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Senate

The Senate met at 12 noon and was called to order by the Honorable KAY R. HAGAN, a Senator from the State of North Carolina.

PRAYER

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

Let us pray.

Almighty and everlasting God, in whom we live and move and have our being, we invoke Your divine presence among us. Draw our Senators nearer to You and to one another as You give them the gift of Your peace that is beyond all human understanding. Lord, give them also courage, fortitude, and stability that will keep them firm and steadfast in the face of difficulties. May they serve with fidelity the cause of our Nation and of our common humanity. Help them to build alliances with others who seek to bring sense and system to our disordered world. We pray in Your holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable KAY R. HAGAN 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, February 4, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KAY R. HAGAN, a Senator from the State of North Carolina, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mrs. HAGAN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. REID. Madam President, following leader remarks, there will be 20 minutes for debate prior to a vote on confirmation of the nomination of Patricia Smith to be Solicitor for the Department of Labor.

Upon disposition of that nomination, there will be 2 hours for debate prior to a vote on invoking cloture on the nomination of Marcia Johnson to be Administrator of General Services. Under a previous order, if cloture is invoked, all postcloture debate time will be yielded back and the Senate will proceed to a vote on her confirmation.

For the information of Senators, Senator KIRK will give his farewell speech at 3:45 p.m. or thereabouts today. Senator-elect BROWN will be sworn in at 5 p.m. today.

I say publicly for Senator KIRK that I am not sure I will be able to be here. The President has called something at the White House and I have to be there. I will do my utmost to be back by 5 for the swearing in of Senator BROWN.

CONFIRMATION OF PRESIDENTIAL NOMINEES

Mr. REID. Madam President, since I last asked unanimous consent to have confirmed three important nominations—one, the top intelligence official at the Department of Homeland Security, the other a top intelligence official at the State Department, and the third the highest ranking member of the entire Pentagon—I said three and there are actually four I asked unanimous consent on, and the fourth is an individual who would be the U.S. Rep-

resentative to the Conference on Disarmament. All these positions are dealing with these programs the United States should be involved in, but we had an objection from the Republicans.

There are people out there, evil people, trying to do damage to our country every day, every week, every month, every hour. It is hard for me to comprehend that people with impeccable records, such as Philip Goldberg, an appointee of President Bush to be Ambassador to Bolivia, who has an outstanding record of doing things for our country, is being objected to as being the person assigned by the White House and Secretary Clinton to be in charge of intelligence at the State Department.

Caryn Wagner, who is eminently qualified, I have never heard anything suggested that there is anything wrong with her background or qualifications. Yet there is objection to her being the person who deals with the safety of our homeland.

Laura Kennedy is the woman nominated to be the U.S. Representative to the Conference on Disarmament. We are a nuclear power, and the United States doesn't have anybody at these conferences.

Finally, GEN Clifford Stanley to be Under Secretary of Defense. This man would be the third highest ranking person at the Pentagon. One of the things he is responsible for is making sure all our troops around the world have everything they need. He is responsible for making sure the 30,000 people who are headed for Afghanistan can go to Afghanistan when deemed ready to go by the Pentagon. That is his job. There is no one to do that. I can't imagine anybody objecting to that, but they have done so.

There isn't enough time in the world—the Senate world, at least—to move cloture on every one of these. We have spent all this week on two people.

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



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Today is Thursday. I know we were interrupted yesterday because of the retreat, but we have spent all day on Monday, Tuesday, and now Thursday on two nominees, one to be the Solicitor at the Department of Labor—that is the lawyer for the entire Department of Labor—and the one we are working on today is to have someone run the General Services Administration. The Federal Government is the largest real estate holder in the world, and the General Services Administration manages that. Yet we have no one to run that.

So we have had to file cloture. Everyone within the sound of my voice understands it takes a long time to do that. We have to lay it down, file cloture, 2 days, 30 hours. It is not right, and I hope we can get more cooperation.

I have been someone who has tried hard not to have the President do recess appointments, but what alternative do we have? What alternative do we have? We have on the calendar dozens of people who are being held up—dozens—and I have only picked out a few; these very sensitive people, dealing with the safety and security of our country. I think it is without explanation why this is happening.

Again, I ask unanimous consent that the Senate consider the following nominations, en bloc, and we proceed to executive session, Calendar No. 561, GEN Clifford Stanley to be Under Secretary of Defense; Calendar No. 603, Laura Kennedy to be U.S. Representative to the Conference on Disarmament; Calendar No. 614, Philip Goldberg to be Assistant Secretary of State for Intelligence and Research; Calendar No. 615, Caryn Wagner to be Under Secretary for Intelligence and Analysis at the Department of Homeland Security; that the nominees be confirmed en bloc, the motions to reconsider be laid upon the table en bloc, any statements relating to the nominations appearing at the appropriate place in the RECORD as if read, and the President be immediately notified of the Senate's action.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. McCONNELL. Madam President, reserving the right to object, and I am going to have to do that, I wish to indicate Senator SHELBY has been in discussions with the administration over an issue with which I am not terribly familiar, and I believe that is the genesis of his objection. He is not able to be here at the moment to state his position. Maybe in discussions with him, we can make some progress on these, sooner rather than later, but for the moment I am constrained to object on his behalf.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. REID. Madam President, I understand the objection of the Senator, the Republican leader, but I don't know what my friend, Senator SHELBY—and I say that because he is my friend—I don't know what problems he has.

Whatever it is, I would almost bet a lot it is nothing that would be comparable to holding up these extremely sensitive positions keeping our country safe. I think it is outlandish, and I can't imagine this is the right thing to do.

RECOGNITION OF THE MINORITY LEADER

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

WELCOMING SENATOR BROWN OF MASSACHUSETTS

Mr. McCONNELL. Madam President, a little earlier today the Massachusetts Secretary of State formally certified the election of SCOTT BROWN as the new Senator and the newest Member of this body. He will come to Washington and be sworn in on the Senate floor, as is customary, later today. We all look forward to welcoming him. The people of Massachusetts are eager to have Senator BROWN working on their behalf, and Republicans look forward to having him join our conference. This was certainly a high-profile election, but now it is time to get to work.

I yield the floor.

RESERVATION OF LEADER TIME

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

EXECUTIVE SESSION

NOMINATION OF M. PATRICIA SMITH TO BE SOLICITOR FOR THE DEPARTMENT OF LABOR

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session to resume consideration of the following nomination, which the clerk will report.

The legislative clerk read the nomination of M. Patricia Smith, of New York, to be Solicitor for the Department of Labor.

The ACTING PRESIDENT pro tempore. Under the previous order, there will be 20 minutes of debate, equally divided and controlled between the Senator from Iowa, Mr. HARKIN, and the Senator from Wyoming, Mr. ENZI, or their designees.

Who yields time?

The Senator from Wyoming.

Mr. ENZI. Madam President, I rise, again, in opposition to the nomination of Patricia Smith to serve as the Solicitor of the Labor Department. As I noted on Monday, the Framers crafted a system of checks and balances to ensure that each government branch has a means to review the actions of other branches. In the Senate, one of those checks is our constitutional duty to provide advice and consent on executive branch nominations.

The leader earlier talked about the amount of time it takes for cloture on people. It does take quite a while, but it is part of the process. I can tell you, when there is a hearing on a person, if there are 270 questions to start with and the other people in a similar position have a couple dozen questions, you know there is a little bit of a problem that could develop with that one person, depending on how they answer or don't answer the questions.

This isn't something new. This isn't something that happened just this year. I was chairman of the HELP Committee for 2 years and then ranking member for 2 years. During that time, President Bush had an appointment as the FDA Commissioner that was stopped. We never even got him to the floor. We had an MSHA Director—I think it was the first MSHA Director—who worked in a mine. That was the mining safety person. We had a Surgeon General and others. Then the schedule was set up so there were no recesses so there couldn't be recess appointments. So this is an ongoing matter and both sides should take note of that and ask the person making the nominations to come up with reasonable nominations, not people who have an agenda already set out that will result in the kind of conflicts we have had on some of these nominations.

This advice and consent is a responsibility I take seriously. Nominees before the Senate must be qualified and present their credentials to us completely and honestly. Senators have an obligation to confirm nominees who possess the strength of character and experience required for a position of public trust. I rarely oppose Presidential nominees and to date have supported over 50 nominees reviewed in the HELP Committee since the President was inaugurated. I believe the President is ultimately responsible for the conduct of his administration, so he has a right to select his team, up to a point.

New York commissioner of labor Patricia Smith's long record of public service—which my colleagues in the majority have discussed in detail—would ordinarily have made her a bipartisan choice to lead one of the most important offices in the U.S. Labor Department. Unfortunately, her misleading testimony to the HELP Committee has caused me to lose confidence in her nomination.

I spoke on Monday about the specific factual inconsistencies, and on Tuesday I discussed a number of other concerns about Ms. Smith's agency and a program she created and implemented in New York. I have also posted a 41-page report detailing my concerns with Ms. Smith's nomination on the HELP Committee Web site.

The report found that Ms. Smith misled the HELP Committee over the course of several months.

That report may be found at http://help.senate.gov/imo/media/doc/2010_02_011.pdf.

The majority acknowledges that there are factual inconsistencies between what Ms. Smith said before the HELP Committee and official documents from the State of New York. The suggestion that the rationale for these inconsistencies lies in the fact that Ms. Smith was busy running a large agency and cannot really be held accountable for this small program is simply not supported by the facts. Official documents show the following: Ms. Smith named the program. She personally met with the union organizer and community organizing advocates developing it with her subordinates in November 2008. She personally met with the five trade associations concerned about the program. She personally promoted the program in speeches, internally to her staff and to the media.

Ms. Smith was involved in close to 100 communications about the program, either being referenced or as a sender or recipient. Moreover, she admits her program was the topic of numerous personal discussions she had with the New York Governor's Office:

Beginning in the late fall of 2008, I also discussed the pilot on numerous occasions with Jeff Mans, the Deputy Secretary to the Governor for Labor and Financial Regulation. I have no written notes from the conversations and can not tell you on what days the discussions took place as I speak with Mr. Mans at least three times a week and there was never a conversation specifically devoted to the pilot. The purpose of the conversations was to apprise him of the Labor Department's ideas for the pilot and to get the approval of the Governor's office. . . . I had a telephone conversation with the Assistant Counsel David Weinstein of the Governor's counsel's office, and Deputy Secretary Mans, on February 4th. I answered questions about how the program operated.

I have heard the suggestion from the other side of the aisle that because the program does not appear illegal or immoral, Ms. Smith should get a pass for her factual inconsistencies. However, the question of whether Wage and Hour Watch was ethical or legal is irrelevant to whether Ms. Smith's testimony was inaccurate or misleading.

The majority also argues there was a possible breakdown between Ms. Smith and her deputy that caused the misleading testimony. Ms. Smith, however, has worked with her deputy for more than five years. Moreover, if confirmed, Ms. Smith would be in charge of legal compliance for a Department whose budget projects spending ten times what she oversees in New York—\$104.5 billion in 2010. Leaving aside the extensive documentation showing she was heavily involved in this program, I ask my colleagues: why would we consider expanding her responsibility tenfold when she has been unable to oversee her subordinates effectively in New York?

In August, I noted my concerns to President Obama, and offered my assistance in ensuring a qualified replacement would be confirmed quickly. I also joined nine Republican HELP Committee members in urging Chairman HARKIN to refrain from approving

this nominee in committee and made the same offer of assistance in ensuring a qualified replacement is given a swift review and confirmation. I was forced to insist on a full debate on her nomination, which advanced on a party-line vote this past Monday.

It is clear that Ms. Smith's statements misled the committee. It is also apparent that each inconsistent statement in effect downplayed concerns held by Republican members. Most disturbing, however, is that her written committee responses suggest Ms. Smith knew her testimony was misleading as early as July 2009 but did not correct the problem until contacted by a majority staff in September—more than 2 months later.

I strongly believe that confirming someone as a head legal officer for a Cabinet agency under these circumstances sends the wrong message to the American people and the career staff she will oversee. I am also particularly disappointed that such a controversial nominee is being forced through before newly elected Senator SCOTT BROWN is sworn in. These sorts of actions may be part of the reason public confidence in Congress and the government is so low.

I urge my colleagues to oppose this nomination.

I yield the floor and reserve the remainder of my time.

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

Mr. HARKIN. Madam President, I have listened again to my friend, and he is my friend. We worked together on a lot of issues, and we will continue to work together on issues. I have listened to Senator ENZI's comments, and I was thinking, is there anything new here? We have heard all this before, on and on and again. No matter how many times you repeat it, it just doesn't seem to hold much water.

I grant Ms. Smith made two mistakes in her testimony, two mistakes when she appeared before the committee—which she corrected. One of those had to do with the origins of the program. When she was asked about this, she thought at that time that the program really had kind of originated among her staff. What she found out was that some of her staff had been talking to outside groups about this. The idea seemed to come from just a meeting of different people, but both within her agency and outside, so Ms. Smith corrected that. That is hardly a cause for her not assuming this position. Again, why would she want to mislead the committee on that when there was nothing wrong with it? So the idea came from an outside group—so what? It doesn't make any difference. She was just trying to answer honestly where she thought the idea had originated within her agency. So, again, she corrected that, as we let people do.

The second one had to do with the expansion of the program. I read the tes-

timony, I read the record more than once on that. She has answered that in writing back. It was a question by Senator BURR about whether she had plans for expansion, something like that. She said no to that.

What she meant to say—and when she reread it, she answered in writing—she had not authorized an expansion of the program. Yes, she had discussions with her staff and maybe others about, if the pilot program actually worked and was successful, yes, they would plan to expand it. But they had to get the pilot program through first to see what went wrong, what went right, does it need to be changed, does it need to be modified before there can be an expansion. So, again, she corrected the record on that, saying she had not authorized an expansion of the program at that point.

Again, there were two minor mistakes corrected in writing. That is hardly a cause for denying her this position. As I pointed out yesterday, we correct the RECORD all the time around here when we speak on the Senate floor because maybe I made a mistake in what I really wanted to say, I didn't say it correctly. I probably should not say this, but sometimes reporters don't kind of get the nuance of what we wanted to say, perhaps, and how we wanted say it. So we correct the RECORD all the time. It is done all the time around here between what you say and what you read in the CONGRESSIONAL RECORD because human beings make mistakes. So, again, hardly a cause for denying Patricia Smith this position.

Again, I daresay I have not heard anyone question her qualifications. She is eminently well qualified for this position. As I said the day before yesterday—and I put in the RECORD a number of letters from business groups in New York supporting her, saying she was fair and judicious, worked with them. She has run the department of labor in New York—I think an \$11 billion agency with about 4,000 employees. No one has ever questioned her ability to run that agency.

We have heard: Well, if she didn't know what was going on with this little \$4,000 pilot project, then she can't run an agency. You know, again, we always delegate to staff—especially if you have large stuff and you are running big things—about little things like that that they can do.

Again, I heard my friend say she knew about this program. Of course she knew about the program, she knew about the pilot program. Frankly, I think she was kind of excited about the program to see whether it would work and if it was a legitimate, good program that would work to help inform people of their rights under the law. Surely, my friend is not saying that is something that should not be done—help people, inform them of their rights, or to report violations of the law. Surely, no one is saying no one, if they see a violation of the law, should

not report it. But that is what this Wage Watch was supposed to do.

She made it clear in her statement of January 2009—in her statement, not staff's statement but her statement and her e-mail to her subordinates—that this was not an investigative arm, they were not replacing staff, this was merely an informational group, and also to see if there were any violations of law, to report it. Surely, no one can say that is not a legitimate function of volunteer groups.

Again, we are here to vote on final passage of the nomination of Patricia Smith for Solicitor of the Department of Labor. I am glad we can finally bring this to a close. It has gone on too long. We have been considering it on the floor since Monday, postcloture. In all that time, there has been very little by way of debate. We have only had two Republican Members come to this floor to speak and explain why they oppose this critical nomination.

There is nothing new about Patricia Smith that we have learned since Monday. Indeed, nothing has emerged that we didn't know when we voted her out of committee back in September. We know she is well qualified, extremely. Everyone acknowledges this. She has an impressive record of accomplishments at the New York Department of Labor. She is strongly supported by local leaders and even the local business community. Again, this, too, is undisputed. And as I said, she corrected in writing these two errors she made when she testified before the HELP Committee last year.

In the 4 months that have passed since the Republicans first threatened to filibuster her nomination, we have not learned one new piece of information that can change anyone's mind about whether she is a qualified candidate to serve as Solicitor of Labor. All the last 4 months of delay has achieved is to keep her out her job and hamper the Department of Labor's ability to perform its important function.

That is not what this process is supposed to be about. This government cannot function if we, as Senators entrusted with the important power to advise and consent on Presidential nominations, abuse that power—I repeat, abuse that power by using extraordinary procedural tactics to block the nominations of qualified people. The filibuster, as I understand it, was supposed to be reserved for extreme cases when there are critical public policy issues at stake, where the country may be divided on them. It is not supposed to be a routine delay tactic for every nominee the minority party disagrees with or that one person—not the entire group but one person—disagrees with.

The American people are getting fed up, and they should be. We cannot even get routine business conducted around here anymore. American families are sitting around the kitchen table worried about a lot of things—about their

health care, about their kids' education, and more than anything, about their jobs—if they don't have one, about when they are going to get one, and if they have one, can they keep it. How they are going to pay their bills if they become unemployed? We can't help them, we can't help the families of America by spending day after day of time here in quorum calls, with the lights on, the electricity running, people here, and we do nothing, we just sit here because the Republican side has engaged in a filibuster. Playing these procedural games does not advance our country one bit.

