuse, and the non-payment of taxes already owed.

“(3) DUTIES.—

“(A) IN GENERAL.—The Task Force shall address the Nation’s long-term fiscal imbalances, consistent with the purposes described in paragraph (2), and shall submit the report and recommendations required under subparagraph (B).

“(B) REPORT, RECOMMENDATIONS, AND LEGISLATIVE LANGUAGE.—

“(i) IN GENERAL.—Not earlier than November 3, 2010, and not later than November 9, 2010, the Task Force shall vote on a report that contains—

“(I) a detailed statement of the findings, conclusions, and recommendations of the Task Force;

“(II) the assumptions, scenarios, and alternatives considered in reaching such findings, conclusions, and recommendations; and

“(III) proposed legislative language to carry out such recommendations as described in paragraph (2)(D).

“(ii) APPROVAL OF REPORT.—The report of the Task Force submitted under clause (i) shall require the approval of not fewer than 14 of the 18 members of the Task Force.

“(iii) ADDITIONAL VIEWS.—A member of the Task Force who gives notice of an intention to file supplemental, minority, or additional views at the time of final Task Force approval of the report under clause (ii), shall be entitled to not less than 3 calendar days in which to file such views in writing with the staff director of the Task Force. Such views shall then be included in the Task Force report and printed in the same volume, or part thereof, and their inclusion shall be noted on the cover of the report. In the absence of timely notice, the Task Force report may be printed and transmitted immediately without such views.

“(iv) TRANSMISSION OF REPORT.—No later than November 15, 2010, the Task Force shall submit the Task Force bill and final report to the President, the Vice President, the Speaker of the House, and the majority and minority leaders of both Houses.

(v) REPORT TO BE MADE PUBLIC.—Upon the approval or disapproval of the Task Force report pursuant to clause (ii), the Task Force shall promptly make the full report, and a record of the vote, available to the public.

“(4) MEMBERSHIP.—

“(A) IN GENERAL.—The Task Force shall be composed of 18 members designated pursuant to subparagraph (B).

“(B) DESIGNATION.—Members of the Task Force shall be designated as follows:

“(i) The President shall designate 2 members, one of whom shall be the Secretary of the Treasury, and the other of whom shall be an officer of the executive branch.

“(ii) The majority leader of the Senate shall designate 4 members from among Members of the Senate.

“(iii) The minority leader of the Senate shall designate 4 members from among Members of the Senate.

“(iv) The Speaker of the House of Representatives shall designate 4 members from among Members of the House of Representatives.

“(v) The minority leader of the House of Representatives shall designate 4 members from among Members of the House of Representatives.

“(C) CO-CHAIRS.—

“(i) IN GENERAL.—There shall be 2 Co-Chairs of the Task Force. The President, majority leader of the Senate, and Speaker of the House shall designate one Co-Chair among the members of the Task Force. The minority leader of the Senate and minority leader of the House shall designate the second Co-Chair among the members of the Task Force. The Co-Chairs shall be appointed not later than 14 days after the date of enactment of this section.

“(ii) STAFF DIRECTOR.—The Co-Chairs, acting jointly, shall hire the staff director of the Task Force.

“(D) DATE.—Members of the Task Force shall be designated by not later than 14 days after the date of enactment of this section.

“(E) PERIOD OF DESIGNATION.—Members shall be designated for the life of the Task Force. Any vacancy in the Task Force shall not affect its powers, but shall be filled not later than 14 days after the date on which the vacancy occurs in the same manner as the original designation.

“(F) COMPENSATION.—Members of the Task Force shall serve without any additional compensation for their work on the Task Force. However, members may be allowed travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code, while away from their homes or regular places of business in performance of services for the Task Force.

“(5) ADMINISTRATION.—

“(A) AUTHORITY TO ESTABLISH RULES AND REGULATIONS.—The Co-Chairs, in consultation with the other members of the Task Force, may establish rules and regulations for the conduct of Task Force business, if such rules and regulations are not inconsistent with this section or other applicable law.

“(B) QUORUM.—Fourteen members of the Task Force shall constitute a quorum for purposes of voting, meeting, and holding hearings.

(C) VOTING.—

(i) PROXY VOTING.—No proxy voting shall be allowed on behalf of the members of the Task Force.

“(ii) REPORT, RECOMMENDATIONS AND LEGISLATIVE LANGUAGE.—

“(I) DATES.—The Task Force may not vote on any version of the report, recommendations, or legislative language before the timing provided for in paragraph (3)(B)(i).

“(II) CONGRESSIONAL BUDGET OFFICE AND JOINT COMMITTEE ON TAXATION ESTIMATES.—The Congressional Budget Office and Joint Committee on Taxation shall provide estimates of the Task Force report and recommendations (as described in subsection (b)(2)(D)) in accordance with section 308(a) and 201(f) of the Congressional Budget Act of 1974. The Task Force may not vote on any version of the report, recommendations, or legislative language unless a final estimate is available for consideration by all the members at least 72 hours prior to the vote.

“(D) MEETINGS.—

“(i) INITIAL MEETING.—Not later than 45 days after the date of enactment of this section, the Task Force shall hold its first meeting.

“(ii) MEETINGS.—The Task Force shall meet at the call of the Co-Chairs or at least 10 of its members.

“(iii) AGENDA.—An agenda shall be provided to the Task Force members at least 1 week in advance of any meeting. Task Force members who want to have items placed on the agenda for consideration shall notify the staff director as early as possible, but not less than 48 hours in advance of a scheduled meeting.

“(E) HEARINGS.—

“(i) IN GENERAL.—Subject to subparagraph (G), the Task Force may, for the purpose of carrying out this section, hold such hearings, sit and act at such times and places, take such testimony, receive such evidence, and administer such oaths the Task Force considers advisable.

“(ii) HEARING PROCEDURES AND RESPONSIBILITIES OF CO-CHAIRS.—

“(I) ANNOUNCEMENT.—The Task Force Co-Chairs shall make public announcement of the date, place, time, and subject matter of any hearing to be conducted at least 1 week in advance of such hearing, unless the Co-Chairs determine that there is good cause to begin such hearing at an earlier date.

“(II) WRITTEN STATEMENT.—A witness appearing before the Task Force shall file a written statement of proposed testimony at least 2 days prior to appearance, unless the requirement is waived by the Co-Chairs, following their determination that there is good cause for failure of compliance.