We can, however, help our families by attacking the jobs problem with every weapon in our arsenal, and that includes a fully staffed and strong Department of Labor. While I am sorry it has come to this, this long filibuster and all these days wasted, I am glad this process has come to an end. It is time to vote so we can let Patricia Smith get to work, so we can get back to the business here of helping our families across America.

I yield the floor.

Mr. ENZI. Madam President, what is the time situation?

The ACTING PRESIDENT pro tempore. The Senator from Wyoming has 2 minutes 40 seconds. The Senator from Iowa has 34 seconds.

Mr. ENZI. Madam President, this argument about using the filibuster—I have to say that both sides have used the same cloture techniques. I think if you check with the Bush nominees, we usually withdrew those and put someone else in. Of course, that had something to do with the relative size of the majorities.

But the problem here is with how the program was run. We keep talking about whether it was legal. It probably was legal, but there are some things done there that I don't think the average person wants done to them. The Wage and Hour program was to recruit and train union organizers and public interest groups to go into businesses with compliance literature and interview employees to discover violations of the wage and hour law. It was expanded to include OSHA.

The State of New York gives participants materials to disseminate and official cards identifying them and their group as part of a program for when they enter businesses and speak with the employers and employees. As part of this process, union and community organizers were directed to gather personal telephone numbers, vehicle license plates and home addresses of business owners, as well as details about the employees working there. Labor organizers and community activists were allowed to use this information for their own organizing activities. State identification cards were provided to the individuals, but the State conducted no background check on those they trained and provided identification cards. Is that the kind of program we would expect Ms. Smith to federalize if she became a Solicitor?

A deep concern to me is how Ms. Smith described the decision not to conduct vetting or background checks for the Wage and Hour Watch participants who could collect this personal information. When questioned about it, she explained there is no formal vetting process for the New York State Department of Labor to partner with an entity. They did not consider the possibility of background checks on the groups, but ultimately rejected the idea after inquiring as to why the Neighborhood Watch groups were subjected to background checks. The department was informed that the groups participating in this more sensitive crime prevention partnership are not subject to a check. But there is a major difference in the way they work. The National Sheriff's Association Neighborhood Watch Program, unlike the Wage and Hour, is purely an observe and report program. Calling the police about suspicious activity in a public area is different than investigating the wages and hours of individual employees and recording their personal contact information.

So for these reasons, and the ones I have given on previous occasions, and that Senator ISAKSON has given and members of the committee have expressed, I urge my colleagues to oppose the nomination.

I yield the floor and the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator from Iowa.

Mr. HARKIN. Let me put one thing to rest here. No one on Wage Watch was authorized to enter any business unless the business owner agreed to that. The only exception is if the public was allowed. Sure, they could go into a department store or a restaurant or someplace such as that where the general public went. But they could not go into any business without the business owner's permission, and they could do nothing other than what the general public can do right now.

We need more people doing what these volunteers were doing and making sure that people's rights are respected.

Mr. LEAHY. Madam President, today, the Senate will finally have an up-or-down vote on the nomination of Patricia Smith to be Solicitor General for the Department of Labor. Earlier this week the Senate voted to invoke cloture and end the 15th filibuster of President Obama's nominations to fill important posts in the executive branch and the judiciary. That number does not include the many others who have been denied up or down votes in the Senate by the anonymous obstruction of Republicans refusing to agree to time agreements to consider even non-controversial nominees.

Every single Republican Senator who voted on Monday voted against cloture and to keep filibustering this well-qualified nominee. Every single Republican voted to obstruct the Senate from doing the business of the American

people. Wasn't it just a few years ago that Republicans were demanding up or down votes for nominees, and contending that filibusters of nominations were unconstitutional? Not a single Republican voted for cloture and to stop the filibuster of this nomination.

The obstruction and delay does not stop there. Since 60 Members of the Senate voted to invoke cloture and bring the debate to a close, Republican Senators have insisted on delaying the vote for several additional days. This afternoon, that up-or-down vote finally takes place.

After the Senate is finally able to consider the Smith nomination, we will then have the opportunity to end the filibuster of another nomination, that of Martha Johnson to head the General Services Administration, GSA. Her nomination has been stalled on the Senate Executive Calendar since June 8 due to the opposition of a single Republican Senator over a dispute with GSA about plans for a Federal building in his home State. The will of the Senate and the needs of the American people are held hostage by a single Senator.

Overall, as of this morning, there were more than 75 judicial and executive nominees pending on the Senate Executive calendar, many being held up for purely political purposes.

Yesterday, at the Democratic Policy Committee's issue retreat, I asked President Obama if he will continue to work hard to send names to the Senate as quickly as possible and to commit to work with us, both Republicans and Democrats, to get these nominees confirmed. So far since taking office, the President has reached across the aisle working with Republicans and Democrats to identify well-qualified nominations. Yet even these nominations are delayed or obstructed. The President responded by stating:

Well, this is going to be a priority. Look, it's not just judges, unfortunately, Pat, it's also all our federal appointees. We've got a huge backlog of folks who are unanimously viewed as well qualified; nobody has a specific objection to them, but end up having a hold on them because of some completely unrelated piece of business.

On the judges front, we had a judge for the—coming out of Indiana, Judge Hamilton, who everybody said was outstanding—Evan Bayh, Democrat; Dick Lugar, Republican; all recommended. How long did it take us? Six months, six, seven months for somebody who was supported by the Democratic and Republican senator from that state. And you can multiply that across the board. So we have to start highlighting the fact that this is not how we should be doing business.

* * * * *

Let's have a fight about real stuff. Don't hold this woman hostage. If you have an objection about my health care policies, then let's debate the health care policies. But don't suddenly end up having a GSA administrator who is stuck in limbo somewhere because you don't like something else that we're doing, because that doesn't serve the American people.

I could not agree more with President Obama. This should not be the way the Senate acts. Unfortunately, we

have seen the repeated use of filibusters, and delay and obstruction have become the new norm for the Republicans in the Senate. We have seen unprecedented obstruction by Senate Republicans on issue after issue—over 100 filibusters last year alone, which has affected 70 percent of all Senate action. Instead of time agreements and the will of the majority, the Senate is faced with a requirement to find 60 Senators to overcome a filibuster on issue after issue. Those who just a short time ago said that a majority vote is all that should be needed to confirm a nomination, and that filibusters of nominations are unconstitutional, have reversed themselves and now employ any delaying tactic they can.

The Republican practice of making supermajorities the new standard to proceed to consider many non-controversial and well-qualified nominations for important posts in the executive branch, and to fill vacancies on the Federal courts, is having a debilitating effect. Despite the fact that President Obama began sending judicial nominees to the Senate 2 months earlier than President Bush, last year's total was the fewest judicial nominees confirmed in the first year of a Presidency since 1953, a year in which President Eisenhower only made nine nominations all year, all of which were confirmed. The number of confirmations was even below the 17 the Senate Republican majority allowed to be confirmed in the 1996 session. The Senate could have considered and confirmed another 10 judicial nominees that had all been reported by the Senate Judiciary Committee. Only 12 of President Obama's judicial nominations to Federal circuit and district courts were confirmed all last year, less than half of what we achieved during the second half of President Bush's first tumultuous year.

We have confirmed only two more judicial nominees so far this year. Republicans have objected to consideration of the nomination of Joseph Greenaway of New Jersey to the Third Circuit, a nomination reported unanimously from the Senate Judiciary Committee last October. His would be the next judicial nomination to consider and confirm, but Senate Republicans object.

Even after years of Republican pocket filibusters that blocked more than 60 of President Clinton's judicial nominees, Democrats did not practice this kind of obstruction and delay in considering President Bush's nominations. We worked hard to reverse the Republican obstructionism. In the second half of 2001, the Democratic majority in the Senate proceeded to confirm 28 judges. By this date during President Bush's first term, the Senate had confirmed 31 circuit and district court nominations compared to only 14 during President Obama's first two years. In the second year of President Bush's first term, the Democratic majority

proceeded to confirm 72 judicial nominations, and helped reduce the vacancies left by Republican obstructionism from over 110 to 59 by the end of 2002. Overall, 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.

We continued to be fair and continued working to reduce judicial vacancies even during President Bush's last year in office. With Democrats again in the majority, we reduced judicial vacancies to as low as 34, even though it was a Presidential election year. When President Bush left office, we had reduced vacancies in nine of the 13 Federal circuits.

The Republican Senate minority has resumed its strategy to put partisan politics ahead of the needs of the American people for courts that can provide justice. Last year was worse than the 1996 session when they allowed confirmation of only 17 judicial nominees. The years of demands from Republican Senators for up-or-down votes for every nominee apparently only applied to those nominated by a Republican president.

As matters stand today, judicial vacancies have spiked again as they did due to Republican obstruction in the 1990s, and are again being left unfilled. We started 2010 with the highest number of vacancies on article III courts since 1994, when the vacancies created by the last comprehensive judgeship bill were still being filled. While it has been nearly 20 years since we enacted a Federal judgeship bill, judicial vacancies are nearing record levels, with 102 current vacancies and another 21 already announced. If we had proceeded on the judgeship bill recommended by the Judicial Conference to address the growing burden on our Federal judiciary, as we did in 1984 and 1990, in order to provide the resources the courts need, current vacancies would stand over 160 today. That is the true measure of how far behind we have fallen. Justice should not be delayed or denied to any American because of overburdened courts and the lack of Federal judges. The rule of law demands more. The American people deserve better.

Among the nominees ready for Senate approval are nine Federal judicial nominees reported by the Senate Judiciary Committee. Two would fill vacancies on the Third Circuit, three would fill vacancies on the Fourth Circuit, and there are nominees to fill vacancies on the First, Second and Sixth Circuits, as well as a district court nominee to Wisconsin. The delay in considering them is also part of this effort to delay and obstruct. Judge Greenaway, about whom Senators LAUTENBERG and MENENDEZ spoke again this week, was reported by unanimous consent back in October, four months ago. Nobody has come forward to explain why his nomination is being stalled. He is a good judge. Senator SESSIONS praised him at his confirmation hearing. Judge Greenaway 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 but for Republican objection. When considered, they will be confirmed but not before being needlessly delayed for months.

They insisted on debate on the nomination of Judge Gerard Lynch, who was confirmed with more than 90 votes. Republicans insisted on hours of debate for the nomination of Judge Andre Davis, who was confirmed with more than 70 votes. Senate Republicans unsuccessfully filibustered the nomination of Judge David Hamilton last November, having delayed its consideration for months. For at least 2 additional months, Judge Beverly Martin's nomination was stalled because Republicans would not agree to consider it before January 20. Judge Martin had 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. Still, Republicans delayed her consideration.

None of the nine Federal circuit and district court nominations pending as of this morning on the Senate Executive Calendar should be controversial. Six were reported by the Senate Judiciary Committee without a single dissenting vote. One had 1 negative vote, one had 3 negatives votes and the nominee from Tennessee supported by Senator ALEXANDER had 4 negatives votes but 15 in favor, including three Republicans. We have wasted weeks and months having to seek time agreements in order to consider nominations that were reported by the Senate Judiciary Committee unanimously and who are then confirmed unanimously by the Senate once they were finally allowed to be considered. That obstruction and delay continues.

The American people deserve better. The cost will be felt by ordinary Americans seeking justice in our overburdened Federal courts. President Obama has reached across the aisle and worked with Republican Senators, including Senators LUGAR, MARTINEZ, SHELBY, SESSIONS, THUNE, ALEXANDER, BURR, CHAMBLISS and ISAKSON. I wish Senator Republicans and the Senate Republican leadership would reconsider their tactics of obstruction and delay and work with us and with the President.

The Republican minority must believe that this partisan playbook of obstruction will reap political benefit for them and damage to the President. But the people who pay the price for this political calculation are the American people who depend on the government being able to do its job. I hope that Republican Senators will rethink their political strategy and return to the Senate's tradition of promptly considering noncontroversial nominations so

that we can work together to regain the trust of the American people.

The ACTING PRESIDENT pro tempore. Under the previous order, the question is, Will the Senate advise and consent to the nomination of M. Patricia Smith, of New York, to be Solicitor for the Department of Labor?

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

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

There appears to be.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. KYL. The following Senators are necessarily absent: the Senator from Ohio (Mr. VOINOVICH), the Senator from Texas (Mrs. HUTCHISON), and the Senator from Utah (Mr. BENNETT).

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

The result was announced—yeas 60, nays 37, as follows:

[Rollcall Vote No. 18 Ex.]

YEAS—60

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

NAYS—37

Alexander	DeMint	McCain
Barrasso	Ensign	McConnell
Bond	Enzi	Murkowski
Brownback	Graham	Risch
Bunning	Grassley	Roberts
Burr	Gregg	Sessions
Chambliss	Hatch	Shelby
Coburn	Inhofe	Snowe
Cochran	Isakson	Thune
Collins	Johanns	Vitter
Corker	Kyl	Wicker
Cornyn	LeMieux	
Crapo	Lugar	

NOT VOTING—3

Bennett	Hutchison	Voinovich
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The nomination was confirmed.

The ACTING PRESIDENT pro tempore. Under the previous order, the motion to reconsider is considered made and laid upon the table.

The President will be immediately notified of the Senate's action.

NOMINATION OF MARTHA N. JOHNSON TO BE ADMINISTRATOR, GENERAL SERVICES ADMINISTRATION

The ACTING PRESIDENT pro tempore. Under the previous order, there will be 2 hours of debate prior to a vote on the motion to invoke cloture on the Johnson nomination, with the time equally divided and controlled between the leaders or their designees.

The clerk will report the nomination.

The legislative clerk read the nomination of Martha N. Johnson, of Maryland, to be Administrator, General Services Administration.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut.

Mr. LIEBERMAN. Madam President, I rise to urge my colleagues in the strongest terms to vote for cloture on the nomination of Martha Johnson to be Administrator of the General Services Administration. The point of cloture is to allow this critical agency to finally have a permanent leader. It would be the first time in nearly 2 years and could potentially save America's taxpayers billions of dollars in the bargain.

Let me give a few examples of what is at stake, which is to say what the General Services Administration can do for us. Last year, Federal agencies bought \$53 billion worth of goods and services, and they did so through contracts negotiated by the General Services Administration, the GSA. Having GSA negotiate these procurements lets the individual agencies focus on their core missions, doing what we or previous Congresses created them to do. It also allows the Federal Government to leverage our buying power because if the buying is occurring from one central agency, we can get, in conventional terms, volume discounts, leading to lower costs and, therefore, savings to the taxpayers.

We need strong leadership at GSA to ensure these savings are a reality. For example, in 2007, GSA awarded the NETWORX contracts to provide telephone network and information technology services to all Federal agencies. That is a program estimated to be valued at, at least, \$68 billion in the course of its 10-year lifetime. These contracts will allow agencies to take full advantage of the new technologies their colleagues in the private sector use every day to increase efficiency and lower costs. But without a permanent Administrator at GSA, agencies have been slow to move to the NETWORX services, costing taxpayers more than \$150 million to date and an additional \$18 million every month.

Given GSA's wide responsibilities in providing information technology and telecommunications services, I am concerned that we lack a confirmed Administrator at a time when we are also trying, of course, to strengthen our cyber-defenses. Government Web sites, such as private Web sites, are constantly under attack. GSA needs to play and can play a very important role in ensuring that our Federal IT systems are resistant to those cyberattacks. Furthermore, because of the government's buying power, GSA's purchases will have a natural positive spillover effect in the private sector.

In other words, GSA, by its own requirements associated with purchases, can drive technologies that then become more available to the general public, and I am thinking here specifically of technologies that can defend

against cyber-attack on private companies as well as on public Web sites.

Here is another example about another function of the GSA. GSA is effectively the government's landlord, with 8,600 buildings and assets under its control that are valued at more than \$500 billion. It is one of the largest, if not the largest, property management organizations in the world.

Another of GSA's roles is to help other agencies dispose of buildings and property they no longer need. Across the government, these numbers are both stunning and unsettling. There are different agencies that own thousands of buildings worth about \$18 billion that are not being used.

Every day I hear Members come to the floor saying we need to work hard to trim the fat from the Federal budget so we can cut the deficit. I agree. Yet the GSA—the very agency established to help make government operations more cost efficient—has been languishing without a leader for over half a year and I think in that sense is losing some opportunities to save some money.

What is frustrating is that a hold has been placed on this nominee for reasons that have nothing to do with her qualifications or her personal history. That is why I am glad Senator REID filed a cloture motion and we have forced this nomination to the floor. It is important, in a totally nonpartisan way, that we get a full-time Administrator in here at GSA.

Martha Johnson's nomination received the unanimous support of the Homeland Security and Governmental Affairs Committee in June of last year—more than half a year ago. So that says she had total bipartisan support in our committee based on her experience and qualifications, and I am confident she has wide bipartisan support in the full Senate as well. I hope and trust we will see that when the vote occurs on cloture and final confirmation at around 3 o'clock.

I hope this nomination is a call to action and common sense—and not only bipartisan cooperation but the cooperation of every Member here who has the right to hold up nominations but ought to think about the public interest and the national interest when they do this—that we cannot continue the practice of holding nominees “hostage,” as President Obama said yesterday, for reasons that are parochial and unrelated to the nominee's ability to do the job they have been nominated for. I think these kinds of actions damage the Senate as an institution and further reduce the public's respect for how we do our business.

I wish to remind my colleagues at this point how well qualified this nominee is. To begin with, Ms. Johnson is a former Chief of Staff of the GSA. So she already knows the agency inside and out and will be ready to roll up her sleeves and get to work on day one—no on-the-job training needed. This is crucial both to the efficiency and morale of an agency that has not had a permanent Administrator since April of

2008—almost 2 years. April 2008 was the time when the former Director was asked to resign by the previous administration. GSA has since been run by five acting Administrators who could not act with the same authority as a Presidentially appointed, Senate-confirmed person in that top job.

But both before and after her government service, Martha Johnson's career shows a quite extraordinary mix of work in the public, private, and academic sectors that we should want in government service. Ms. Johnson holds a BA in economics and history from Oberlin College and an MBA from Yale Business School. She also taught some classes during this time.

After graduating from Yale, Ms. Johnson began her career in the private sector as a manager at Cummins Engines Company. She then had a series of other management positions in the private sector and was asked by President Clinton to become Associate Deputy Secretary of Commerce, and then Chief of Staff of GSA from 1996 to 2001.

Since leaving government service in 2001, Ms. Johnson has served as a vice president for the Council for Excellence in Government—a nonpartisan, nonprofit organization dedicated to increasing the effectiveness of government at all levels—and, most recently, she served as a vice president for Computer Sciences Corporation.

This is an extraordinarily experienced and qualified nominee, and that is why I think she deserves—and I think will receive—broad bipartisan support when this matter comes to a vote at around 3 o'clock.

It is past time for GSA to finally have a permanent Administrator, and we happen to have a nominee here who is remarkably well suited for the job. I urge my colleagues in the Senate to vote “yes” on cloture, and then we can have a final vote and get this able person on the job working for the American people and I think help us not only manage the Federal Government's activities better but to save billions—literally billions—of dollars for the American taxpayers.

I thank the Chair and yield the floor. I would yield, if I might, to my friend and colleague from Louisiana whatever time she needs to speak at this time.

The PRESIDING OFFICER (Mr. BURRIS). The Senator from Louisiana is recognized.

Ms. LANDRIEU. Mr. President, I thank the Chair and thank the Senator from Connecticut for yielding the remainder of his time. I understand he has an hour under his control, and I intend to take the full measure of the hour that is left, first speaking in favor of the nominee who he has so eloquently described in terms of her background and experience and the arguments he is making about trying to bring more civility and bipartisanship to this body and the importance of getting some of these very important Federal officials appointed so government can work better and more efficiently.

It has been my pleasure to serve with the chairman now for several years on

the Homeland Security Committee, and I am familiar with the work he and his ranking member, SUSAN COLLINS, the Senator from Maine, have done together. They have shown a real example of bipartisanship, and I would hope his calls for this nominee to move forward without delay and not be held up would be heeded.

LOUISIANA FMAP FORMULA

Mr. President, I am on the floor to speak about a different subject, one that is very important to the State of Louisiana and the people of our State—an issue that has been mischaracterized for months now in all sorts of venues—and I thought taking an opportunity today, for a couple of hours, to go through the request by the State of Louisiana for a change or realignment of our FMAP formula, the formula that funds our Medicaid system, would be good to do.

It is good to do for several reasons, the most important of which is not to bring up this subject again for further review to try to clear anything that people have said about me. I have been in public office now for 30 years. People have said all sorts of things about me as a public official. I would venture to say every Member of this body has been called some very choice names. That is actually not why I am here, to defend myself. The RECORD will do that.

What I am here to do is to defend the people of Louisiana and to express clearly and strongly why and how our delegation came forward, united in a very public way, to press our case here in Washington—the only place this can be fixed—why we felt as a delegation, strongly united Democrats and Republicans, to press this case to the Federal Government to get some immediate and necessary and urgent relief for the people of our State.

I make no apologies for leading this effort. I do not back up an inch from the yearlong effort we have undertaken. I am here today because I actually do not have any idea at the moment what will happen to the health care bill we have worked on for the better part of a year. I do not know if we are going to have a bill. I do not know if it is going to be the Senate version or the House version. I do not know if it is going to be a bill passed by 60-plus people or more on the Senate side and a wide majority in the House. I do not know if there is going to be reconciliation that is used. Those discussions are happening actually right now above my pay grade.

But what is in my pay grade, what I actually do get paid to do here, is to represent the people of Louisiana, and I intend to do that for the better part of this hour and for the rest of the day because there has been some great misunderstanding about this in the national media—not much in the mainstream media but on the fringes; but

sometimes those fringes can be quite loud, and I would like to try my best to silence them a little bit at this point. The mainstream media has been, for the most part, taking their time to understand, and I appreciate it.

I most certainly appreciate the newspapers in my State that actually know more about this than any media outlets. They would because they have covered it longer, have editorialized generally in my favor and the favor of our delegation that has stood strong, except two members who have folded on this issue.

So I want to start to try to take everyone through chronologically the timeframe. First of all, I have been, and the State of Louisiana has been, criticized for a "secret" deal, for something that happened at the very end of the process that people did not know about.

I wish to call everyone's attention to a Times-Picayune headline—this is the newspaper in New Orleans—a Times-Picayune headline, dated January 11, 2009. We are in February of 2010, so this was a year ago. This was a year ago. I also would call to the attention of my critics that this date is actually almost 2 weeks before President Obama was ever sworn into office, just to remind people.

This meeting, called by my Governor, who is a Republican Governor, happened in a public place, in the Governor's mansion in Baton Rouge and five members of our delegation were there, and the entire delegation was represented. It was reported at length in several papers. In the Times-Picayune, this is the headline: "Jindal reviews wish list with LA delegation; aid for recovery, health care stressed." This is the other headline: "Governor Jindal Stresses Urgent Need for Federal Government to Fix Faulty FMAP Rate." Let me repeat that: "Governor Jindal Stresses Urgent Need for Federal Government to Fix Faulty FMAP Rate." Not special FMAP rate, not FMAP rate problems that every State is fixing, but faulty FMAP. I will explain why we think it is faulty in a minute.

"The Advocate," August 29. This was in July. These meetings continued through the year: Jindal, Republican Governor; LANDRIEU, Democratic Senator, Pushed for Federal Funding Fix.

So I wish to put my critics on notice. I am going to submit letters and documents and these articles. Nothing about this effort was secret. Nothing. If there is one Member of this body, either the junior Senator from Louisiana, or the great Senator from Arizona, or any other Senator who would like to come and talk to me about this "secret" effort, I would look forward to hearing their comments on the floor of this Senate sometime today because I am staying here today until 6 or 7 o'clock, until we go out of session tonight. I thought it would be good to spend the better part of the day.

If anyone, if any Senator, wants to come down and say they thought this

was some kind of secret arrangement, I think the editors of our newspapers would be very interested since they have been reporting on it since the first meeting on January 11, 2009.

Secondly, I wish to show a letter signed by our entire delegation to make another point. My critics have said: Oh, there she goes again, Senator LANDRIEU, just running off on her own making all sorts of terrible things and making the State of Louisiana look bad.

I have spent 30 years of my life trying to represent the people of my State and make them look good. Even when they were wrong, I have defended them. When they were right, I praised them. When I was wrong, I apologized; and when I was right, I was very proud of my work. Never—never—in my life have I ever or will ever throw the people of my State under a bus to save my reputation or my job.

I know who I am inside. I don't need anyone to remind me of the goodness I have inside. My parents do that. My husband does that. My children do that for me every day. I most certainly don't need anyone—and I don't need this job badly enough; maybe some people do, I don't—to throw the people of my State under a bus to protect myself politically.

I wish to show everyone a letter dated May 4, and I am going to read every single signature because I am actually proud to lead this delegation. I only have one Democrat besides myself, but other than about one member of this delegation, we have some pretty extraordinary leaders. I am proud of them. Some are very conservative and some are very liberal and some are in the middle. We have a very diverse delegation.

I signed this letter; RODNEY ALEXANDER signed this letter, a member of the Appropriations Committee; CHARLIE MELANCON signed this letter, a Member of Congress; BILL CASSIDY is a Member from Baton Rouge; DAVID VITTER, the Senator; CHARLES BOUSTANY from Lafayette; STEVE SCALISE from Jefferson Parish; and JOHN FLEMING from Shreveport and JOSEPH CAO, a Vietnamese-American Member of Congress from the New Orleans area signed this letter.

This was made public. Actually, some Members put out their own press releases. The letter is to Secretary Sebelius, who was finally sworn in after being held up for months:

We write to you today to follow up on an April 9 letter your office received from Louisiana Secretary Alan Levine.

That is our Secretary.

While many states will face challenges to their Medicaid programs in the coming years, we believe that Louisiana's case is unique.

We believe Louisiana's case is unique.

As you may be aware, our state is still rebuilding from Hurricanes Katrina and Rita in 2005 as well as Hurricanes Gustav and Ike in 2008, including the rehabilitation of the

health care system in the New Orleans area. These extensive recovery efforts have inflated Louisiana's per capita income, but they were only temporary and do not accurately reflect the increases to incomes in industries not related to the hurricane recovery.

Since the FMAP formula per capita to calculate how much each state will receive, we are greatly concerned that the post hurricane per capita income increase would significantly impact our State's FMAP allocation. We ask that you meet with Secretary Levine to develop a solution to the unique problem that our state is facing.

This is an example of one letter—I have many others—signed by our entire delegation asking the officials here, from the White House to Kathleen Sebelius to other powerful Members, to please look at Louisiana's situation because ours alone among the 50 States was unique, and I will explain why in a minute.

So the fact that this was a secret is a lie. The fact that it wasn't supported by our delegation is a lie.

Now I wish to explain what our problem is, and this map explains it—or chart—better than I can. As anyone knows how this Federal formula works for Medicaid, Medicaid is a voluntary program to a certain extent that States can enter into to cover their very poor. The Federal Government says: If you want to do that, if you are a wealthy State, we will pick up 50 percent of your effort. If you are a moderately wealthy State, we will pick up 60 percent of your effort. And if you are one of the poorest States in the Union—not that Louisiana isn't an extraordinary State, but we have high poverty relative to other States, just like Mississippi and Alabama, West Virginia. We know who our cohorts are. We have been at this a long time.

For us, the Federal Government says: If you try to cover your poor, we will pick up 70 percent for you, which is the right thing to do. The Federal Government should help the poorest States a little bit more than the wealthier States. It is actually what is taught in the Bible. I wish we would follow it a little bit more around here.

So for years, this is what has occurred. In 1999, the Federal Government paid 70 cents of every dollar. You can see, basically, that it is done by an income calculation. Because our income—we have gotten a little bit richer here, you can see, a little bit richer, a little bit poorer, a little bit richer. But all of a sudden, because of a unique set of circumstances that happened because of Katrina and Rita and Ike and Gustav—not because of any politics here but because of hurricanes and levee breaks and a catastrophic flood and an influx of Federal dollars that came to help, which we are grateful for—our calculations were terribly distorted and skewed when the new calculation was made. As a result, the Federal Government's portion would have fallen to 63 percent. So from an average of about 70, we would have fallen to 63 percent. That doesn't sound

like a lot, but it would have meant about a \$400 million to \$600 million—very roughly, \$400 million to \$600 million difference.

Either the people of my State would have had to cut \$400 million to \$600 million out of programs today or they would have had to raise \$400 million to \$600 million in taxes. That is a lot of money even in Washington where we throw around \$1 billion and \$1 trillion like it is nothing.

I can promise you, there are people sitting around their kitchen tables in Louisiana way down in Tibido and way up in Mansfield, LA, thinking: Where are we going to come up with \$500 million? This is terrible, Senator. We didn't do anything. We are not that much richer. We are actually still struggling from the recovery. Does anyone in Washington understand that we did not get—we are not 40 percent richer than we were 2 years ago? Does anybody know up there that we are still struggling with this recovery?

I assured them I knew, and our delegation knew, and that I knew some people who might be understanding. I mentioned to them actually that I would bring this to HARRY REID, I said, because he is a good man. He has a good heart. I thought if I explained this to him and to Kathleen Sebelius, who is a very good Secretary, and got their staffs to look at it, perhaps they would agree with us that we needed some special assistance. I thought there might be one person—one person with a heart on the other side of the aisle. I still think there may be. But, I said, let's just try.

So our delegation went to work and, lo and behold, then we have a health care bill coming along. It is a bill that some people like and some people don't, but it is most certainly germane to my subject. It is most certainly germane to my subject.

So I say: This is nice. I know we are going to be on health care. Let's see what we can do to get this in this health care bill. I don't know what the bill is going to look like. I don't know if I can vote for it when it finally comes. I don't even know if I am going to be for it. But it is a health care bill. This is a health care amendment.

Some people have actually criticized me and said: You know, the Senator put it on the wrong bill. The Senator discussed this at the wrong time. The Senator has ruined the efforts of the State to get help because she asked for this amendment.

Was I supposed to ask for it on a transportation bill? Was I supposed to ask for a Medicaid fix on a jobs bill? Was I supposed to ask for it on a lands bill? Forgive me for asking for a health care amendment on a health care bill.

So I did. We pursued it openly, we pursued it bipartisanship, and we pursued it intelligently and smartly on the health care bill. And I assured my Republicans privately and publicly: I know you are not for the bill. You don't have to vote for the bill. I may

not vote for the bill. I didn't know I was going to vote for the bill until the very end. I am going to talk about why I decided to vote for the bill.

I said: But no matter how we vote on this bill, let's really make a case as strong as we can that this should be fixed. We basically agreed to do that, and the record will show that.

So at some point later, as the debate moved over to the Senate, I was asked to present, on any number of occasions, just as every Senator was asked, what are the things that I think are the most important in this health care bill as we begin the debate. I wasn't on the HELP Committee. I am not on Finance. So those of us not on HELP and not on the Finance Committee submitted our documents, which I am going to release today to the leader, and said: These are the things that we think are most important.

This was always on that list. I am proud it was on the list, but what I want people to realize is it wasn't the only thing on the list. It wasn't the first thing on the list. It wasn't on the list in any letter or correspondence that said if this doesn't get on, I am not voting for the bill. In every correspondence, in every public meeting, and in every private meeting, I pressed for this issue, but never did I say at any time that if this wasn't in the bill, I wouldn't vote for it, or if it was in the bill that I would vote for it because I don't believe in that.

As strongly as I feel about this provision and the merits of it, I would never have asked my colleagues—I did ask my colleagues to understand a few other things, and they can tell you that I said this in any number of meetings and, unfortunately, some of them were locked up with me for days. So they actually got to hear this over and over again.

I said: I cannot vote for this bill unless it drives down costs. I cannot vote for this bill if there is a government-run, public delivery system. I will not vote for this bill if there is an employer mandate. I can only vote for this bill if it extends coverage to people who don't have it in a way they can afford it where they have choices in the private sector.

I said that speech 100 times in my State. I was on the radio. I was on this floor. My colleagues have heard it any number of times. I said to my colleagues: If you are going to cover children who can stay on their parents' insurance—if the underlying bill, whether it comes from the Senate or the House, is going to cover children up to 26 years old, which is a very good reform—something I think the American people support, and most certainly the people in my State would love to be able to do until they are 26—I said I would be hard-pressed to vote for bills if you left out children who don't have parents. Since I am the cochair of the adoption caucus and cochair of the foster care caucus, with Chairman GRASSLEY, I felt very empowered to speak

those words to the leaders here. Part of my job that I have taken on myself is to try to represent children in foster care. I don't do a very good job every day, and sometimes I don't do the job I should do for them. I try my best. When we are in those meetings, when they have no one speaking for them—they most certainly don't have any money to hire a lobbyist. They most certainly have no parents here advocating for them. But I said if you are going to put that in the bill so every child in America gets to stay on their parents' health insurance until they are 26—do you all realize we have 22,000 children who graduate or come out of our foster care system who don't have any parents? I said: What are we going to do for them? They said: We don't know. We think we will leave them out. I said: If you want my support for this bill, that has to be in there.

I said that on the floor and in meetings. This was not in that conversation. This was. We need it. We believe we have a \$400 million to \$600 million fix. We would love you to fix it all. We would love the full \$600 million, but we would appreciate whatever you can do to help us. Frankly, the reason we should fix it is not only will it be good for Louisiana, but by chance if any other State—when the earthquake hits Memphis, and it will some day, or when it hits California, and it will some day—do you know what. If this is in the law, they will not have to pay double for their Medicaid 3 years after that disaster because there will be this adjustment that says, if your rates are arbitrarily or artificially distorted by the fact that you have an increase in public assistance coming into your State, we will not count you as having a 40-percent increase in income. It will help. Contrary to what the Senator from Arizona says, it doesn't just affect Louisiana. For the time being, it does, but in the future it would affect a lot of other States. That is the right thing to do.

Nobody should be punished for having a disaster. Why would you punish that? This money—this \$400 million is to protect the poorest children in my State—children who lost their parents in floods, lost grandparents in floods, children who lost siblings in the floods, children who are still not back in their houses. Why would we punish these children, these disabled people, the poor people on Medicaid because the Federal Government's levees broke? Why would we do that? I don't think we want to.

I am not going to stand by silently while the people of Louisiana are criticized for asking for something in a public way, describing our situation, expressing that we are unique among the States in this, and asking for assistance. I think the White House understands this. I know that Kathleen Sebelius understands this. I am most certainly confident the leadership on the Democratic side understands it. I

am very interested in what the Republican leadership has to say about this. They have been very quiet.