“(F) TECHNICAL ASSISTANCE.—Upon written request of the Co-Chairs, a Federal agency shall provide technical assistance to the Task Force in order for the Task Force to carry out its duties.

“(G) INFORMATION.—

“(i) RESOURCES.—

“(I) IN GENERAL.—Notwithstanding section 1108 of title 31, United States Code, the Task Force shall have authority to access assistance, materials, resources, statistical data, and other information the Task Force determines to be necessary to carry out its duties directly from an officer or employee of any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality of the Government, including the Library of Congress, the Chief Actuary of the Social Security Administration, the Chief Actuary of the Centers for Medicare & Medicaid Services, the Congressional Budget Office, the Department of the Treasury, the Department of Health and Human Services, the Office of Management and Budget, the Government Accountability Office, and the Joint Committee on Taxation. Each agency or instrumentality shall, to the extent permitted by law, furnish such information to the Task Force upon written request of the Co-Chairs.

“(II) COPIES SUPPLIED.—Copies of written requests and all written or electronic responses provided under this clause shall be provided to the staff director and shall be made available for review by all members of the Task Force upon request.

“(ii) RECEIPT, HANDLING, STORAGE, AND DISSEMINATION OF INFORMATION.—Information shall only be received, handled, stored, and disseminated by members of the Task Force and its staff consistent with all applicable statutes, regulations, and Executive orders.

“(iii) LIMITATION OF ACCESS TO TAX INFORMATION.—Information accessed under this subparagraph shall not include tax data from the United States Internal Revenue Service, the release of which would otherwise be in violation of law.

“(H) POSTAL SERVICES.—The Task Force may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

“(I) ASSISTANCE FROM FEDERAL AGENCIES.—

“(i) GENERAL SERVICES ADMINISTRATION.—Upon the request of the Co-Chairs of the Task Force, the Administrator of General Services shall provide to the Task Force, on a reimbursable basis, the administrative support services necessary for the Task Force to carry out its responsibilities under this section. These administrative services may include human resources management, budget, leasing, accounting, and payroll services.

“(ii) OTHER DEPARTMENTS AND AGENCIES.—In addition to the assistance prescribed in

clause (i), departments and agencies of the United States may provide to the Task Force such services, funds, facilities, staff, and other support services as they may determine advisable and as may be authorized by law.

“(J) CONTRACT AUTHORITY.—The Task Force is authorized to enter into contracts with Federal and State agencies, private firms, institutions, and individuals for the conduct of activity necessary to the discharge of its duties and responsibilities. A contract, lease, or other legal agreement entered into by the Task Force may not extend beyond the date of the termination of the Task Force.

“(c) STAFF OF TASK FORCE.—

“(1) APPOINTMENT AND COMPENSATION OF SHARED STAFF.—The Co-Chairs may appoint and fix the compensation of a staff director and such other personnel as may be necessary to enable the Task Force to carry out its functions, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, but at rates not to exceed the daily rate paid a person occupying a position at level III of the Executive Schedule under section 5314 of title 5, United States Code.

“(2) ADDITIONAL STAFF FOR TASK FORCE MEMBERS.—Each member of the Task Force may appoint up to 2 additional dedicated staff and fix the compensation of such dedicated personnel without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, but at rates not to exceed the daily rate paid a person occupying a position at level III of the Executive Schedule under section 5314 of title 5, United States Code. Dedicated staff shall report to each appointing member.

“(3) PERSONNEL AS FEDERAL EMPLOYEES.—

“(A) IN GENERAL.—The staff director and any personnel of the Task Force who are employees shall be employees under section 2105 of title 5, United States Code, for purposes of chapters 63, 81, 83, 84, 85, 87, 89, and 90 of that title.

“(B) MEMBERS OF TASK FORCE.—Subparagraph (A) shall not be construed to apply to members of the Task Force.

“(4) OUTSIDE CONSULTANTS.—No outside consultants or other personnel, either by contract, detail, volunteer, or through a remunerative agreement, may be hired without the approval of the Co-Chairs.

“(5) DETAILEES.—With the approval of the Co-Chairs any Federal Government employee may be detailed to the Task Force with or without reimbursement from the Task Force, and such detailee shall retain the rights, status, and privileges of his or her regular employment without interruption. Reimbursable amounts may include the fair value of equipment and supplies used by the detailee in support of the Task Force's activities. For the purpose of this paragraph, Federal Government employees shall include employees of the legislative branch.

“(6) CONSULTANT SERVICES.—The Co-Chairs of the Task Force are authorized to procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, but at rates not to exceed the daily rate paid a person occupying a position at level III of the Executive Schedule under section 5316 of title 5, United States Code.

“(7) TEMPORARY AND INTERMITTENT SERVICES.—The Co-Chairs of the Task Force may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level III of the Executive Schedule under section 5316 of such title.

“(8) VOLUNTEER SERVICES.—

“(A) IN GENERAL.—Notwithstanding the provisions of section 1342 of title 31, United States Code, the Co-Chairs of the Task Force are authorized to accept and utilize the services of volunteers serving without compensation. The Task Force may reimburse such volunteers for local travel and office supplies, and for other travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code.

“(B) EMPLOYEE STATUS.—A person providing volunteer services to the Task Force shall be considered an employee of the Federal Government in the performance of those services for the purposes of Chapter 81 of title 5, United States Code, relating to compensation for work-related injuries, chapter 171 of title 28, United States Code, relating to tort claims and chapter 11 of title 18, United States Code, relating to conflicts of interests.

“(C) ETHICAL GUIDELINES FOR STAFF.—In the absence of statutorily defined coverage, the staff, including staff director, shall follow the ethical rules and guidelines of the Senate. Staff coming from the private sector or outside public government may petition the Co-Chairs for a waiver from provisions of Senate Ethics rules.

“(9) ADVISORY PANEL.—The Task Force may establish an advisory panel consisting of volunteers with knowledge and expertise relevant to the Task Force's purpose. Membership of the Advisory Panel, and the scope of the Panel's activities, shall be decided by the Co-Chairs in consultation with the other members of the Task Force.