If this isn't the place to ask for it, where is the place? I would like to go there. If this isn't the time to ask for it, what is the time? This budget is being crafted right now by my legislators—not 2 years from now but right now. They are either going to know they have \$350 million to work with or they are not. They are either going to raise \$350 million on the backs of my people who can hardly pay the taxes they are paying now or they are going to cut off more from the elderly, the poor or the disabled who rely on Medicaid. So if this isn't the time, when would I come?

To close, because I have a few more minutes, I am going to leave with the one statement my Governor made publicly on this for the record. Being in public office takes more than being intelligent, more than a fancy resume—it takes guts. Some people have more of those than others. This is what my Governor said on November 20 to CNN:

The bill is awful, but it is unfair to criticize Senator Landrieu or the rest of our delegation for fighting to correct this injustice to Louisiana. Our entire delegation is working together across party lines to correct this flawed formula.

This is the one statement he made. I see my colleague from Missouri here to speak about other matters. I am going to rest for a moment. I will be on this floor until 6 o'clock today. I am not leaving. If any Senator from the Democratic side or the Republican side wants to debate me on any aspect of this, I kindly ask them to let's get this over with today. I look forward to seeing them. I will be here until 6 o'clock. If they don't come, then I hope they will keep their mouths shut about something they know nothing about.

Thank you.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, I rise to shed some light on the situation going on at the General Services Administration, the GSA, a tangled mess of bureaucracy I have been fighting for the last 5 years. In the past, I worked very cooperatively with GSA, but for some reason, somehow, they have gotten themselves and us into a situation that is untenable.

Yesterday, the President accused me of holding hostage the nominee to be Administrator, Martha Johnson. I feel no joy in holding up this nominee, but the hostage I am concerned about is not the one looking for this distinguished position in Washington. Instead, the hostages I am worried about are the 1,000 people working in a Federal office building dump in Kansas City at the mercy of an agency that refuses to act to remedy a problem they acknowledge exists. Again, the hostage, with due respect, is not Martha Johnson; the hostages are the 1,000 Kansas City workers at the Bannister Federal Complex.

As Senators, we have a few tools at our disposal to carry out our responsibilities. One of these important responsibilities is oversight of the Federal Government. One of those tools is to force the Senate to debate and actually vote on an issue rather than be just a rubberstamp to the administration.

While he has criticized me for using this oversight tool, the President wielded it himself when he was a Senator in this very Chamber.

Senator REID, our distinguished leader, shares some responsibility in delaying Martha Johnson's confirmation. You see, the Johnson nomination actually passed out of committee in May. Was she ever called up for a vote? No, because until July—when I formally placed a hold on the nominee—the Senator from Nevada, according to Congress Daily, delayed her confirmation to ensure that taxpayer dollars were still being used to send Federal employees to Las Vegas.

Senator REID has his priorities regarding the delay on this nomination, and I have mine. He wants more Federal employees able to come to Las Vegas, and I certainly understand his reason; it is very important for his State. I want Federal employees in Kansas City to work in a building with a roof that doesn't leak and doesn't have other risks of contamination.

Some are complaining about the delay of this nominee. The truth is, the majority leader could have confirmed Martha Johnson in May, June or July. In addition, he waited until Thursday to file cloture, and he could have picked any date in the last 7 months to do so, but he waited until last Thursday. We had thought we made progress, and every time we thought we made progress, somebody in the administration pulled back that small step of progress.

There are many reasons why a Senator might wish to place a hold on a nominee that are related to our oversight responsibilities. I think it is important to have debates such as this not only when the qualifications of the nominee are at stake but when a Federal bureaucracy stops being responsive and serving of the people in the communities in which they work. That is the real issue.

Martha Johnson's qualifications are not in doubt. But as you will hear, the GSA is not being responsible to the people of Kansas City and, most specifically, to the Federal workers there.

The history goes back about 5 years. It is part of a larger plan to move all tenants out of the dilapidated Bannister Federal Complex. GSA initiated a plan to construct a new building in downtown Kansas City in order to move the jobs out of the complex. That was a long time ago, and at the time they were looking for a lease-to-own process.

The community of Kansas City—the leadership, elected officials, the employees, and Kansas City's financial

community—had worked with the GSA to get a building—a new building to replace the Bannister Federal Complex.

The existing building, by any stretch of the imagination, is extremely expensive to operate, will be sparsely occupied, is not conducive as a good workplace, and must be replaced.

After 3 years, the plan brought together, with GSA's participation, the leadership of the Kansas City community at all levels, from the mayor to the council, to the business community, the Finance Committee that was going to put up the money. They came together, and they got a commitment that financing would be available to construct on a lease-construction basis.

What happened? With no warning, GSA called up the Environment and Public Works Committee the week of the markup, when it was supposed to be approved, and effectively put their own hold on the project they developed and approved, citing GSA's shift away from proceeding on a lease-construction basis.

For anyone following the project, this latest move by GSA was very difficult to understand. After all, 3 months earlier, in June of 2008, GSA was holding roundtables with real estate developers on the value of lease-construction plans and telling them how they could seek and pursue such projects.

In scrapping their own plan, GSA ensured that after all other tenants vacated the inefficient, 5.2-million-square-foot complex, more than 1,000 Federal employees would be stuck working there.

That is about 5,000 square feet per employee. This nonsensical plan would cost taxpayers \$13 million to \$15 million annually just to mothball unused space and operate shared heating and cooling equipment. That is \$13,000 to \$15,000 a year per employee for the unused space.

GSA was so convinced this was the best path forward that for 9 months, they even went so far as to conduct an analysis to justify the continued use of the Bannister Complex. But then, in a 60-day analysis, "GSA concludes that the Bannister Complex should be a mid-term hold (approximately 15 years)." This translates into nearly 10 years of continuing to run a complex at 20-percent capacity. Does that make sense? I cannot figure any building manager, any responsible party in the private sector or in government who thinks that works out. It does not take a mathematician to figure out the numbers. They are not good for the taxpayers. Put pencil to paper on that. Pencil it out. Anybody can do that. However, yet again, GSA decided to change its mind in September of 2009. This time, GSA agreed to their original position that a new building in Kansas City was GSA's "preferred option."

Bear with me. I know this is getting confusing because we have been confused.

Imagine how the Kansas City community feels after being jerked around for 5 years, where we sat down and worked with the staff, and a very helpful staff decided—laid out the path forward. That sounds like a good idea. Everybody at home was on board. The Kansas City community was on board, the officials, and we said, fine. Then somebody in the administration, whether GSA or above, put a halt to every one of those steps forward—every single one of them. Every time they laid out something, nothing happened. We are beginning, quite honestly, to feel like Charlie Brown. Every time we get ready to kick the football, somebody in the administration moves it.

Where are we now, now that the GSA went back to their original objective that they earlier rejected? Unfortunately, we are not one step closer to a new building for these workers. GSA has still taken no action, still has put nothing on paper, has made no commitments.

Is there a way forward? What is their way forward? Let the people of Kansas City know what you are going to do, how you are going to do it, and when you are going to do it. We cannot even find that out from them. There is no official plan out of GSA. GSA clearly agrees that the new Federal building is needed, so it should not be asking too much for somebody who represents them and the community to be told their plan. Yet they have stubbornly refused to produce one.

I met with Ms. Martha Johnson. I have worked with the PBS Commissioner. They are fine people, wonderful people. I think they are very qualified. But I have asked repeatedly that GSA come up with an official plan to move Kansas City forward. They refused. Bureaucracy has broken its word once again, and I want a chance to tell my colleagues what they have done.

My bottom line, the reason I am on the floor today opposing this nomination is quite simple: As Missouri's senior Senator, my job is to fight on behalf of the people who sent me here. My job is to make sure bureaucrats in Washington do their job and serve the people across the Nation and in Kansas City.

GSA continues to ignore the Kansas City community. My efforts have always been about keeping 1,000 jobs in Kansas City, not blocking one position in Washington.

But my colleagues should be aware that there is more bad news at this very same Bannister Federal Complex. At the same time GSA has been unwilling to move forward on a new building, they have also apparently been unresponsive to the ongoing health concerns of their employees and tenants at the Bannister Federal Complex. In the next day or so, tests will come back on the levels of trichloroethylene, or TCE, a dangerous carcinogen, at the Bannister Complex. These tests were called for after a local TV station reported unexplained illnesses afflicting Ban-

nister workers and a possible link to toxins, such as TCE and beryllium, at the complex. While the pending results of these tests are of great concern—they are of great concern to the employees and their families, but most of all, we are hearing from parents whose children were in a daycare center at the complex. They want to know to what their children might have been exposed.

These scares and reports are coming more and more frequently to us from the Bannister Complex. It is alarming that I learned about this information not from GSA but from the media. Based on media reports, the implications for the health of these workers could be very serious, so I have called for an investigation. I even asked the inspector general of GSA to get to the bottom of these alarming health allegations.

I will work with the proper authorities on all levels of government—the Environmental Protection Agency, the Missouri Department of Natural Resources, the Missouri Department of Health, the Agency for Toxic Substances and Disease Registry—to uncover any additional information. It goes without saying that I will demand more transparent and comprehensive testing throughout the Bannister Complex. For the safety of the workers, we need to know what is going on, what is happening at Bannister, what has gone on in the past, who knew about it, why they did nothing about it, and how to move immediately to protect those potentially at risk.

The bottom line is that these workers deserve answers. The situation at GSA tells the American people that all they can expect out of Washington right now is business as usual, keep going forward, don't listen to the people we are supposed to serve, a government that is out of touch with their concerns and slow to act. I do not support business as usual. For these reasons, I will vote against the nomination and ask my colleagues to do the same.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

DEPARTMENT OF DEFENSE NOMINATIONS

Mr. LEVIN. Mr. President, I wish to take a few minutes to express my frustration and my dismay at the roadblocks which have been placed in the way of Senate nominations for key positions at the Department of Defense. These obstructions take place at a time when these nominees—there are four of them—are critically needed by the Department of Defense. We are a nation at war. Our national security interests require us to end these obstruction tactics and immediately fill these four positions with highly qualified patriots.

Each of these nominees has been favorably reported to the Senate by unanimous vote from the Committee on Armed Services. They responded to extensive advance policy questions.

They appeared at a hearing of our committee. Nobody has informed me of any concern about the qualifications of any one of these four nominees. Yet there is an objection here on the floor of the Senate every time these nominations are considered for confirmation. If any Senator has a concern about any of these four Defense Department nominees, I wish they would let me know about those concerns so we can address those concerns. We have heard from nobody. We have unanimous approval by the Armed Services Committee of four Defense nominees. They have been sitting on our calendar since December 2—over 2 months—while these positions go unfilled and we are in the middle of two wars.

One of these nominees is retired Marine Major General Clifford Stanley. He was nominated to be Under Secretary of Defense for Personnel and Readiness. This position is critically important. It is responsible for our military readiness. It is responsible for our total force management. It is responsible for military and civilian personnel requirements that need to be filled. This position is responsible for pay and benefits. Let me repeat this. The pay and benefits of our military personnel is the responsibility of the person who has been nominated for this position, and he has been sitting waiting for confirmation for 2 months. What kind of a message is this to the men and women who put on the uniform of this country? Military and civilian personnel training is the responsibility of this office, military and civilian family matters, exchange, commissary, non-appropriated fund activities, personnel requirements for weapons support, National Guard and Reserve personnel matters, and health care for the military and their families.

General Stanley was the first African-American regimental commander in the Marine Corps. He has served with honor and distinction. He is now retired. We are lucky we can get someone such as General Stanley to come back into public service to fill this position. Yet there has been a hold on his nomination since December 2.

The Secretary of Defense and the Chairman of the Joint Chiefs of Staff have both made personal appeals to me and to other Members, including, I think, the leadership of this body, to confirm General Stanley so he can perform those essential duties which I have outlined. His nomination, again, was unanimously supported by our committee. Our distinguished Presiding Officer is a wonderful member of our committee. No one, again, has brought any problem with this nomination to my attention. No one has said he is not qualified. I think there is unanimous consensus that he is extraordinarily well qualified.

While we have servicemembers, who have volunteered to serve, and their families under great stress, they are fighting for our interests in two wars, we have a critically important person

who is awaiting confirmation for a position which affects every one of their lives. It is unconscionable that these roadblocks were placed in the way of these nominees.

Another critical nomination is that of Frank Kendall III, who was nominated to be Deputy Under Secretary of Defense for Acquisition and Technology. The individual confirmed to this position is responsible for assisting the Under Secretary of Defense for Acquisition Technology and Logistics in supervising Department of Defense acquisition, establishing policies for acquisition, including the procurement of goods and services, research and development, developmental testing, and contract administration.

We have all these problems with contracts, with testing, with development, with cost overruns. We reformed our law now so that we have much better acquisition rules in place to try to see if we can't get rid of some of these cost overruns.

We have a nominee to fill the position of Deputy Under Secretary of Defense for Acquisition and Technology, and our friends on the other side of the aisle—someone over there—have a hold on his nomination for, I know, no reason related to his qualifications. There has been no issue about his qualifications, about any of the four of these nominees. Again, we have a critical position. As I indicated, particularly we have acquisition reform which we just adopted. It is so essential to control the cost of our national defense. Mr. Kendall's nomination, like General Stanley's nomination, has been before this Senate since December 2, over 2 months.

Another nomination is that of Erin Conaton to be the Under Secretary of the Air Force. We all know her. She is on the staff of the House Armed Services Committee. Nobody has raised an issue about her. We are lucky to have her. Yet there is a hold from the other side of the aisle for some unspecified reason, nothing to do with her. But here she is in a position which is so important to the Air Force.

If designated by the Secretary, the Under Secretary of the Air Force serves as the Department of Defense Executive Agent for Space. She also serves as the chief management officer of the Air Force—we have all these problems, and our Presiding Officer knows about the problems of auditing and knows about the management and the business problems we have in our defense units. He knows it from experience in the Senate. He knows from his own personal life experience how important this is. And we cannot get the woman—who probably is as knowledgeable about this subject as anyone, based on all of her years over at the House Armed Services Committee—we cannot get her off the Senate calendar.

Terry Yonkers has been nominated to be Assistant Secretary of the Air Force for Installations and Environment. This Assistant Secretary is re-

sponsible for overall supervision for all matters relating to Air Force installations, environment, and logistics, including planning, acquisition, sustainment and disposal of Air Force real property and natural resources, environmental program compliance, energy management, safety and occupational health of Air Force personnel.

These are important, vital positions to the well-being of our men and women in uniform. It is unconscionable that one or more people on the other side of the aisle continue to put holds on these nominations. They cannot find any problem with their qualifications because there is none. It is just endless holds, endless filibuster threats, endless roadblocks that stop these and so many other nominations. But these are Defense Department nominations in the middle of two wars, and these roadblocks have to be removed.

I hope we will take up all four of these nominations immediately. We have servicemembers volunteering to risk their lives in defense of the Nation. The least we can do—the least we can do—as a Senate is to confirm nominees for the critical positions to lead the Department of Defense.

Again, finally—and I know my great friend from Illinois is sitting 3 feet away from me and has made the same suggestion, as he has pressed so hard to get these roadblocks removed—if anybody has a problem with these nominees, would they please come to the floor and tell us. They can tell us, hopefully, publicly, but they could tell us privately. We have heard nothing. These nominees—all four of them—were unanimously approved in the Armed Services Committee. So we don't know of any problem. We know their qualifications, and they are extraordinary in every one of their cases.

This filibustering that is going on around here and the threat of filibustering and the constant roadblocks that are thrown up in front of these nominees is unconscionable. It goes beyond anything I have ever seen around here in 32 years. We all know there are people who object to nominees, but, hopefully, usually because they have an objection against something the nominee has done or said. In this case, there is nothing like that. This is some unrelated matter, apparently, which has caused somebody to hold them hostage while they try to extract some concession out of somebody.

It seems to me, as a body, we simply have to find a way where we can get our nominations back on a reasonably decent track. I say that, with greater emphasis, when in the middle of two wars we have four essential nominees.

Mr. DURBIN. Will the Senator yield for a question?

Mr. LEVIN. Yes.

Mr. DURBIN. I would tell the Senator I am not 100 percent pure. I have held up a nomination in the past, but I always state my purpose. The two I can recall immediately were to get agen-

cies to do things they said they would have done long before and, in fact, they did them and I released my hold immediately. It was issuing a report. It wasn't a matter of filling a job or a project or something such as that. So it has been done. But I think if it is done with transparency and in a timely way, we can live with it. In this situation, we are seeing our Executive Calendar stacked with nominations.

There was one in particular, which I spoke about the other morning, that struck me—Dr. Stanley, who is trying to take a position with, if I am not mistaken, manpower and readiness.

Mr. LEVIN. In charge of it; right.

Mr. DURBIN. For the Department of Defense. If I remember correctly, this gentleman has served 33 years in the U.S. Marine Corps, was a major general, and he was the first African-American regimental commander in the history of the U.S. Marine Corps. It is clear he is qualified. There is no question about his patriotism and love of this country. The fact he would go through this process—let them go through every aspect of every corner of his life to prepare him for this nomination—and then be held up on the floor by the Senator from Alabama, I would ask the Senator: When he was considered before your committee, did anyone question this man's ability or his service to our Nation?