“(d) TERMINATION.—

“(1) IN GENERAL.—The Task Force shall terminate on the date that is 90 days after the Task Force submits the report required under paragraph (b)(3)(B).

“(2) CONCLUDING ACTIVITIES.—The Task Force may use the 90-day period referred to in paragraph (1) for the purpose of concluding its activities, including providing testimony to committees of Congress concerning its report and disseminating the final report.

“(e) CONSIDERATION OF TASK FORCE RECOMMENDATIONS.—

“(1) INTRODUCTION OF TASK FORCE BILL.—The proposed legislative language contained in the report submitted pursuant to subsection (b)(3)(B), upon receipt by the Congress, shall be introduced in the Senate and in the House of Representatives by the majority leader of each House of Congress (by request), or by any member or members of that House designated by the majority leader. If the Task Force bill is not introduced in accordance with the preceding sentence in either House of Congress within 5 days on which that House is in session after receipt, then any member of that House may introduce the Task Force bill on any day thereafter. Upon introduction, the Task Force bill shall be referred to the appropriate committees under paragraph (2).

“(2) COMMITTEE CONSIDERATION.—A Task Force bill introduced in either House of Congress shall be referred to the appropriate committee or committees of jurisdiction under the rules of that House.

“(3) PROCEDURES.—

“(A) CONSIDERATION IN HOUSE OF REPRESENTATIVES.—Notwithstanding any other provision of law, consideration of a Task Force bill shall be governed by the Rules of the House of Representatives, and no expedited procedures shall apply.

“(B) CONSIDERATION IN SENATE.—Notwithstanding any other provision of law, consideration of a Task Force bill shall be governed by the Standing Rules of the Senate, and no expedited procedures shall apply.”

### SEC. 3. FUNDING.

From the amounts appropriated or made available and remaining unobligated under

division A (other than under title X of division A) of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5), there is rescinded pro rata an aggregate amount equal to \$9,000,000, which amount shall be made available without need for further appropriation to the Bipartisan Task Force for Responsible Fiscal Action to carry out the purposes of the Bipartisan Task Force for Responsible Fiscal Action, and which shall remain available through fiscal year 2011. Not later than 14 days after the date of enactment of this section, the Director of the Office of Management and Budget shall administer the rescission and make available such amount to the Bipartisan Task Force for Responsible Fiscal Action.

**SA 3307.** Mr. SPECTER (for Mr. CRAPO) proposed an amendment to the resolution S. Res. 373, designating the month of February 2010 as “National Teen Dating Violence Awareness and Prevention Month”, as follows:

In the sixteenth whereas clause of the preamble, strike “haven” and insert “have”.

### EMERGENCY AID TO AMERICAN SURVIVORS OF THE HAITI EARTHQUAKE ACT

Mr. SPECTER. Mr. President, on behalf of the leader, I ask unanimous consent that the Senate proceed to the consideration of S. 2949, which was introduced earlier today.

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

The clerk will state the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 2949) to amend section 1113 of the Social Security Act to provide authority for increased fiscal year 2010 payments for temporary assistance to United States citizens returned from foreign countries, to provide necessary funding to avoid shortfalls in the Medicare cost-sharing program for low-income qualifying individuals, and for other purposes.

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

Mr. BAUCUS. Mr. President, I join in today with my colleagues Senators BILL NELSON, BOB MENENDEZ, GEORGE LEMIEUX, and CHUCK GRASSLEY in support of the Emergency Aid to American Survivors of the Haiti Earthquake Act. This bill will provide much-needed resources to the United States Repatriation Program, which is currently assisting U.S. citizens who are returning home from Haiti.

The United States Repatriation Program was established by title XI, section 1113 of the Social Security Act to provide temporary assistance to U.S. citizens and their dependents who have been identified by the Department of State as having returned, or been brought from a foreign country to the U.S. because of destitution, illness, war, threat of war, or a similar crisis.

The Department of Health and Human Services works with State and local governments to administer the Repatriation Program and provide vital services such as immediate medical care, temporary lodging and travel, and food assistance to returning

Americans in need. The Federal Government reimburses States for the full cost of providing these services and individuals who receive aid are expected to repay it except in the case of extreme hardship.

The Repatriation Program is currently being used by the Department of Health and Human Services to provide assistance to citizens returning from Haiti as a result of last week's devastating earthquake.

But, funding for this important program is capped at \$1 million per year, which will not cover the cost states have already incurred to provide support for the more than 14,000 Americans who have already returned from Haiti. And the State Department expects between 600 and 2,000 more Americans will continue to return from Haiti each day in the coming months. They too will need the vital services this program provides.

As a result, we have been asked by the Department of Health and Human Services to increase the cap for this fiscal year so that the program can continue to provide these vital services to Americans returning home from Haiti.

This bill will answer the Department's call for help by raising the cap for fiscal year 2010 to \$25 million.

In the past Congress has passed similar measures to aid Americans returning home from abroad during times of crisis. In 2006, for example, Congress raised the \$1 million annual limit to accommodate Americans returning home from the devastation in Lebanon. During the gulf war, the annual limit was waived entirely. These measures proved to be simple and successful solutions to help bring Americans home safely and give them the support they need to get back on their feet.

This bill is modeled closely off those measures and we have worked with the Department of Health and Human Services and other government agencies in creating this bill.

Additionally, this legislation will provide additional funding for the Qualified Individual Program, which pays the Medicare Part B premium costs for low-income seniors here at home.

Like the Repatriation Program, the Qualified Individual Program is also subject to annual spending caps. Without additional funding for 2010, this program will see shortfalls in approximately two dozen States.

This legislation will provide \$65 million in additional funding for the Qualified Individual Program to ensure all States are able to provide this critical assistance to seniors this year.

The entire cost of this legislation, \$60 million, is fully paid for through the Medicaid improvement fund.

This legislation is a reasonable and fiscally responsible solution that will allow these programs to meet their obligations to Americans in need. We urge the Senate to pass this bill and send it to the House for immediate consideration.



We should not allow these important resources to be denied or needlessly delayed.

Mr. SPECTER. Mr. President, I ask unanimous consent that the bill be read the third time, passed, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

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

The bill (S. 2949) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2949

*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 “Emergency Aid to American Survivors of the Haiti Earthquake Act”.

#### SEC. 2. INCREASE IN AGGREGATE PAYMENTS FOR FISCAL YEAR 2010 FOR TEMPORARY ASSISTANCE TO UNITED STATES CITIZENS RETURNED FROM FOREIGN COUNTRIES.

Section 1113(d) of the Social Security Act (42 U.S.C. 1313(d)) is amended by striking “September, 30, 2003” and all that follows and inserting “September 30, 2009, except that, in the case of fiscal year 2010, the total amount of such assistance provided during that fiscal year shall not exceed \$25,000,000.”.

#### SEC. 3. QI PROGRAM FUNDING.

Section 1933(g)(2) of the Social Security Act (42 U.S.C. 1396u–3(g)(2)) is amended—

(1) in subparagraph (M), by striking “\$412,500,000” and inserting “\$462,500,000”; and

(2) in subparagraph (N), by striking “\$150,000,000” and inserting “\$165,000,000”.

#### SEC. 4. APPLICATION OF MEDICAID IMPROVEMENT FUND.

Section 1941(b)(1)(A) of the Social Security Act (42 U.S.C. 1396w–1(b)(1)(A)) is amended by striking “\$100,000,000” and inserting “\$10,000,000”.

#### CRIMINAL HISTORY BACKGROUND CHECKS PILOT EXTENSION ACT OF 2009

Mr. SPECTER. Mr. President, on behalf of the leader, I ask unanimous consent that the Senate proceed to the consideration of S. 2950.

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

The assistant legislative clerk read as follows:

A bill (S. 2950) to extend the pilot program for volunteer groups to obtain criminal history background checks.

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

Mr. SPECTER. Mr. President, I ask unanimous consent that the bill be read three times, passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the bill be printed in the RECORD.

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

The bill (S. 2950) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2950

*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 “Criminal History Background Checks Pilot Extension Act of 2009”.

#### SEC. 2. EXTENSION OF PILOT PROGRAM.

Section 108(a)(3)(A) of the PROTECT Act (42 U.S.C. 5119a note) is amended by striking “a 78-month” and inserting “a 92-month”.

#### NATIONAL TEEN DATING VIOLENCE AWARENESS AND PREVENTION MONTH

Mr. SPECTER. Mr. President, on behalf of the leader, I ask unanimous consent that the Judiciary Committee be discharged from further consideration and the Senate now proceed to the consideration of S. Res. 373.

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

The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 373) designating the month of February 2010 as “National Teen Dating Violence Awareness and Prevention Month.”

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

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

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

The resolution (S. Res. 373) was agreed to.

The amendment (No. 3307) was agreed to, as follows:

In the sixteenth whereas clause of the preamble, strike “haven” and insert “have”.

The preamble, as amended, was agreed to.

The resolution, with its preamble, as amended, reads as follows:

S. RES. 373

Whereas dating, domestic, and sexual violence affect women regardless of their age, and teens and young women are especially vulnerable;

Whereas, approximately 1 in 3 adolescent girls in the United States is a victim of physical, emotional, or verbal abuse from a dating partner, a figure that far exceeds victimization rates for other types of violence affecting youth;

Whereas nationwide, 1 in 10 high school students (9.9 percent) has been hit, slapped, or physically hurt on purpose by a boyfriend or girlfriend;

Whereas more than 1 in 4 teenagers have been in a relationship where a partner is verbally abusive;

Whereas 20 percent of teen girls exposed to physical dating violence did not attend school because the teen girls felt unsafe either at school, or on the way to or from school, on 1 or more occasions in a 30-day period;

Whereas violent relationships in adolescence can have serious ramifications for victims by putting the victims at higher risk for substance abuse, eating disorders, risky sexual behavior, suicide, and adult revictimization;

Whereas being physically and sexually abused leaves teen girls up to 6 times more

likely to become pregnant and more than 2 times as likely to report a sexually transmitted disease;

Whereas nearly 3 in 4 children ages 11 to 14 (referred to in this preamble as “twens”), say that dating relationships usually begin at age 14 or younger and about 72 percent of eighth and ninth graders report “dating”;

Whereas 1 in 5 twens say their friends are victims of dating violence and nearly ½ of twens who are in relationships know friends who are verbally abused;

Whereas more than 3 times as many twens (20 percent) as parents of twens (6 percent) admit that parents know little or nothing about the dating relationships of twens;

Whereas teen dating abuse most often takes place in the home of 1 of the partners;

Whereas a majority of parents surveyed believe they have had a conversation with their teen about what it means to be in a healthy relationship, but the majority of teens surveyed said that they have not had a conversation about dating abuse with a parent in the past year;

Whereas digital abuse and “sexting” is becoming a new frontier for teen dating abuse;

Whereas 1 in 4 teens in a relationship say they have been called names, harassed, or put down by their partner through cellphones and texting;

Whereas 3 in 10 young people have sent or received nude pictures of other young people on their cell or online, and 61 percent who have “sexted” report being pressured to do so at least once;

Whereas targets of digital abuse are almost 3 times as likely to contemplate suicide as those who have not encountered such abuse (8 percent vs. 3 percent), and targets of digital abuse are nearly 3 times more likely to have considered dropping out of school;

Whereas the severity of violence among intimate partners has been shown to be greater in cases where the pattern of violence has been established in adolescence;

Whereas primary prevention programs are a key part of addressing teen dating violence and many successful community examples include education, community outreach, and social marketing campaigns that also understand the cultural appropriateness of programs;

Whereas skilled assessment and intervention programs are also necessary for youth victims and abusers; and

Whereas the establishment of National Teen Dating Violence Awareness and Prevention Month will benefit schools, communities, and families regardless of socioeconomic status, race, or sex: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates the month of February 2010, as “National Teen Dating Violence Awareness and Prevention Month”;

(2) supports communities to empower teens to develop healthier relationships; and

(3) calls upon the people of the United States, including youth and parents, schools, law enforcement, State and local officials, and interested groups to observe National Teen Dating Violence Awareness and Prevention Month with appropriate programs and activities that promote awareness and prevention of the crime of teen dating violence in their communities.

#### 150TH ANNIVERSARY OF THE FOUNDING OF THE COLORADO NATIONAL GUARD

Mr. SPECTER. Mr. President, on behalf of the leader, I ask unanimous consent that the Committee on Armed

Services be discharged from further consideration of S. Res. 395 and the Senate proceed to its consideration.