Mr. LEVIN. Quite the opposite. His references were superb. Not only was there no objection raised, it was quite the opposite. We were delighted he was willing to come out of retirement and serve. This is a real find. These nominees are performing a real public service, in many cases taking a lot less money in pay than they could get in the private sector.

I agree with my good friend from Illinois too. Many of us—I will not say all of us—including myself, have placed holds on nominations. That is not unusual. But usually there is some reason you have that you are willing to disclose and you want to take up with the nominee or you want some report that has not been filed that was promised. You want something that relates to the nominee. The objections here, the roadblocks here have nothing to do with these nominees. There is no objection to these nominees.

I see my good friend from Vermont has come to the floor. He has to live with this a lot more than I have to with this. This is probably 20 percent of my time. He has roadblocks in front of the Judiciary Committee nominees that take up probably more than half Senator LEAHY's time.

Mr. LEAHY. If my two friends will yield on that point, it has gone way beyond anything I have seen in my 35 years in the Senate, by either Democrats or Republicans. It is ridiculous.

I will give one example—not my committee, but I mentioned it the other day. During the height of the H1N1 flu, every morning you could pick up the

paper or hear of children—little children—dying while there was an anonymous hold by the Republicans on the Surgeon General. You would think, particularly at a time such as that, you would want to have everybody you could have there. This was blocked for months and months and months. Finally, the hold was lifted and she was confirmed unanimously.

We have had judges supported by both parties, and the nominations have come out of the committee. The distinguished deputy majority leader is a member of the committee, and he knows they have come out unanimously. Yet they are held up for months. We finally vote cloture, waste 3 days of the public's time—at a cost of tens of thousands, hundreds of thousands of dollars—only to then have a vote and it be virtually unanimous.

I mean, this is being childish. It goes beyond misusing a parliamentary procedure. It becomes childish.

I thank my two colleagues for letting me speak to this.

Mr. LEVIN. I yield my time.

Mr. DURBIN. Mr. President, I know my colleague from Vermont is going to take the floor, but I would ask for his indulgence.

I ask unanimous consent to be recognized for up to 5 minutes.

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

FAREWELL TO SENATOR KIRK

Mr. DURBIN. Mr. President, in my era in politics, one of the most frightening things you could ever hear when you were about to go into an event was when the host of that event called you to the side and said: You will be speaking following Ted Kennedy. That was the worst news you could receive. No one in the world wanted to follow Ted Kennedy. He was that good and well loved and a man who had given his life to public service and to the State of Massachusetts.

Well, our friend, PAUL KIRK, who is seeing his tenure in the Senate come to an end either today or this week had the unfortunate responsibility to follow that great man. But if there was ever a person who could stand and take the job, it was PAUL KIRK. He came to the Senate not just as a former staffer of Senator Ted Kennedy after Senator Kennedy passed away but as truly a very close friend of Senator Kennedy.

On the day he was sworn in, Senator PAUL KIRK of Massachusetts said he assumed his duties feeling “the profound absence of a friend” but a “full understanding of his devotion and understanding of public service.”

PAUL KIRK promised to be a voice and a vote for the causes which Senator Kennedy believed in, and for 4 months and 10 days he has honored that promise to his old friend and to the people of Massachusetts.

I will tell you that PAUL KIRK, in his short time here, has served with dignity and integrity. We thank him and his wife Gail, who made a personal sacrifice to let her husband come and take

up this responsibility for this important chapter in his life and this important chapter in the history of the Senate.

I think it is fair to say PAUL KIRK never dreamed he would be a Senator. He graduated from Harvard Law School in 1964. He worked as an assistant district attorney in Massachusetts. He came to Washington in 1968 and worked on Senator Robert Kennedy's Presidential campaign. He considered quitting politics, as many people did, after Robert Kennedy's political assassination. But Ted Kennedy convinced him to pick up the fallen standard and carry on Bobby's work.

For the next 8 years, PAUL KIRK worked in this Senate as one of Ted Kennedy's closest aides. He was with Senator Kennedy in 1980, when the last of the Kennedy brothers ran for President. I remember that so well as the downstate coordinator of the Ted Kennedy for President campaign in Illinois.

In 1985, PAUL KIRK took on the challenge of chairing the Democratic National Committee in the middle of the Reagan era—quite a political challenge for any Democrat. He served as co-chairman of the Commission on Presidential Debates, and he has been chairman of the John F. Kennedy Library Foundation since 1992.

PAUL KIRK is a good fellow, with a great sense of humor. I can tell you what has been said about him. He has never been known for excitement. One friend said of Paul Kirk several years ago: Behind that quiet exterior is a quiet interior. He is that sort of person—soft spoken but effective. He may not speak in a lion's roar, as Ted Kennedy did, but his reverence for America and his belief in this great Nation and his sense of justice is just as strong. On the Saturday before Thanksgiving, during the historic effort to break the filibuster on health care reform, Senator PAUL KIRK came to the floor and told the story of a young woman from Somerville, MA, who had finished college, prepared for graduate school, and who suffered organ failure. In many States, that woman might have quickly found herself in a critical state and in medical debt and surely she wouldn't have been able to find insurance.

But because of Massachusetts's first in the Nation, near universal health care program, PAUL KIRK told us that young woman could still obtain affordable health care, even though she now has what is characterized as a pre-existing condition that will require her to be on medication for the rest of her life.

Senator Kennedy was proud of what Massachusetts, his home State, had achieved in health care. Ensuring that Americans in every State had decent, affordable health care, PAUL KIRK said, was the “cause of his life.” It has been Senator KIRK's consuming goal in the Senate, and I hope it will soon become a reality. We are too close to a solution on health care—and the need is too great—for us to stop now.

In 1968, when Ted Kennedy became majority whip—the position I now hold in the Senate—then-majority leader Mike Mansfield welcomed him to the leadership by saying: “Of all the Kennedys, the Senator is the only one who was and is a real Senate man.” Part of what made Ted Kennedy a real Senate man was his personality and his inexhaustible patience and optimism. Part of it was his knowledge of how the Senate works and part was his great staff.

The Kennedy staff has always been known as the A-Team in the Senate. They are smart, they are talented, they are dedicated, and after they leave Ted Kennedy, they go places unimaginable for most staffers because they are so highly regarded. Some have been with Senator Kennedy for decades and continue with Senator KIRK, including the legendary Carey Parker, the Senator's chief speech writer; Michael Myers, whom I know well from his activities on the floor, the Senator's staff director on the HELP Committee, who worked so hard on health care reform. He has been amazing.

I wish to thank all the staffers for Senator KIRK, and previously for Senator Kennedy, for carrying on that standard of justice and fairness. I thank them as a group for their service to Massachusetts and to America. It is because of them, and countless others whom Senator Kennedy touched, myself included, we have been enlisted in the Kennedy causes and the Kirk causes with a great deal of pride.

A special thank-you to the Kennedy family—especially Vicki, Kara, Ted, and Patrick, Caroline and Curran—for sharing so much of the man they loved with the Nation he loved.

Finally, I wish to welcome to the Senate—and in a short time he will come to be sworn in—Senator SCOTT BROWN. As Senator Kennedy would have said, if he were here: *failte*. He was always eager to reach across the aisle and find solutions to the problems we face. I look forward to an opportunity to do the same with Senator BROWN in the Senate.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I see my friend from Wyoming on the floor, and he has been recognized, but I ask unanimous consent that when he finishes, I be recognized for 10 minutes to speak about Vermonters who have been in Haiti helping with the devastation.

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

The Senator from Wyoming is recognized.

Mr. BARRASSO. Mr. President, I yield myself 10 minutes of Senator BOND's time.

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

NEW CLIMATE CHANGE ALLEGATIONS

Mr. BARRASSO. Mr. President, there has been significant attention given to efforts by the United Nations to establish a global climate change agreement. The effort has been based, in

large part, on information contained in reports prepared by the United Nations Intergovernmental Panel on Climate Change.

Supporters repeatedly cite figures and conclusions in the U.N. reports to justify a complete overhaul of the world economy. Supporters have been steadfast in claiming the report is conclusive, in claiming the scientific data is solid, and in claiming the integrity of the findings are above reproach. Any mistakes identified and pointed out are minimized and ignored.

They have been singing this song for years. The U.N.'s top climate official is Dr. R.K. Pachauri, and the chorus of defenders of the U.N. reports have grown louder in recent months as the house of cards they have built is falling apart.

There have been disclosures of e-mails that show scientists manipulated the sciences; there have been non-scientific materials utilized to reach scientific conclusions; there has been scientific conclusions that are not properly peer reviewed. Each week, the list of errors grows. The excuses from Dr. Pachauri, the man in charge of the U.N. climate change reports, well, they have been wearing thin.

I come to the floor as a Senator who serves on both the Energy Committee and the Environment and Public Works Committee. I come to the floor to tell you and our Nation the United Nations' scientists are manipulating data to further political goals—political goals of passing a climate change accord that will cost the world billions.

This is not my accusation. The person making the charge is the person who verified the false conclusion.

It is better to hear it in the person's own words:

His name is Dr. Murari Lal. Dr. Lal is a retired Indian academic, now a consultant. He was one of the four lead authors of the Asia chapter of the U.N. report.

He is also behind the bogus claim in United Nations climate change reports that Himalayan glaciers will have melted by 2035.

He admitted that this scientific "fact" as climate change supporters like to state, was included in the report "purely to put political pressure on world leaders."

Let me repeat—he said this so called "fact" was included in the United Nations report "purely to put political pressure on world leaders."

According to Dr. Lal, "It related to several countries in this region and their water sources."

"We thought that if we can highlight it, it will impact policy makers and politicians and encourage them to take some concrete action."

The so called "fact" in the report is just not true.

On January 21, the Economist stated that when informed about the error the United Nations "did nothing" and the claims were "airily dismissed by Rajendra Pachauri."

The Times of the U.K. reports a second factually inaccurate conclusion. It reports that the United Nations wrongly linked global warming to natural disasters.

In an article written by Jonathan Leake, he stated that: The United Nations climate panel faces new controversy for wrongly linking global warming to an increase in the number and severity of natural disasters such as hurricanes and floods.

The original link between climate change and natural disasters was based on an unpublished report. According to the Times the report "had not been subjected to routine scientific scrutiny"—and ignored warnings from scientific advisers that the evidence supporting the link was "too weak."

Despite the warnings once again, the United Nations Intergovernmental Panel on Climate Change included the fiction in its report.

Today the claim by the U.N. that global warming is already affecting the severity and frequency of natural disasters is a large part of the political debate across this country.

How many politicians made the claim that Hurricane Katrina was the result of climate change? Well now they know the inconvenient truth.

According to the Times of the U.K., the actual authors of the claim on natural disasters withdrew the claim—but the United Nations did not.

Every day new scandals emerge about the so called "facts" in the U.N. reports.

Claims that ice is disappearing from the world's mountain tops were apparently based on a student dissertation and an article in a mountaineering magazine.

It was revealed that green activists with little scientific experience were the source for unsubstantiated claims that global warming might wipe out 40 percent of the Amazon rainforest.

These revelations are in addition to the released e-mails by the Climatic Research Unit at East Anglia University. These are the e-mails that first raised serious questions about the conduct of U.N. and even U.S. scientists.

These e-mails demonstrate a coordinated effort by trusted climate scientists to suppress dissenting views and manipulate data and methods to skew the U.N. reports to reach a politically correct view of the impact of climate change.

Scientists at the Climatic Research Unit said that they "admitted throwing away much of the raw temperature data on which their predictions of global warming are based."

The lack of any raw data prevents other scientists from checking their work and raises additional questions about the accuracy of the data used in the U.N. reports.

The actions by scientists and others to suppress data that contradicts their conclusions is misleading, unethical and unacceptable.

Their conduct needs to be investigated.

Senator INHOFE and I have written U.N. Secretary Moon to have the U.N. conduct an independent investigation into the original climate gate revelations.

That request has not been acted upon.

Revelations of ongoing scientific fraud at the United Nations Intergovernmental Panel on Climate Change is disturbing.

Concrete action by world leaders is needed.

The integrity of the data and the integrity of the science has been compromised.

Today, I call for government delegations of the U.N.'s general assembly and U.N. Secretary Moon to pressure Dr. Rajendra Pachauri to step down as head of the United Nations Intergovernmental Panel on Climate Change.

It is time to conduct an independent investigation into the conduct of the Intergovernmental Panel on Climate Change.

Dr. Pachauri should be removed from any involvement with the investigation.

Recent reports over the weekend raise questions about whether or not Dr. Pachauri knew of the false information in the U.N. report months prior to the disclosure.

These claims, first reported in the Times of the U.K., stated that:

Pachauri was told that the Intergovernmental Panel on Climate Change assessment that glaciers would disappear by 2035 was wrong, but he waited two months to correct it.

If proved true, this would mean that Pachauri failed to alert the world to this mistake before the December Copenhagen conference.

Investor's Business Daily in an editorial stated:

If we're serious about restoring science to its rightful place, the head of the UN's panel on climate change should step down. Evidence shows he quarterbacked a deliberate and premeditated fraud.

Walter Russell Read, project director for Religion and Foreign Policy at the Pew Forum was quoted in Investor's Business Daily Tuesday February 2 as saying:

After years in which global warming activists had lectured everyone about the overwhelming nature of the scientific evidence, it turned out that the most prestigious agencies in the global warming movement were breaking laws, hiding data and making inflated, bogus claims resting on, in some cases, no scientific basis at all.

President Obama, Secretary of State Clinton, and U.N. Ambassador Rice need to apply all the necessary pressure to ensure that Dr. Pachauri is removed.

I also call on President Obama to direct his cabinet to stop supporting any policies that relied in whole and in part on the fraudulent United Nations reports.

It is time to have the scientific data behind such policies independently verified.

Administration policies relating to climate change will cost millions of Americans their jobs.

We need to get this right.

To continue to rely on these corrupted U.N. reports is an endorsement of fraudulent behavior.

It is a signal to the American people that ideology is more important than their jobs.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

HAITI

Mr. LEAHY. Mr. President, on January 22 I spoke in this Chamber about the earthquake that struck Haiti on January 12 and the unprecedented devastation it caused. We now know that an estimated 3 million people have been affected, including some 700,000 people displaced from Port-au-Prince and living under plastic or other makeshift shelter. As many as 200,000 more may have died; tens of thousands have suffered injuries, including many whose limbs had to be amputated, some as the only way to save their lives and to extricate them from the rubble. Hundreds of thousands of children have lost one or both of their parents. It is hard to quantify the scale of human suffering.

Think of it. Thousands of commercial buildings, 200,000 homes, the presidential palace, the national cathedral as well as the parliament building, the government ministries, U.N. headquarters were either heavily damaged or destroyed. Roads, ports, and communication infrastructure were extensively damaged.

Ninety percent of the schools in Port-au-Prince have been destroyed. This rebuilding is going to take years, even with the help of the international community, the United States, working side-by-side with the people of Haiti.

The generosity of the American people as well as people from so many other countries has been extraordinary. Hundreds of millions of dollars have been raised from private organizations, foundations, corporations, and individuals, including schoolchildren. There have been countless tons of donations of food, clothing, medicines, and other supplies. It is especially heartening to see the commitment and dedication of volunteers, many of whom after they received word of the earthquake immediately began to pack their bags to travel to Haiti to help any way they could—not sure of where they would stay but knowing they had skills that were needed.

One such group is the Vermont Haiti Relief Team. It includes members of the Vermont Haiti Project and the Vermont Federation of Nurses and Health Professionals. They traveled to Haiti. I talked with some of them who helped with the recovery, I heard and read their stories, I have seen the photographs they sent back. Here is one photograph—the nurses are carrying, obviously, a patient on a stretcher.

As a Vermonter, as an American, I could not be more proud of the life-saving work they are doing. Our little

State of Vermont, as far north from Haiti as it could be—right up there on the Canadian border—answered the call to help a neighbor in the hemisphere.

On January 20, 11 volunteer doctors, nurses, and other health professionals from Vermont arrived in Jimani, Dominican Republic. That is a remote border town where some of the injured from Haiti were taken immediately after the earthquake and where many more have arrived.

The Vermont health workers joined other doctors and nurses to care for hundreds of patients in the hospital. They coordinated helicopter and ambulance transports, they established clinics to evaluate and treat injuries. They cared for over 250 amputees. They worked tirelessly to meet the needs of the victims and their families.

What they did helped immeasurably. I look at this one photograph—at one of the nurses helping this child. Some couldn't speak the language. None of them knew the people before they went there. All they knew was that the Haitians are fellow human beings, suffering, and they felt, as we do in Vermont and in so many other places: If your neighbor is hurting, you are hurting, and so you help your neighbor. They went and helped.

It is life-saving work. But it is also life-changing work. These Vermonters will return home having endured, improvised, and made a difference through the experience of a lifetime. How many of us can say we have done something that made such a difference in someone's life? They have, but their own lives have also been changed.

They were confronted with hundreds of injured people. They had just a handful of medical personnel, no supplies, and they worked around the clock with volunteers from Haiti, the Dominican Republic, and many other countries. Sometimes the electricity worked, sometimes it did not. Death surrounded them. But many of those who would have died survived because of the care of these Vermonters.

The team also traveled to Fond Parisien, Haiti, where a clinic was established. They worked with Haitians and other relief organizations to create a wound clinic, and a hospital for hundreds of displaced persons.

After 2 weeks working in difficult conditions, the first team of Vermonters is coming home. They are exhausted physically and emotionally, but they are proud of the help they provided to their Haitian patients and of being able to represent Vermont in the relief effort. This Vermonter is proud of them and proud of a second team that has now arrived in Haiti and has begun working.

The Vermont Haiti Relief Team hopes to continue to send volunteers for 2-week rotations to support the hospital in Jimani and the clinic in Fond Parisien for the next 3 to 6 months.

I have been to Haiti. I know what a poor country it is. My wife Marcelle is

a registered nurse, now retired. She has gone to those hospitals. She has seen how little there is to work with. She knows that somebody coming with the equipment that's needed, the supplies that were lacking, what a difference that makes.

Marcelle and I are very impressed with the commitment of those Vermont volunteers. It is emotionally and physically exhausting, but no less rewarding. I thank them for their hard work and dedication, for their selfless example.

What happened in Haiti was as great a natural disaster as any one of us will ever hear of. But what it has done is spark the generosity of people everywhere. The help has to continue. I will make sure of that as chairman of the State and Foreign Operations Subcommittee.

Thanks to this small group of Vermonters who went down there, lives were saved, lives were changed, children were rescued. We Vermonters are proud.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. LEAHY. Mr. President, I ask unanimous consent that the vote on the motion to invoke cloture on the nomination of Martha Johnson occur at 2:45 p.m., with the time until then divided equally; with the provisions of the order governing this nomination remaining in effect.

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

Mr. LEAHY. I ask further unanimous consent that upon disposition of the nomination of Martha Johnson, and the Senate resuming legislative session, the Senate then proceed to a period of morning business with Senators permitted to speak therein for up to 10 minutes, except when Senator KIRK is recognized, he be recognized for 20 minutes.

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

Mr. LEAHY. I suggest the absence of a quorum and ask unanimous consent that the time in the quorum call be divided equally.

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

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

The Senator from Illinois is recognized.

Mr. BURRIS. Mr. President, I ask unanimous consent to speak for 6 minutes as in morning business.

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

BLACK HISTORY MONTH

Mr. BURRIS. Mr. President, we remember the giants of American history, those who led troops into battle, or rose to high office, or gave their lives for something greater than themselves; the warriors, the statesmen, the heroes who fought to defend our values and our freedoms.

We quote their words and etch their names into stone. We rightfully honor their place in the annals of history.

But the quiet moments of our history are often overlooked.

There are many unsung heroes whose actions give shape to our national identity. Too frequently, these brave men and women are pushed to the margins or relegated to obscurity.

That is why I am here today to honor one woman who did not fight in wars, give great speeches, or perish on the battlefield.

Make no mistake: those pursuits are noble, and it is right that we honor them.

But our quiet heroes have just as much claim to our national attention, and also deserve our respect and praise.

So today I would ask my colleagues to pause and to think of just such a quiet American hero:

She never wore a uniform, though in a sense she led a great and diverse army. She never rose to high office, although she paved the way for others, including myself to do so.

Rosa Parks began her life in a world that largely considered her to be undeserving of equal rights. She knew the injustice of segregation, and was no stranger to racism and hatred.

She grew up poor in Tuskegee, AL, where she wasn't even allowed to ride the bus to school.

But, thanks to a life of principled activism, and a moment of quiet courage on a city bus in Montgomery, this poor country girl would grow into a strong woman whose name became synonymous with "freedom" and "equality."

And when she passed away, not on a foreign battlefield, but quietly in her home, at the age of 92, she was mourned by her friends and neighbors from back home in Alabama, but also by an entire nation, in a funeral held at the National Cathedral and lasting a full 7 hours.

Such was the impact that Rosa Parks had on our social and political landscape.

Such was the indelible mark left by her decision, on that first day of December in 1955, to say "no."

To refuse to accept that she was a second-class citizen.

To claim what was rightfully hers as an American, not by force, and not by attacking or degrading her fellow man, but by insisting, with quiet conviction: I am your equal. I am any man or woman's equal.

On that day, she knew that her cause was just. She had unshakable faith not only in the righteousness of her beliefs but in the heart and soul of this great nation that its people would turn away from bigotry and hate, that unjust laws could be changed, and that the great promise of America lives not in the imperfect here and now, but in our ability to define who we wish to become, to chart our own course, and remake our destiny.

Rosa Parks was not alone in this belief. There were many others, from all backgrounds and walks of life, who shared a similar faith in American ideals.

But, by refusing to give up her seat on that bus in Montgomery, Rosa Parks brought those ideals to life.

She helped give wings to a movement that grew, and gathered steam, and inspired millions to work tirelessly on the side of justice and equality.

Today, Rosa Parks would have celebrated her ninety-seventh birthday. Just this morning, I joined Leader REID and our Congressional colleagues to commemorate this milestone.

And as we observe Black History Month, I can think of no finer way to begin this time of remembrance and celebration than by honoring the legacy of a great American like Rosa Parks.

So I ask my colleagues to join me in remembering this quiet pioneer and millions of others like her, ordinary people who are not afraid to reach for extraordinary things.

Regular folks who see this country and this world as they are, but are not afraid to imagine what they can be.

Few of these unsung heroes will ever see their names in print, or etched into our collective history, but all remind us of the enduring greatness of the United States of America and the fundamental goodness of our fellow human beings.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Martha N. Johnson, of Maryland, to be Administrator of General Services.

Harry Reid, Joseph I. Lieberman, Jeff Bingaman, Mark Begich, Byron L. Dorgan, Edward E. Kaufman, Barbara Boxer, Benjamin L. Cardin, Robert Menendez, Kay R. Hagan, Sheldon Whitehouse, Barbara A. Mikulski, Jon Tester, Blanche L. Lincoln, Roland W. Burris, Kirsten E. Gillibrand, Bill Nelson, Mary L. Landrieu.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Martha N. Johnson, of Maryland, to be Administrator of the General Services Administration, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

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

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

The yeas and nays resulted—yeas 82, nays 16, as follows:

[Rollcall Vote No. 19 Ex.]

YEAS—82

Akaka	Feingold	Mikulski
Barrasso	Feinstein	Murkowski
Baucus	Franken	Murray
Bayh	Gillibrand	Nelson (NE)
Begich	Graham	Nelson (FL)
Bennet	Hagan	Pryor
Bingaman	Harkin	Reed
Boxer	Inhofe	Reid
Brown	Inouye	Roberts
Brownback	Johanns	Rockefeller
Burr	Johnson	Sanders
Burris	Kaufman	Schumer
Byrd	Kerry	Shaheen
Cantwell	Kirk	Snowe
Cardin	Klobuchar	Specter
Carper	Kohl	Stabenow
Casey	Landrieu	Tester
Coburn	Lautenberg	Thune
Collins	Leahy	Udall (CO)
Conrad	LeMieux	Udall (NM)
Corker	Levin	Vitter
Cornyn	Lieberman	Voinovich
DeMint	Lincoln	Warner
Dodd	Lugar	Webb
Dorgan	McCain	Whitehouse
Durbin	McCaskill	Wyden
Ensign	Menendez	
Enzi	Merkley	

NAYS—16

Alexander	Grassley	Risch
Bond	Gregg	Sessions
Bunning	Hatch	Shelby
Chambliss	Isakson	Wicker
Cochran	Kyl	
Crapo	McConnell	

NOT VOTING—2

Bennett Hutchison

The PRESIDING OFFICER. On this vote, the yeas are 82, the nays are 16. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The majority leader is recognized.

Mr. REID. Madam President, with the storm fast approaching, I think it is to everyone's advantage we complete our work today. So I am convinced this will be the last vote of the day. Now, I would say this. I have been working

with Senators GRASSLEY and BAUCUS, and, of course, the Republican leader, trying to get something keyed up for Monday, and I think we are making a lot of progress in that regard.

It appears we are going to have a cloture vote on a nominee on Monday. I already talked to the Republican leader about this several days ago. We are also going to move forward on a jobs package Monday. We are either going to do one on a bipartisan basis—I sure hope we can do that; it really would be good for the country and good for us—if not, we will have to do one that will be my amendment rather than an amendment of a bipartisan group of Senators. So I hope we can do that. But we will have that worked out later today more than likely. But this will be the last vote for the day.

Madam President, we also are working on someone to replace Judge Alito in the New Jersey Circuit, and his name is Joseph Greenaway. We hope that can also be done on Monday.

Mr. LEAHY. Madam President, in order to vote on the nomination of Martha Johnson to head the General Services Administration, the Senate was required to overcome the 15th filibuster of President Obama's nominations to fill important posts in the executive branch and the judiciary. That number does not include the many others who have been denied up-or-down votes in the Senate by the anonymous obstruction of Republicans refusing to agree to time agreements to consider even noncontroversial nominees. There have been as many filibusters of nominations as there have been confirmations of Federal judges in President Obama's first 2 years in office.

This 15th filibuster is three times as many as there were in the entire first 2 years of the Bush administration. Was it not just a few years ago that Republicans were demanding up-or-down votes for nominees, and contending that filibusters of nominations were unconstitutional? Again, the 15 filibusters of nominations matches the total number of Federal judges confirmed in President Obama's first 2 years in office.

In the second half of 2001, the Democratic majority in the Senate proceeded to confirm 28 judges. By this date during President Bush's first term, the Senate had confirmed 31 circuit and district court nominations, compared to only 14 during President Obama's first 2 years. In the second year of President Bush's first term, the Democratic majority in the Senate proceeded to confirm 72 judicial nominations, and helped reduce the vacancies left by Republican obstructionism from over 110 to 59 by the end of 2002. Overall, 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 obstruction and delay does not only affect judicial nominees and our Federal courts. Martha Johnson is the

second executive branch nominee this week that has been filibustered by Republicans. Her nomination has been stalled on the Senate Executive Calendar since June 8 due to the opposition of a single Republican Senator over a dispute with GSA about plans for a Federal building in his home State. The will of the Senate and the needs of the American people are held hostage by a single Senator.

Overall, as of this morning, there were more than 75 judicial and executive nominees pending on the Senate Executive calendar.

Yesterday, at the Democratic Policy Committee's issue retreat, I asked President Obama if he will continue to work hard to send names to the Senate as quickly as possible and to commit to work with us, both Republicans and Democrats, to get these nominees confirmed. So far since taking office, the President has reached across the aisle working with Republicans and Democrats to identify well-qualified nominations. Yet even these nominations are delayed or obstructed. The President responded by stating:

Well, this is going to be a priority. Look, it's not just judges, unfortunately, Pat, it's also all our federal appointees. We've got a huge backlog of folks who are unanimously viewed as well qualified; nobody has a specific objection to them, but end up having a hold on them because of some completely unrelated piece of business.

On the judges front, we had a judge for the—coming out of Indiana, Judge Hamilton, who everybody said was outstanding—Evan Bayh, Democrat; Dick Lugar, Republican; all recommended. How long did it take us? Six months, six, seven months for somebody who was supported by the Democratic and Republican senator from that state. And you can multiply that across the board. So we have to start highlighting the fact that this is not how we should be doing business.

Let's have a fight about real stuff. Don't hold this woman hostage. If you have an objection about my health care policies, then let's debate the health care policies. But don't suddenly end up having a GSA administrator who is stuck in limbo somewhere because you don't like something else that we're doing, because that doesn't serve the American people.

I could not agree more with President Obama. This should not be the way the Senate acts. Unfortunately, we have seen the repeated use of filibusters, and delay and obstruction have become the new norm for the Republican in the Senate. We have seen unprecedented obstruction by Senate Republicans on issue after issue—over 100 filibusters last year alone, which has affected 70 percent of all Senate action. Instead of time agreements and the will of the majority, the Senate is faced with a requirement to find 60 Senators to overcome a filibuster on issue after issue. Those who just a short time ago said that a majority vote is all that should be needed to confirm a nomination, and that filibusters of nominations are unconstitutional, have reversed themselves and now employ any delaying tactic they can.

The Republican minority must believe that this partisan playbook of ob-

struction will reap political benefit for them and damage to the President. But the people who pay the price for this political calculation are the American people who depend on the government being able to do its job. I hope that Republican Senators will rethink their political strategy and return to the Senate's tradition of promptly considering noncontroversial nominations so that we can work together to regain the trust of the American people.

The PRESIDING OFFICER. Under the previous order, all postcloture time is yielded back.

The question is, Will the Senate advise and consent to the nomination of Martha N. Johnson, of Maryland, to be Administrator of General Services?

Mr. DURBIN. Madam President, 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 bill clerk called the roll.

Mr. KYL. The following Senators are necessarily absent: the Senator from Utah (Mr. BENNETT), the Senator from Oklahoma (Mr. COBURN), the Senator from Texas (Mrs. HUTCHISON), and the Senator from Georgia (Mr. ISAKSON).

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

The result was announced—yeas 96, nays 0, as follows:

[Rollcall Vote No. 20 Ex.]

YEAS—96

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

NOT VOTING—4

Bennett	Hutchison
Coburn	Isakson

The nomination was confirmed.

CHANGE OF VOTE

Mr. SESSIONS. Mr. President, on rollcall 20, I voted "no." It was my intention to vote "aye." Therefore, I ask unanimous consent that I be permitted to change my vote as it will not affect the outcome.

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

Mr. BUNNING. Mr. President, on rollcall vote 20, I voted "no." My intention was to vote "aye." Therefore, I ask unanimous consent that I be permitted to change my vote since it will not affect the outcome of the vote.

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

(The foregoing tally has been changed to reflect the above orders.)

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

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

MORNING BUSINESS

The PRESIDING OFFICER. There will now be a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The Senator from North Dakota is recognized.

JOHNSON NOMINATION

Mr. DORGAN. Madam President, I will be brief. The vote that just occurred was a vote on the nomination of Martha Johnson, of Maryland, to head the General Services Administration. That vote was reported by the committee unanimously to the U.S. Senate on June 8 of last year—June 8 of last year. It has been blocked since that moment, and now we have a vote. We didn't have a vote in July, August, September, October, November, December, or January; we had it now, 7 or 8 months later. After blocking it for 7 or 8 months, 92 Senators voted yes. Explain to the American people how you block a nomination for 7 months that you support. Try to explain that. In my judgment, it is a shameful disrespect for good government to block nominations for month after month after month.

The same is true with individual issues that are brought to the floor of the Senate. I will give you a couple of examples. An appropriations bill was blocked on the floor of the Senate, and then 80 people voted yes. A credit card holders' bill of rights was blocked in the Senate, and then 90 people voted yes. The Department of Defense appropriations was filibustered in the Senate, and then 88 Senators voted yes on that.

If ever there were a demonstration for all to see how unbelievably broken this process is, it is today, once again, that after 7 or 8 months, a very qualified candidate, reported out unanimously from the committee of jurisdiction to head the GSA now gets 92 people to vote yes, which means we have a lot of people who block things they intend to vote for later. It is an unbeliev-

able example of why this place doesn't work. A minimum amount of cooperation, in my judgment, would go a long way to helping make this place work the way it should. This nomination should have taken 10 minutes on the floor of the Senate last June after it was reported out unanimously by the committee of jurisdiction.

If I sound irritated by what is going on, I think a good many Members of the Senate are irritated by what I believe is a show of disrespect for good government.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

MEDICAID READJUSTMENT RATE

Ms. LANDRIEU. Madam President, I know that under the previous arrangement, the Senator from Massachusetts will be giving his farewell remarks. I would like to speak for the next 4 minutes prior to him coming to the floor.

I spoke on the floor earlier explaining to my colleagues and providing some additional information about the fair resolution the Senate came to to help Louisiana and any other State that would have been similarly impacted through a very difficult Medicaid readjustment rate. I spoke at length this morning about that.

I want to show this chart that clearly outlines our particular and unique and disastrous situation. Since 1999, and before, the State of Louisiana—and the occupant of the chair was a Governor, so she knows—paid approximately 30 percent of our Medicaid dollars and the Federal Government picked up about 70. We are in the lower one-third of States on a per capita basis and have been since the Civil War, and we remain that way to this day.

What happened after Katrina and Rita was, because of the great generosity not only of this body and the Congress and the former President and the current President and private sector dollars—billions and billions of dollars poured into our State, driving our per capita income up an unprecedented 40 percent. That has never happened in the history of the Medicaid Program. The State that comes closest to a per capita increase, I believe—or several States increased by only 14 percent.

The bottom line is, if our delegation had not sought some fix, some arrangement, some workout of this problem, the people of Louisiana, who have been impacted by the largest disaster in recent memory, would have had to pay \$472 million more for basically the same program. The formula was flawed.

The point I want to make in my final minute is this: I am proud to lead this effort to fix this. The effort was not a secret effort; it was a public effort—called for by the Republican Governor, Bobby Jindal, in a press conference 2 weeks before Barack Obama was sworn in as President—to talk about this issue in a public forum, not a private

forum. It was not a last-minute effort; it started a year ago. It was not a special deal for me; it was a timely and fair resolution for the people of Louisiana—one which they still deserve.

The consequences of failure, in my final 15 seconds, are that the people of Louisiana, if this is not fixed—a health care issue on a health care bill—if it is not fixed, the people of Louisiana will have to either cut \$472 million out of our budget this year—and that is a lot of money out of a budget, even by Washington standards—or raise taxes.

I will continue to come to the floor to speak proudly, openly, and forcefully about this issue. I thank the Senator from Massachusetts for allowing me to clarify a few points.

I ask unanimous consent to have a group of documents printed in the RECORD to substantiate what I have said today.