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

The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 395) commemorating the 150th anniversary of the founding of the Colorado National Guard.

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

Mr. SPECTER. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the resolution be printed in the RECORD.

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

The resolution (S. Res. 395) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 395

Whereas, on January 23, 1860, the history of the Colorado National Guard began when the first General Assembly of the Jefferson Territory authorized the formation of 2 independent militia companies, the Jefferson Rangers and the Denver Guards, both of which were disbanded after the Colorado Volunteers were established as the official Colorado Territorial Militia;

Whereas after Colorado became a State in 1876, the Colorado State Militia was activated on dozens of occasions to protect public rights, safety, and property;

Whereas during World War I, nearly all units of the Colorado National Guard were called into service, serving as replacements on the front lines as well as carrying out crucial artillery support roles in most of the major campaigns near the end of the war;

Whereas during World War II, Colorado National Guard units served in both the European and Pacific theaters, providing crucial indirect fire support throughout the Pacific, significantly contributing to the invasion of Italy and southern France, and partaking in the liberation of the Dachau concentration camp in April 1945;

Whereas a year prior to the establishment of the United States Air Force in September 1947, the 120th Tactical Reconnaissance Squadron (Fighter) was federally recognized and redesignated as the 120th Fighter Squadron (Single-Engine), thus becoming the first federally recognized unit of the Air National Guard;

Whereas the Colorado National Guard was called into Federal service in 1950 during the Korean War and in 1961 during the Berlin Crisis;

Whereas in 1968, the 120th Tactical Fighter Squadron of the Colorado Air National Guard became one of the first Air National Guard units to be mobilized and the first of 4 fighter units to be deployed for combat operations in the Vietnam War;

Whereas in 1990 and 1991, the Colorado National Guard was called into Federal service to support Operation Desert Shield/Storm in the Persian Gulf and enforce the United Nations-mandated no-fly zone over Iraq during Operations Northern and Southern Watch;

Whereas the Colorado National Guard was called into Federal service in 1994 to help

provide stability in Haiti and in 1999 as part of Operation Joint Forge in the Balkans;

Whereas in recent years, the Colorado National Guard has supported various anti-drug and search-and-rescue missions and assisted the citizens of Colorado during numerous natural disasters and State emergencies;

Whereas hours after the attack on the World Trade Center and the Pentagon on September 11, 2001, the Colorado National Guard was activated to bolster airport security at 14 major airports across the State and the Pueblo Chemical Depot, with Colorado Guardsmen, as part of Operation Noble Eagle, launching the first defensive aircraft over the city of Denver within minutes of the terrorist attacks and initiating the Air Sovereignty Alert mission, which continues today with airmen and aircraft on alert 24 hours a day, 365 days a year, to protect our Nation from aerial threats;

Whereas since September 11, 2001, more than 6,500 Colorado National Guard members have served in Iraq and Afghanistan in support of Operations Iraqi Freedom and Enduring Freedom, with more than 550 Colorado National Guard members currently deployed in support of both missions and another 160 members preparing for mobilization;

Whereas the 3rd Battalion of the 157th Field Artillery Regiment, which traces its lineage back to the Civil War, is currently deployed in support of Operation Iraqi Freedom and is the largest Colorado Army National Guard unit to deploy since World War II;

Whereas in 1985, the Colorado National Guard established the High-Altitude Army Aviation Training Site (HAATS) to instruct rotary wing aviators on how to better operate in hostile, high-altitude, and power-limited environments;

Whereas HAATS is the only United States military school teaching such specialized techniques and has provided critical training to helicopter aviators in Iraq and Afghanistan;

Whereas in 1993, the Colorado National Guard was among the first to form a partnership under the auspices of the State Partnership Program with the Republic of Slovenia, and in 2002, formed a second partnership with the Hashemite Kingdom of Jordan;

Whereas the more than 3,700 citizen soldiers of the Colorado Army National Guard are based in 20 communities across Colorado, and the more than 1,500 citizen airmen of the Colorado Air National Guard are based at Buckley Air Force Base in Aurora, Colorado, as well as in Greeley and Colorado Springs, Colorado;

Whereas the citizen soldiers and airmen of the Colorado National Guard have served with courage and selflessness and have earned the respect and gratitude of Coloradans and all Americans; and

Whereas the Colorado National Guard continues to build on its heritage as a ready, reliable, and relevant community-based force that is always ready and always there, whether to protect our homeland against attacks, to support civil authorities, or to defend freedom overseas: Now, therefore, be it Resolved, That the Senate—

(1) recognizes the 150th anniversary of the founding of the Colorado National Guard and its exemplary service to the State of Colorado and the Nation;

(2) thanks the members of the Colorado National Guard and their families for their service and their sacrifice on behalf of the State of Colorado and the Nation;

(3) pledges its continued support in providing the Colorado National Guard with the resources necessary to ensure its readiness to perform State and Federal missions;

(4) expresses condolences to the families of those members of the Colorado National

Guard who made the ultimate sacrifice and gave their lives while serving in the Colorado National Guard; and

(5) honors the dedication of the members of the Colorado National Guard who play a central role in protecting the United States and the freedoms and liberties of its citizens.

#### 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 members of the National Advisory Committee on Institutional Quality and Integrity: Bruce Cole of Indiana, Anne Neal of Wisconsin, and Michael Poliakoff of Colorado.

#### CONGRATULATING SENATOR SPECTER

Mr. DURBIN. Will the Senator yield? Mr. SPECTER. I will yield.

Mr. DURBIN. Mr. President, I just wanted to say a few words to the Senator from Pennsylvania.

I would like to congratulate my colleague on the occasion of his 10,000th vote in the Senate. He has been a colleague of mine now for the 13 years I have served in the Senate, and I have enjoyed working with him. Occasionally, we have been on opposite sides of an issue, and at times we have been on the same side. I much prefer the latter. He is an able attorney and a thoughtful and reflective Member of the Senate. I have enjoyed my service with him, and I congratulate him on his 10,000th vote.

I am particularly pleased that he cast that vote from this side of the Senate. I look forward to working with Senator SPECTER and thank the people of Pennsylvania for giving us an opportunity to work with him and to share his public service these many years. I congratulate the Senator.