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

STATE OF LOUISIANA, DEPARTMENT
OF HEALTH AND HOSPITALS, OFFICE
OF THE SECRETARY,

Baton Rouge, LA, April 6, 2009.

Hon. CHARLES E. JOHNSON,

Interim Secretary, U.S. Department of Health and Human Services, Washington, DC.

DEAR SECRETARY JOHNSON: Since Hurricanes Katrina and Rita struck the gulf coast in 2005, several federal agencies, including the Department of Health and Human Services, have contributed significant financial resources in the recovery effort. Many of the initiatives continue, and we are grateful for the ongoing work being done by HHS to assist Louisiana.

I write today to share with you what seems to be an unintended consequence of the bold financial initiatives undertaken since 2005. Billions of dollars have been infused into Louisiana's economy following the damage caused by the failure of the federal levee system—dollars for which we are grateful, but which we also know are temporary by their nature. Unfortunately, as calculations are performed by the federal government to determine federal participation for Medicaid, it has become clear the federal formula for estimation of federal match for Louisiana has become significantly artificially skewed by the infusion of these dollars into the calculation of per-capita income.

Louisiana's federal match for Medicaid typically has been expected to range somewhere between 69.6 percent and 73 percent with very small variations from year-to-year. However, according to forecasts provided by Federal Funds Information to States (FFIS), and our own calculations, it appears our FMAP will decline for FFY 10 from its current nearly 72 percent to 67.6 percent, and then again for FFY 11 to 63.1 percent. Similarly, our enhanced match for CHIP will decline from 80 percent to 74 percent. According to FFIS, these calculations are based on what appears to be a 42 percent increase in Louisiana's per-capita income from 2005–2007—an increase otherwise not typical by any reasonable definition of income without the inclusion of the multitude of one-time recovery dollars included by the BEA in their calculations.

The federal formula for FMAP is deliberately established by Congress to utilize a three-year running average so as to avoid such sudden spikes or decreases. Even with such safeguards, however, Louisiana is facing the largest decrease in FMAP in the nation, and at an alarming rate, based on currently forecast expenditures, which assume

significant current-year and proposed reductions in spending for the next fiscal year, the lost federal match will annualize to an estimated \$700 million. Importantly, this lost federal revenue is net of the stimulus—meaning it is a reduction from our Medicaid program in addition to the reduction that will take place when the stimulus expires.

The projected major reduction in FMAP will converge by January, 2011 to pose a cataclysmic challenge upon the expiration of the stimulus. Many states are in a position to plan for the loss of stimulus dollars, particularly if their FMAP is remaining in a static state. In fact, FFIS estimates 21 states will see an increase in their FMAP in FFY 11, while other states are protected by the floor. However, with Louisiana literally going from an 80 percent stimulus FMAP rate to a 63 percent FMAP beginning in January, 2011, the sudden decrease is simply not manageable without a sudden and dramatic blow to our program, its providers and, most importantly, to the 26 percent of our population—mostly children—who rely upon the financial solvency of the program.

Louisiana has a very honored tradition of enrolling our lowest income children in health coverage, with only 5 percent of our children currently being estimated to be without coverage. Thanks in large part to the approval of HHS, we expanded access to children up to 250 percent of the federal poverty level in January, 2008, and have enrolled more than 25,000 additional children in our programs since that time. We have been singled out as the state that has the best track record of retaining these children in coverage. Clearly, Governor Jindal is committed to making additional progress in improving the health outcomes for our population, but such significant reductions in federal funding—particularly resulting as a consequence of our hurricane recovery—can only disrupt this program. . . .

Washington, DC, May 4, 2009.

Secretary KATHLEEN SEBELIUS,
Department of Health and Human Services,
Washington, DC.

DEAR SECRETARY SEBELIUS: We write to you today to follow up on an April 9 letter to your office from Louisiana Department of Health and Hospitals Secretary Alan Levine regarding potential reductions to Louisiana's Medicaid Federal Medical Assistance Percentage (FMAP).

While many states will face challenges to their Medicaid programs in the coming years, we believe that Louisiana's case is unique. As you may be aware, our state is still rebuilding from Hurricanes Katrina and Rita in 2005 as well as Hurricanes Gustav and Ike in 2008, including the rehabilitation of the healthcare system in the New Orleans area. These extensive recovery efforts have inflated Louisiana's per capita income, but were only temporary and do not accurately reflect the increases to incomes in industries not related to hurricane recovery.

Since the FMAP formula uses per capita income to calculate how much each state will receive in Medicaid funding, we are greatly concerned that the post-hurricane per capita income increases could significantly impact our state's FMAP allocation. We ask that you meet with Secretary Levine to develop a solution to the unique problem that is facing our state.

Sincerely,

Mary Landrieu, U.S. Senator; Rodney Alexander, Member of Congress; Charlie Melancon, Member of Congress; Bill Cassidy, Member of Congress; David Vitter, U.S. Senator; Charles Boustany, Member of Congress; Steve Scalise, Member of Congress; John Fleming, Member of Congress; Anh "Joseph" Cao, Member of Congress.

SENATE CONCURRENT RESOLUTION NO. 137

Whereas, in 2005 and 2008, Louisiana was struck by hurricanes Katrina, Rita, Gustav, and Ike, collectively requiring billions of dollars of federal and private assistance to the state; and

Whereas, the people of Louisiana are grateful for the support of the American people and of the United States Congress as the state is recovering from these catastrophic events; and

Whereas, coastal states, such as Florida, Mississippi and Texas, and other states, such as Iowa, have recently experienced significant disasters related to either hurricanes or flooding, and coastal states can reasonably expect to experience similar calamities in the future; and

Whereas, after a disaster resulting in massive and wide spread damage to public and private property, economic activity may temporarily significantly increase as the state and local communities endeavor to rebuild; and

Whereas, due to the increased economic activity resulting from hurricanes Katrina and Rita, Louisiana's per capita personal income saw an unusual and extraordinary increase of forty-two percent from 2005 through 2007; and

Whereas, the per capita personal income for Louisiana grew by six point eight percent from 2000 through 2005; and

Whereas, the bureau of economic analysis of the U.S. Department of Commerce stated in its 2007 report entitled State Personal Income, that "Louisiana grew ten point five percent in 2007, down from twenty point six percent in 2006," and that "these growth rates are substantially higher than any other state"; and

Whereas, the bureau further reported that, "the rental income component of Louisiana personal income was boosted by five point four billion dollars of Road Home subsidies from the U.S. Department of Housing and Urban Development," and that much of the per capita personal income gain in Louisiana "is accounted for by the Road Home subsidies which average nearly twelve hundred fifty dollars per Louisiana resident"; and

Whereas, evidence shows that even though the per capita personal income had grown by forty-two percent from 2005 through 2007, median income has remained stable which indicates that real personal income has not grown in a sustained way; and

Whereas, the bureau of economic analysis captures not only the economic activity generated by the receipt of government disaster relief payments but receipt of insurance payments that would not have occurred but for the hurricanes—activity which, when included in the overall calculations of per capita personal income are extremely difficult to disaggregate for attribution to specific causes as the spending percolates throughout the economy; and

Whereas, the increased economic activity in Louisiana in 2006 and 2007 is clearly a direct result of the rebuilding that occurred in the aftermath of hurricanes Katrina and Rita and this economic activity led to a corresponding increase in per capita personal income in Louisiana in 2006 and 2007; and

Whereas, accurate considerations of per capita personal income are important because federal law establishes the formula by which the FMAP for each state is determined based on a comparison of each state's per capita personal income to the per capita personal income of the United States as calculated by the bureau of economic analysis; and

Whereas, when a state's per capita personal income increases relative to the average of the United States, the state's FMAP decreases; and

Whereas, according to the federal formula, the increase in per capita personal income in Louisiana in 2006 and 2007 will have the unintended consequence of reducing Louisiana's FMAP for federal fiscal years 2010 and 2011; and

Whereas, Louisiana's FMAP will decrease to 67.61% in federal fiscal year 2010 and to 63.16% in federal fiscal year 2011, a total decrease of 6.53% over two years, the largest decline of any state; and

Whereas, Louisiana's FMAP is temporarily enhanced to eighty percent as a result of the enactment of the American Recovery and Reinvestment Act of 2009 (ARRA), but that enhanced FMAP will terminate on December 31, 2010; and

Whereas, Louisiana's FMAP will drop precipitously from eighty percent to sixty-three point sixteen percent on January 1, 2011, and this loss in federal match will annualize to approximately one billion dollars; and

Whereas, Louisiana has demonstrated a significant commitment to its programs for providing health care access to the poor by investing in substantial sums of state general fund dollars through Medicaid, SCHIP and a statewide system of public hospitals, all of which to combine to provide a safety net for a state with low income and significant provider access problems, and such a drastic reduction in Louisiana's FMAP will have devastating impact on the state's infrastructure for caring for the poor; and

Whereas, the presumed purpose for using the per capita personal income as a basis for the calculation of FMAP is to ensure resources are directed to states which are more likely to have low-income populations, and thus, a more significant burden on the Medicaid program; and

Whereas, Louisiana's Medicaid program has not seen a decrease in enrollment after hurricanes Katrina and Rita, but rather an increase, and thus, from an economic perspective, it is clear the purpose for utilizing per capita personal income as the primary driver of the state's FMAP cannot be accurately and fairly applied to Louisiana during the period following the temporary increase in economic activity; and

Whereas, the Louisiana Legislature does not accept that it is the intention of the United States Department of Health and Human Services or the United States Congress, through an artifact of the FMAP formula, to financially penalize Louisiana and other states working to rebuild their communities after major disasters. Therefore, be it

Resolved, That the Legislature of Louisiana memorializes the Congress of the United States to enact legislation to adjust the Federal Medical Assistance Percentage rules to ameliorate the unintended negative impact caused by the infusion of disaster relief funding, both public and private, into Louisiana's and other state's economies following major disasters. Be it further

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

Ms. LANDRIEU. Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KIRK. Madam President, I ask unanimous consent to speak for the time I may consume.

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

PUTTING POLITICS ASIDE

Mr. KIRK. Madam President, I rise for the honor of speaking on the floor of this Senate Chamber for the last time. With the swearing-in of Senator-elect SCOTT BROWN of Massachusetts scheduled for later this afternoon, my time as a Senator is nearing its close.

I repeat for the record, my most sincere congratulations to SCOTT BROWN on his impressive victory. We have worked together to assure that he and the people of Massachusetts were well served during the transition, and I wish him all the very best in his service to the Senate.

Under the saddest of circumstances—the loss of our colleague and our close friend Senator Ted Kennedy—my appointment to this office has allowed me to serve my Commonwealth and country in ways I could not have imagined a few months ago. It has enabled me to work closely with many old and new Senate friends—women and men who have been sent by their constituents to work together to make our Nation a better place.

These months have helped me to understand even more personally why Senator Ted Kennedy devoted his public life to the work of the Senate, why he took such pride in its history and its accomplishments, why he reached across the aisle to find common cause with allies who shared his hopes, and why, from time to time, he called upon this body to reach beyond the politics of the moment to achieve a greater good for the country's future. The lessons of his legacy will live on in this Chamber and in the institute devoted to the study of the Senate that will bear Ted Kennedy's name.

I discovered when just a boy how emotionally difficult it was to say goodbye. So I learned to use two other words that come much easier at times such as this. Those two words are "thank you."

I was not elected to this post, but I am deeply grateful to the people of Massachusetts who, through their elected representatives, gave me the opportunity to serve them. Particular thanks are owed to senate president Therese Murray and house speaker Bob DeLeo for their leadership in enabling Gov. Deval Patrick to appoint an interim Senator. I will always be grateful to Governor Patrick for his confidence in me.

It was my special gift to have had Senator Kennedy's trust and friendship since signing on as a member of his Senate staff some 40 years ago. But following his death, to be encouraged by his family—his devoted wife Vicki, his daughter Kara, his son Ted, Jr., and his son PATRICK—to consider an appointment to succeed the man whom they so loved and who achieved so much in this body is an honor for which no words of thanks are adequate.

I will forever be grateful to my friends and colleagues JOHN KERRY, CHRIS DODD, and so many others, for their warm and generous welcome to

the Senate. We shared a bond of sorrow with every other Senator at the realization that, after 47 years of legendary service, Ted Kennedy would no longer be occupying this desk. It was a time of emotional stirring, to be sure. But I found resolve in the certainty that Senator Kennedy himself would be the first to urge us to persevere, and that attention to Senate duties was the most obvious way I could honor his memory.

In undertaking those duties, I thank the majority leader HARRY REID and his entire leadership team for their encouragement, support, and wise counsel. I thank the assistant majority leader, DICK DURBIN of Illinois, for his very generous remarks about me on the floor earlier today.

I thank my Senate freshman colleagues who have been a source of strength to me and I predict will be a source of strength and leadership in this great body in the years to come; to all my colleagues on both sides of the aisle; to the officials of the Senate, the Secretary, the Parliamentarians, the clerks and reporters; to the Sergeant at Arms, the doorkeepers; to the secretaries for the majority and minority and their able staffs; to the Chaplain; and, of course, to the pages. Each and all of you have been extraordinarily thoughtful to me, patient with your tutelage and generous with your kindness and courtesies, and I will remember each of you with affection and appreciation.

Finally, I wish to thank the Kennedy-Kirk staff. The Kennedy staff has enjoyed a reputation of professional excellence through the years. Why? Because they strove to match their boss's unmatched work ethic and his tireless quest for excellence in the Senate. They shared Senator Kennedy's commitment to do all within one's ability to make America a better and more just society and to make a positive difference in the lives of its people.

I am grateful that many Kennedy staffers were willing to stay on as Kirk staffers. It has been my pleasure to share a special bond with them and with the capable young recruits who joined our ranks to begin their public service with this short-term freshman Senator.

My special thanks go to Senator Kennedy's and my chief of staff, Eric Mogilnicki, who managed our collective efforts with calm and competence during months of distraction and heartache; to Barbara Souliotis, director of our Massachusetts office who served Senator Kennedy and the constituents of Massachusetts with devotion and distinction from his very first campaign in 1962 until this very day; and to Carey Parker, with whom I began my own Senate service over 40 years ago. Carey was the loyal and wise legislative assistant constantly at Senator Kennedy's side helping to craft and guide a legislative legacy that shall remain a standard of excellence for the ages.

Madam President, I ask unanimous consent to have printed in the CONGRESSIONAL RECORD at the conclusion of my remarks a list of my staff.

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

(See exhibit 1.)

Mr. KIRK. Madam President, these are outstanding public servants who have my heartfelt appreciation and every best wish for the future.

Over 3 months ago, in my maiden speech from this desk, I chose to speak about Senator Kennedy's top legislative priority—to make quality health care affordable and accessible to all Americans. Since then, much has been accomplished in both Houses of Congress to bring us closer to that long awaited goal.

Following the election results in Massachusetts over 2 weeks ago, it was suggested that we let the dust settle before deciding what our next steps should be on health care reform. But we must not let so much dust settle that it buries all the sensible and necessary ideas that have been suggested. Comprehensive health care reform must remain an urgent priority of the 111th Congress.

But before we move forward on the path to health care reform and the many other critical issues that demand our attention, I respectfully submit that the Senate—and by that I mean each individual Senator—must pause to answer this question: Will the majority and minority walk that path together and work together on the business of the people we represent or will the people we represent watch the Senate that belongs to them revert to the calculated, politically polarizing standoff that has alienated the country during these past few months?

With the results from Massachusetts, much has been made of the fact that the numbers have changed in the Senate, and that is true. The numbers have changed. But the American people are asking a more important question: Will anything else change? Will the Democratic majority, despite its still solid numerical advantage, be forced to cling to a 60-vote strategy as the only path to forward progress on matters small and large, procedural as well as substantive? Will the Republican minority misread the Massachusetts results as vindication of a strategy to just say no to any measure proposed by a Democratic President of the United States or by their colleagues on this side of the aisle?

In my first speech from this desk as the 100th Member and the most junior Member and the 60th Democratic vote, I said I was hopeful that a newcomer's perspective would be received as a constructive contribution to the debate and that the debate should not be about one party reaching 60 votes; it should be about 100 Senators reaching out to each other to reform a system that better reflects the true values and character of our Nation.

Now some 4 months later, I feel obliged to repeat this observation to

my colleagues, Democrats as well as Republicans.

Bipartisan comity and collaboration must replace the polarization that threatens to poison the atmosphere and impede the work of this body. The Senate is in need of its own form of climate change, and only Senators of good will and of good faith and of both parties can bring that about.

The American people are filled with anxiety, anger, and impatience. They are facing issues of job security, health security, retirement security, home security, tuition security, and the list goes on. Their crises should not be dividing their Senate; it should be uniting it.

When the American families we are honored to represent are imperiled by economic hardship and uncertainty, they expect Democrats, Republicans, and Independents to work together in their common interest. And they deserve no less.

Lest anyone be misled by the message of the Massachusetts election, they should examine the exit polls. Voters were asked if the Senator-elect should join his Republican colleagues and try to block the President and congressional Democrats or should he work with them in a bipartisan manner. Among all voters, cooperation won by more than 3 to 1, 76 percent to 21 percent. And among those voters who supported the Senator-elect, bipartisan cooperation was preferred to obstruction by almost 2 to 1—61 percent to 36 percent.