Mr. SPECTER. I thank the distinguished Senator from Illinois for those kind remarks. We have worked together very harmoniously. On occasions where we voted differently, it was always in the spirit of collegiality. One personal note. He and I are frequenters of the Senate gym. I arrive about 6:30 a.m., and he has already been there for awhile. He is a robust athlete in addition to being a great assistant majority leader.

Mr. DURBIN. If the Senator from Pennsylvania will yield, I tell people I go to the Senate gym for no apparent reason. But I thank him for his kind words.

#### CASTING 10,000 VOTES

Mr. SPECTER. Mr. President, I come to the point where no other Senator is seeking recognition, and we are through expediting the work of the clerks, so I am going to make a statement reflecting on my 10,000th vote.

The circumstances are somewhat unusual. I cast the vote and expected to



depart the Chamber, but I found my distinguished colleague, Senator CASEY, prepared to make some comments about my 10,000th vote. He could not make those comments for about an hour because the train was late and some Senators hadn't arrived and the vote was kept open. So a very unusual situation for me personally. I had nothing to do but to sit and think, and I was reflecting upon the 10,000 votes. That is what I am going to talk about now.

I would not expect the Senator from Illinois to stay to listen to this because it might delay his arrival at the gym, which is very early tomorrow morning. I will be there at about 6:30 a.m. I don't know how long he will have been there, but for quite awhile. I thank Senator DURBIN once again for his kind remarks.

The occasion of reflecting on 10,000 votes in the Senate is something I have been thinking about for the past hour plus, as we awaited Senators to arrive to a vote, and then having yielded to two other Senators. I thought about why I got into public life, why I decided to run for office, and that is hard to say. But I believe it was at the inspiration of my parents.

My story is a common one: immigrant parents, father served in World War I, was wounded in action in the Argonne Forest, carried shrapnel in his legs until the day he died, and was one of the veterans who was promised a \$500 bonus. The government reneged on the promise—did not pay the veterans a bonus—as the government reneges on so many promises to the veterans. So there was a famous march on Washington during the Hoover administration when I was a child.

President Hoover called out the Army, and they fired on veterans and killed veterans—one of the blackest days in American history. I think that event, as a young child, was emblazoned in my mind. I saw the deep anguish of my father, and mother too. This was during the Depression.

My father had always had a very deep concern about government because he lived under the tyranny of the czar. The czar wanted to send him to Siberia when he was 18 years old, in 1911, when he emigrated to the United States. I think that experience motivated me to want to go into public life.

I had always had a very deep concern about civil liberties, as a member of a minority group myself, to be able to deal with that issue in a governmental capacity. The 10,000 votes have come and gone in a hurry, and I was reflecting on the Reagan years. I was elected in 1980, the same day President Reagan was elected. There are many highlights of the tenure during his 8 years, but I think especially about September 17, 1987. That is an easy date to remember because it marked the 200th anniversary of the signing of the Constitution of the United States.

To commemorate the 200th anniversary there was a ceremony in Philadel-

phia, and President Reagan went to Philadelphia to participate in the ceremony. He invited me to go with him. He invited Senator Heinz as well, but Senator Heinz had other commitments that day and did not go.

It was a fascinating experience to travel alone with the President, to talk to him on Air Force One and in the Presidential limousine. When we arrived at Independence Hall, they had a great wheel, and the wheel started with George Washington, the first President, and then John Adams, and all the way around until it came to Ronald Reagan right next to George Washington. He and I talked about the drama he experienced on the wheel right next to President Washington.

On that particular week, we had the confirmation hearings of Judge Bork for the Supreme Court of the United States. On September 17, when I traveled to Philadelphia with the President, it was a Thursday, and I missed my opportunity to question Judge Bork. I got that opportunity on Saturday morning. There were only a few people there, and I had an opportunity to question Judge Bork for an hour and a half and ultimately played a key role in the rejection of the nomination of Judge Bork, who believed in original intent and had a very different view of the Constitution. He did not believe in due process of law. That was not part of the Constitution. And he disagreed with the incorporation of the 10 amendments to the due process clause to apply to the States. That was a momentous Supreme Court hearing.

During the years of President George H.W. Bush, there were many matters of note. One that stands out was the affirmation proceeding as to Justice Souter. When Justice Souter was up for confirmation, I participated in that as a member of the Judiciary Committee, as I had participated in the confirmation hearing of Judge Bork. The pro-choice groups were apprehensive about Judge Souter becoming Justice Souter. I examined his record very carefully and thought that he would read the precedents of *Roe v. Wade* in a favorable light and supported his confirmation. Then he became a stalwart for a woman's right to choose and a stalwart for constitutional principles involving civil rights and individual freedom.

During the years with President Clinton, I chaired the Appropriations Subcommittee on Labor, Health, Human Services and Education, and at that time had an opportunity to take the lead in increasing education funding very substantially. Pell grants were raised very materially. They had been at \$2,400, and the committee then moved them up, and now they are in excess of \$5,000.

I also took the lead in helping the working men and women through funding for the Department of Labor and for the National Labor Relations Board and for mine safety, OSHA, and MENSHA.

Then on the funding for health, as has already been noted, I took the lead

with the concurrence of Senator HARKIN, who was then minority ranking member, to increase funding for the National Institutes of Health from \$12 billion to \$30 billion. During the decade I chaired the committee, that enormously increased the availability of grants. Some years as much as \$3.5 billion was added to the funding of the National Institutes of Health. Then when the stimulus package came up, I offered the amendment and led the battle to add an additional \$10 billion. NIH had slipped back because of across-the-board cuts and failure to have cost-of-living adjustments, but the \$10 billion in the stimulus package has provided 15,000 grants and has stimulated the interest in a whole generation of sciences.

Senator MENENDEZ commented a few moments ago—in talking about my 10,000 votes—how those research grants have led to enormous savings and in the prolonging of lives and saving of lives on many strains of cancer and with enormous strides being made in research into heart disease and autism and Parkinson's and Alzheimer's.

During the administration of George W. Bush, again there were many momentous events. To mention one, because time is running, I led the fight for embryonic stem cell research, the Specter-Harkin bill, to use Federal funds to use stem cells, which had enormous potential for curing the maladies of the world—a veritable fountain of youth—by injecting stem cells into diseased cells.

President Bush vetoed the Specter-Harkin bill. He vetoed it twice. But now with President Obama there has been an Executive order, and Senator HARKIN and I are continuing to push for legislation because legislation has more permanency than an Executive order. An Executive order can be changed by the next President.

Then the administration of President Obama. I got to know Senator Barack Obama. He had his office down the corridor from me on the seventh floor of the Hart Senate Office building. When he came forward with his proposal for a stimulus and I took a look at what was happening in the economy, I was concerned that we would slip back into a 1929 depression if we did not pass the stimulus bill. I voted for the stimulus bill on this floor and commented about the political peril. It has had a profound effect on my political life, which I will not discuss here. But had the stimulus package not been passed I think we would not have been in the great recession which we are in, but we would have been in another Great Depression. My own State, Pennsylvania, has received \$16 billion. Without that funding from the stimulus package there would not be unemployment compensation paid today; there wouldn't be Medicaid paid today. It has the potential for 143,000 new jobs. It is only halfway through the cycle of 2 years. It passed in mid-February, not even a year old, and we see the financial problems of California. Where

would California be without the stimulus? Where would any of the States be without the stimulus?

The stimulus package and other proposed Federal expenditures have caused quite a public reaction so that there is great concern in America today with what is going on in Washington. People are very concerned, as am I, about the deficit and about the national debt. We are going to be called upon to raise the national debt again.

When I was elected in the Senate, the national debt was \$1 trillion. During the tenure of President Reagan, those 8 years, it increased to \$3 trillion. President Reagan was the great economizer on his fiscal policies, but we have no choice when it comes to raising debt because if we do not raise the national debt we will be in default. The debt is being used to pay for many obligations, including the support of our troops in Afghanistan, which I will comment about in a few moments.

In the spring of this year—April, May, June, July—there was tremendous worry about what the Federal Government was talking about spending: \$1 trillion on health care reform; \$1 trillion on cap and trade, on climate control. There was great public opposition that arose to what was happening in Washington. It was promoted by the gridlock which is present in this Chamber, spoken about by Senator MENENDEZ and Senator LAUTENBERG a few moments ago; by the filibusters which are being carried on by Republicans.

A few years ago filibusters were being carried on by Democrats and President Bush's judicial nominees were the subject of filibusters. The business about filibusters and about gridlock is a problem on both parties. It is a matter for bipartisan blame. It is my hope we will find more Senators—Senator MENENDEZ commented on my willingness to reach across the aisle. I did that on the other side of the aisle and I do that on this side of the aisle. When I came to the Senate in 1980 there were many moderate Republican Senators who reached across the aisle. We had Senator Hatfield from Oregon—we were just discussing that the distinguished Presiding Officer brought me greetings from Senator Hatfield, the Senator from Oregon—and Senator Packwood, also a moderate from Oregon; Senator Danforth from Missouri; Senator Weicker from Connecticut; Senator Chafee from Rhode Island; Senator Stafford from Vermont; Senator Warner from Virginia; Senator Heinz from Pennsylvania; Senator Matthias from Maryland. I could go on and on. Today the moderates on the other side of the aisle, with my departure, can fit in a telephone booth. It is not good for the Senate and it is not good for the country.

When I undertook the town meetings this year—I made it a practice, in my tenure in the Senate, 30 years, to visit almost every county almost every year. At the first county I went to in

August, the first day I had an opportunity to travel when the Senate was not in session—usually when I got to Lebanon County there were 85 or 100 people. On this occasion there were 1,200 people. They had live television transmission units from MSNBC and FOX and CNN. There was enormous anger about what was happening in America with the spending, what was happening with the deficit, what was happening with the national debt.

Those are problems which we yet have to face. I get the question in my candidacy for reelection. I am seeking a sixth term. I want to follow Senator Biden, the most recent six-term Senator.

People say: Why run now? Why, after serving for 30 years, being the longest serving Pennsylvania Senator? People notice I have a big birthday coming up. I was born on February 12, the same day as Lincoln's birthday. I was born 121 years after Abraham Lincoln was born. That is as close as I will come to talking about age.

I believe with Satchel Paige, the great baseball pitcher, who was ageless. Satchel Paige made many famous statements. One of his most famous statements was: If you didn't know your age, how old would you think you were? I choose 37. I choose 37 because nobody would believe 17. That was a happy year in my life. I think there is a psychological term called "arrested development." That may have occurred to me at 17.

But why run now? Because there are so many things to be done. There are so many important problems. The experience and seniority and the knowledge I think can be put to good use for the 12 million constituents I have.

There is a great facet on term limits—it is called losing at the polls. The people can say yes or no to a candidacy for reelection, but I am full of vim, vigor, and vitality, and there are a lot of things I want to do. My four granddaughters are very much on my mind, as will their children and their grandchildren be.

We have health care reform which is still pending in the Congress of the United States. It has been a very difficult matter which has consumed this body and the House of Representatives for months. The House can pass it more quickly than can the Senate. We worked on it for the better part of 6 months and we passed it here. It is well documented that it took 60 votes because there was not a single Republican who would support cloture. There had to be 60 Democrats who would agree. That led to a lot of concessions being made to get the 60 votes.

Some Senators insisted on special consideration for their States. I think that was wrong. Why did I vote for the package? Because the good vastly outweighed the bad.

I was asked, in Pennsylvania, why didn't I get some special consideration for Pennsylvania? I didn't because I thought it was the wrong thing to do.

I was on a radio program last week, a critical radio program, for what is going on in Washington. But I got a compliment for not asking for special consideration.

We have a new Senator-elect in Massachusetts and we ought not to do anything in the interim until he is seated. Then there will be 59, so not enough to shut off a filibuster by the Republicans. So the question is: Where do we go from here?

President Obama has talked about a number of alternatives. A week ago last Wednesday, after the Massachusetts election, he was talking about a pared-down bill. I doubt that could pass the Senate. It would be unfortunate if all the work that has been done on the historic health care reform were to be nullified. The health care bill ran into great problems because of misrepresentations. There are no death panels in the health care bill. In my town meetings people were talking about death panels. I told them authoritatively and accurately, there were no death panels.

There was a worry about a government takeover of health care. That was not the bill. There was a government option. I was for a robust government option, leaving the private sector in place but taking steps to give a choice to people who wanted to buy insurance. But to get insurance reform to eliminate preexisting conditions as a way for insurance companies to maneuver and decline to pay claims, or the cancellation of insurance when somebody got sick, or not covering children—so many of the insurance lies.

I think it would be unfortunate if all we did were nullified. One way to approach it would be for the House to pass the Senate bill—that would be my recommendation—and then to have immediate corrective legislation on a number of the points which went too far—on the special favors for certain States. I believe there would be support on the other side of the aisle and we could correct the abusive practices if the House were to adopt the Senate bill.

But I respect the House. I read what the Speaker had to say about the disinclination to adopt the Senate bill. It has been a long time in coming to get reform. Legislation which is enacted is subject to modification. It has to move in steps. We could only get to the 1965 Voting Right Act because we had the 1957 legislation and the 1964 legislation. There are opportunities for changes and the abusive facets and the wrongful provisions in the Senate bill, if taken by the House, could be corrected. I think there would be support on both sides of the aisle for that.

There are a great many items on my agenda. One of the concerns I have is the issue of imports, illustratively from China, where they are subsidized and take unfair advantage of the trade laws. I have appeared many times before the International Trade Commission—something I had done in private

practice as a lawyer on appellate arguments in court. I won a big case preserving a lot of jobs several months ago on the tire industry, stopping China from sending tires into the United States which were subsidized.

I won a big case in the ITC, that I was the lead advocate on, on the steel industry, to stop China from selling steel in the United States.

I have been working on a project to deepen the Port of Philadelphia from 40 to 45 feet. Senator Heinz and I got authorizing legislation in 1983. It took until 1992 to get the Corps of Engineers to say it was economically sustainable. Then I worked on the Appropriations Committee, with my seniority, to get more than \$77 million appropriated. It has been contested by the State of Delaware on environmental concerns which have been answered totally by environmental impact studies. Recently, we were successful in getting the Secretary of the Army to invoke the supremacy clause.

But there is still more work to be done on that. I am working hard for the University of Pittsburgh Medical Center, working on manufacturing of vaccines. We have been short of vaccines and we cannot rely upon foreign sources. That is a multimillion dollar project working and has the promise of thousands of jobs for that area.

I am working on northeast Pennsylvania to get a train from Scranton to Hoboken, "Wall Street West"; working for the farmers on milk dairy prices; with General Electric to keep the GE plant open and jobs there; working, in my position on the Environment and Public Works Committee, on climate control; working on immigration reform.

As chairman, I managed the bill through the Senate in the 2006. I am working on the issue of campaign finance reform. The Supreme Court, last week, came down with a decision to allow corporations to engage in political advertising to elect or defeat candidates which will, as Justice Stevens in dissent pointed out, open the door for widespread corruption and am considering the issue of a Constitutional amendment which would reverse that decision and allow Congress and States to set limits on campaign finance. I have been working for a decade to try to get the Supreme Court televised for transparency. They make all the cutting-edge decisions.

I have been very active on foreign policy. There are many things I am

working on at the present time. Within the last month, I made a trip to Afghanistan and Syria and India. My study of the situation in Afghanistan leads me to oppose the President's plan to send 30,000 additional troops. I think we have to do whatever it takes to fight al-Qaida because they are out to annihilate us. But why fight them in Afghanistan when they can just as easily organize in Yemen or Somalia or elsewhere?

On the efforts to get help from the Pakistanis, not being very successful. In India, our Congressional delegation met with Prime Minister Singh. I put the question to him, would he be willing to have a limitation with Pakistan on the number of troops on the border, which would liberate Pakistani troops to help us fight al-Qaida in Pakistan.

Prime Minister Singh said he would, if the terrorists would be stopped from coming into India, as they blew up the hotel in Mumbai more than a year ago. So there are many things to be done. Our Congressional delegation visited Syria. I have visited the Mideast, almost every area, during my tenure in the Senate. I am very much concerned about the security of Israel.

In the visits I have had with Syria, I have gotten to know Bashar al-Assad, the Prime Minister of Syria, and his father, Hafiz al-Assad, because I believe Syria is the key to the peace process there.

Syria wants a return of the Golan. Only Israel can decide whether Israel wants to give back the Golan. But it is a different era today than it was in 1967, when the Golan was so important strategically. Today, rockets obviate the defensive posture of the Golan Heights. But only Israel can decide that for itself. But if Israel could get concessions for Syria to stop destabilizing Lebanon or stop supporting Hamas, that is an issue which ought to be considered.

Well, the hour is growing late. We are keeping staff here. But I thought this occasion, on the 10,000th vote, as I said, I sat here for about 1 hour waiting for the vote to end before Senator CASEY could make his comments, gave me a few moments to reflect on why I was interested in running for public office originally, what those 10,000 votes meant to me with a very brief statement as to some of those votes during the administrations of President Reagan, the first President Bush, President Clinton, the second President Bush, President Obama, and what I would like to see done in the future.

There is much to be done on so many lines. I have said to Senator CASEY, who has been here only 3 years, I would like to be here to speak to him on his 10,000th vote. I do not entertain that seriously. But the issues I have talked about are ones that are very important to me and I think to the future of my State and I think to the future of my Nation.

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#### ORDERS FOR TUESDAY, JANUARY 26, 2010

Mr. SPECTER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. Tuesday, January 26; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of H.J. Res. 45, the debt limit bill, as provided for under the previous order. Finally, I ask that the Senate recess from 12:30 to 2:15 for the weekly caucus luncheons.

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

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#### PROGRAM

Mr. SPECTER. Mr. President, Senators should expect a series of two roll-call votes to begin at 11:30 a.m. tomorrow. Those votes will be in relation to the Baucus amendment No. 3300, regarding Social Security exemption, to be followed by a vote in relation to the Conrad-Gregg amendment regarding a fiscal task force.

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#### ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. SPECTER. 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 8:28 p.m., adjourned until Tuesday, January 26, 2010, at 10 a.m.

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#### CONFIRMATION

Executive nomination confirmed by the Senate, Monday, January 25, 2010:

##### THE JUDICIARY

ROSANNA MALOUF PETERSON, OF WASHINGTON, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF WASHINGTON.