I spent a part of my career as national chairman of one of our two major political parties. It was my job to be partisan. It was my job to weigh each decision, asking whether or how it might give us a political advantage in the short run or in the next election. That is what party chairmen are expected to do. That is not what Senators are expected to do.

There is always the possibility that my closing remarks will be dismissed by some as idealistic or unrealistic or partisan or as just a perspective of a short term who doesn't understand how the process works.

To them, I respectfully suggest that they listen as well to the words of the last Republican Senator elected from Massachusetts. This is what Senator Edward W. Brooke, an elder statesman of the Republican Party, said when he received Congress's highest civilian honor, the Congressional Gold Medal, less than 3 months ago:

I'm here to tell you that politics is not an evil thing. It's a good thing. And when used properly, it does good things. I think of the awesome responsibilities of the House of Representatives and the United States Senate in these years of crisis. . . . Not only this country, but this world looks to you.

Then, turning away from his audience to directly address the majority and minority leadership of both Houses of Congress, Senator Brooke said this:

When Republicans and Democrats get together, they can do anything. And the coun-

try is waiting for you to do anything. They just want relief. You have the responsibility, you have the authority, you are the people on Earth that are going to save this country and save the world. Think about that. We've got to get together. We have no alternative. There's nothing left. It's time for politics to be put aside on the back burner.

Madam President, I submit Senator Brooke is correct. We have no alternative. The Republican and Democratic Members of the Senate have no alternative but to work together in a bipartisan spirit with a level of civility and cooperation that is equal to the dignity of this institution and to the magnitude of what is at stake for American families.

The Senate is at its best and is rewarded fairly by the electorate when it reflects a spirit of teamwork and collaboration that brings results for the people it is meant to serve. We have seen it throughout history. We have seen it in statesmen such as Ted Kennedy and Ed Brooke. We have seen it in so many others who have served in this Chamber with distinction. I know—I know—there are Senators of good will of both parties who long for that spirit today.

We are among the very few who are privileged to serve in this historic body. As I complete my own duties here, I could not leave with a clear conscience without urging all my colleagues to seize this opportunity and this mutual obligation to take the long view, to put partisan politics aside, to come together in good faith and good will to better serve the institution we revere, the people we represent, and the Nation we love.

Madam President, with gratitude for the privilege of serving the people of Massachusetts in the Senate, for the last time, I yield the floor.

EXHIBIT 1

STAFF OF U.S. SENATOR PAUL G. KIRK, JR.
(Jan. 25, 2010)

Larry E. Bageant, Bethany Bassett, Eileen M. Brogan, Ronny A. Carlton, Aubre Marie Carreon Aguilar, Thomas D. Crohan, Shawn M. Daugherty, Daniel G. Doherty, John E. Dutton, Jorie Feldman, Michael George, Stephen Gregory, Lauren P. Janes, Royal F. Kastens, Kathleen C. Kruse, Ashley Lerner, Keith Maley, Sean M. Malone, Meagen L. Manning, James M. McCarthy, Eric J. Mogilnicki, Terrence J. Mullan, Carey W. Parker, Patrick N. Rodenbush, Alejandro R. Rodriguez, Julie M. Ryder, Graham D. Shalgian, Donna Smerlas, Barbara A. Souliotis, Tristan D. Takos, Ella M. Tibbs, Thomas B. Walsh, Colleen Wider, Emily A. Winterson.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Madam President, I wish to thank my colleague, PAUL KIRK, for his eloquent and important comments to the Senate. He said a moment ago he hoped a newcomer's perspective would be a constructive contribution to the debate. I think all my colleagues would agree that whether in the caucus or in his maiden speech before the Senate or in his comments just now, PAUL KIRK has made an important contribution to the Senate.

Shortly after his oath of office last September, I said PAUL was smart, modest, polite, civil, and willing to share credit, and despite all that, I still thought he would be a terrific Senator. I think all of us would agree he has been a terrific Senator in a short span of time.

At a time of enormous upheaval in Massachusetts, a time of mourning, there was no one who was more suited for the moment than PAUL KIRK, and there was no one who understood the meaning of the moment better than PAUL KIRK—Ted Kennedy's friend of 40 years.

Everyone would agree PAUL hit the ground running. He was familiar with Teddy's staff and was able to bring highly qualified people himself. He had a command of all the issues that were facing the Senate. He had a special understanding of the politics that are played in Washington. PAUL was always aware, as he said with his dry wit, that he was a short-timer, but in his months here he didn't decide to come and be satisfied to simply serve out the term. He led, just as he expressed to us he knew people expected him to.

He cast an all-important vote, obviously, in the Senate's historic passage of comprehensive health care reform. But, frankly, much more important than a decisive vote, he provided a clear and compelling voice in the Democratic caucus for important features of the health care reform bill, especially the Community Living Assistance Services and Supports Act—or the CLASS Act, as it is known. That is an act PAUL fought hard for, based on his commitment to providing much needed insurance support to Americans with disabilities, allowing them to live independently in their communities. It was a cause, I might add, that marked Ted Kennedy's life but also PAUL's.

PAUL didn't just work on health care reform. As a Member of the Senate Armed Services Committee, he asked tough and prescient questions of the Secretary of State, of the Defense Secretary, of the Chairman of the Joint Chiefs of Staff, Admiral Mullen, about the military mission in Afghanistan—the kind of questions of which I know his mentor, Ted Kennedy, would have been proud.

He also cosponsored legislation to achieve greater parity in domestic partner benefits between the Federal workforce and the private sector employees. He worked with me to extend unemployment insurance benefits that will benefit as many as 40,000 Massachusetts residents, as well as get \$80 million in Federal grants for community health care centers in Massachusetts.

In all this—and PAUL spoke about it a few minutes ago—he was served by this amazing array of staff who are assembled behind him. He was served superbly by Senate staffers he inherited from Ted Kennedy and those he brought to the Senate. These outstanding men and women deserve our

thanks, as he has given them all our thanks in the Senate and well wishes for the next chapter in public service.

In one of his early speeches in the Senate, PAUL KIRK spoke at length about his friend, Ted. He said Senator Kennedy was not one to sit idly by—he acted; he acted to help as many people as possible. Well, the same can now be said also of Senator PAUL KIRK, though obviously for a much shorter period of time. He was not one to sit idly by. In the short time he has been here, he did act, and he has helped as many people as possible.

When he was selected to replace his friend in the Senate, I was reminded then—and I think I mentioned this on the floor—of Ted Kennedy's fondness for the poet Robert Frost and a line from one of his poems. Frost wrote:

Men work together, I told him from the heart, whether they work together or apart.

Teddy and PAUL worked together for much of their lives. Even though they have been apart these past months, they have never stopped working together in the spirit and in the causes that PAUL has embraced in his time here.

As I think about the comments he just made, in talking about what we need in the Senate, I couldn't help but look across the aisle and not see a Senator there. I regret that. Senator INOUE, seated to my right, has served here much longer than most of us—and Senator LEAHY, who was just here, and Senator DODD—but I think we were all part of the Senate a number of years ago when that never would have been the case.

So it is what it is. I hope they hear his comments. I hope all our colleagues will reach for this moment Senator KIRK has asked us to and, in doing so, will keep faith not just with his service but with the service of our dearly beloved friend, Ted Kennedy.

I wish to thank PAUL KIRK for his service to the people of the country and the Commonwealth of Massachusetts and the way in which he kept faith with the spirit of the law which sent him here. I think he has served us all well, and we will miss him.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. WARNER). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

THANKING SENATOR KIRK

Mr. KAUFMAN. Mr. President, before I speak on the issue I came to speak about, I have to take a minute to speak about PAUL KIRK and Gail Kirk and how much they have given this country for many years and what a great honor it has been for me to serve in the Senate with PAUL. He embodies all that is good about this country. He is someone who has incredible intellect, judgment, and he is a lot of fun to be around.

I want to tell you, whatever you do, PAUL and Gail, we all send you our best.

PAUL has been maybe not a long-term Senator but a great Senator.

Thank you.

RESTRICTING FREEDOM OF EXPRESSION

Mr. KAUFMAN. Mr. President, on Tuesday night the Senate spoke with one voice expressing serious concern about ongoing attempts by China and other countries to restrict press and Internet freedom and condemning the recent cyber-attacks against Google in China.

In a bipartisan effort, a truly bipartisan effort, we unanimously passed S. Res. 405, introduced by myself and Senators BROWNBACK, CASEY, KYL, FEINGOLD, LIEBERMAN, MCCAIN, SPECTER, and WEBB—a broad spectrum of the Senate who all agree on this issue. This resolution reaffirms the centrality of freedom of expression and the press as cornerstones of U.S. foreign policy. It frames such freedoms as part of U.S. efforts to promote individual rights and voices concern over the ongoing efforts by many countries, and I mean many countries, to restrict free expression, highlighting the attempts to censor, restrict, and monitor access to the Internet.

The impetus for this resolution was a recent cyber-attack on Google's corporate infrastructure and at least 34 companies, reportedly originating in China. Google has evidence to suggest that a primary goal of this attack was to access Gmail accounts of Chinese human rights activists, journalists, and dissidents.

Even worse, this attack was only one of many recent attempts to exploit security flaws and illegally access computer networks of numerous individuals and institutions. These cyber-attacks are unconscionable violations of national security interests in addition to violations of intellectual property rights. With the passage of this resolution, countries from which such attacks originate or countries which take steps to restrict or monitor the Internet should consider themselves on notice.

The resolution calls on the Chinese Government to conduct a thorough review of the recent attacks and to make this investigation and its results transparent.

This is not just about cyber-warfare, and it is not just about China. This resolution highlights a much broader and far-reaching problem of state-sponsored efforts to restrict free and unfettered access to the Internet.

As technology continues to develop, an increasing number of governments have employed repressive tactics to monitor and control the Internet. In countries such as Iran and China, a growing effort has been made to silence the voices of their citizens and restrict the free flow of information. According to the 2009 "Freedom on the Net" report conducted by Freedom House, the

Government of China employs a sophisticated, multilayered, and wide-ranging apparatus to curtail Internet freedom. It also employs legal and economic means to coerce Internet service providers, Web hosting firms, and mobile phone companies to delete and censor online content.

Finally, it requires domestic Chinese and foreign companies with subsidiaries in China—such as Google but many others—to adjust their business practices to allow for increased filtering and supervision by the Government of China, which limits the data available on search engines.

This resolution urges companies to engage in responsible business practices in the face of such pressure from foreign governments by refusing to aid in the curtailment of free expression and welcomes the diplomatic initiative announced by Secretary Clinton in her January 21 speech on Internet freedom to support the development of technology aimed at censorship circumvention.

Finally, the resolution highlights violations of a free press in China, such as the ongoing jamming of Radio Free Asia, Voice of America, and other international broadcasters, despite the unimpeded broadcast in the United States of Chinese state-run media outlets. We allow China to broadcast to the CCTV and the Radio China outlets into the United States completely unfettered. Yet they jam all of our broadcasts by Voice of America and Radio Free Asia into their country. This is not fair, this is not reciprocity, and it is not becoming of a nation that hopes to become one of the great nations of the world.

It pays tribute to the professional and citizen journalists who persevere in their dedication to report in China despite the extremely high rate of imprisonment among journalists.

The freedoms highlighted in this resolution are not just an inherent good, they are also a practical benefit. As Secretary Clinton recently said:

... countries that restrict free access to information or violate the basic rights of Internet users risk walling themselves off from progress.

I am grateful for the widespread support and passage of S. Res. 405, and I thank the other cosponsors for their leadership. The United States must not sit back as voices in China, Iran, and around the world are silenced. It is my hope this resolution will help to promote an environment of expanded freedoms, especially when it comes to the Internet and the press.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The VICE PRESIDENT. Without objection, it is so ordered.

CERTIFICATE OF ELECTION

The VICE PRESIDENT. The Chair lays before the Senate the certificate of election to fill the unexpired term created by the death of the late Senator Edward M. Kennedy of the Commonwealth of Massachusetts. The certificate, the Chair is advised, is in the form suggested by the Senate. If there is no objection, the reading of the certificate will be waived and will be printed in full in the RECORD.

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

THE COMMONWEALTH OF MASSACHUSETTS

CERTIFICATE OF APPOINTMENT

To the President of the Senate of the United States:

This is to certify that on the nineteenth day of January, two thousand and ten Scott P. Brown was duly chosen by the qualified electors of the Commonwealth of Massachusetts a Senator for the unexpired term ending at noon on the third day of January, two thousand and thirteen, to fill the vacancy in the representation from said Commonwealth in the Senate of the United States caused by the death of Senator Edward M. Kennedy.

Witness: His Excellency, the Governor, Deval L. Patrick, and our seal hereto affixed at Boston, this fourth day of February in the year of our Lord two thousand and ten.

DEVAL L. PATRICK,
*By His Excellency,
Governor.*

WILLIAM FRANCIS GALVIN,
Secretary of the Commonwealth.

[State Seal Affixed]

ADMINISTRATION OF OATH OF OFFICE

The VICE PRESIDENT. If the Senator-elect will now present himself at the desk, the Chair will administer the oath of office.

The Senator-elect, escorted by Mr. KERRY and Mr. KIRK, respectively, advanced to the desk of the Vice President; the oath prescribed by law was administered to him by the Vice President; and he subscribed to the oath in the Official Oath Book.

The VICE PRESIDENT. Congratulations, Senator.

(Applause, Senators rising.)

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

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

FINANCIAL AND ECONOMIC REFORM

Mr. KAUFMAN. Mr. President, since the financial meltdown in 2008, America and Congress have remained stuck at a crossroads. Not since the Great Depression of the 1930s have we experienced a financial and economic crisis of such magnitude that it forces us as a society and lawmaking body to re-

consider the legal and institutional underpinnings of our financial system.

The history of our Nation shows we have been at this crossroads before. At times, we have made the right decision, but, sadly, at other times we have made the wrong one.

Throughout the 19th century and the early part of the 20th century, the complacency of government and the contrivances of powerful, moneyed interests prevented us from achieving fundamental reform of our financial and monetary structures. The result was, our history was replete with all-too-frequent banking panics.

Regrettably, it took well over a century before we heeded the clarion call for reform.

The shared experience of the Great Depression thrust us into the harsh reality that the status quo was bankrupt. Out of the ashes of that crisis, we built a legal and regulatory edifice that has endured for decades.

One of the cornerstones of that edifice was a federally guaranteed insurance fund to back up bank deposits. Another was the Glass-Steagall Act which established a firewall between commercial and investment banking activities. Other rules were imposed on investors to tamp down rampant speculation, such as margin requirements and the uptick rule on short selling.

For the next 50 years, the United States experienced relative financial calm and economic growth, with the normal business cycle providing the usual ups and downs, of course.

The edifices built in the 1930s served us well until the 1980s and the savings and loan crisis, which itself was brought on by the rollback of rules that applied to thrifts.

Unfortunately, the passage of time, and even after the shock of the S&L failures, the ideology of market fundamentalism began to sweep across our regulatory environment, erasing the clear lessons of history.

Those market fundamentalists argued that our financial actors could police themselves, that their own self-interest in remaining financially viable would create sufficient incentive to do thorough due diligence, far exceeding the ability of regulators to limit excessive risk by rulemaking.

Systematically, these fundamentalists worked to dismantle many of the prudential New Deal-era banking reforms. Their crowning achievement: the repeal of Glass-Steagall in 1999.

Wall Street and Washington were possessed by this laissez faire ethos over the past 20 years. But it was this philosophy and the fountainhead of decisions that sprang from it that led us blithely, and perhaps blindly, down the path to our current crisis.

Even Alan Greenspan, the avatar of the deregulatory mindset, has now admitted this dominant concept of self-regulation was ill-conceived.

In a speech just 1 year ago this month before the Economic Club in New York, the former Fed Chairman of

19 years conceded that the "enlightened self-interest" he had once assumed would ensure that Wall Street firms maintain a "buffer against insolvency" had failed.

The sheer complexity of today's trading instruments and the supposed risk management tools used to ensure them against collapse was, he said, "too much for even the most sophisticated market players to handle properly and prudently."

Mr. Greenspan, perhaps more than anyone else, should have known better. But instead of playing the role of the markets' fire chief, he played that of head cheerleader. For example, Mr. Greenspan applauded the trend of financial disintermediation, proclaiming that new innovations would allow risks to be dispersed throughout the system.

Unfortunately, he failed to realize that products such as credit default swaps sometimes perversely encouraged banks to become empty creditors, since banks holding these default instruments could end up making more money if people and companies defaulted on their debts than if they actually paid them.

Of course, this was just the tip of the iceberg. Despite having the power to write and enforce consumer protection standards, the Federal Reserve did nothing to combat deteriorating origination standards in mortgage and consumer loans.

Mr. Greenspan signed off on regulations that gave banks the ability to set their own capital standards. He allowed banking institutions to leverage excessively by gorging on short-term liabilities and, in some cases, creating off-balance-sheet entities to warehouse their risky assets.

In the wake of Wall Street excess and dereliction of duty by its regulators, financial ruin descended upon our country. Ultimately, it took extraordinary actions—including a multibillion-dollar taxpayer bailout—to prevent us from falling into the abyss of a second Great Depression. We narrowly avoided that fate.

But now, when Congress should be hardest at work rebuilding the edifice that served us so well for decades, we are not. Instead, we are being lulled into a false sense of security.

Many of Wall Street's biggest financial institutions, just a few months ago saved from oblivion by U.S. taxpayers, have already recovered. In some cases, they are even making record profits. Once again, they are back to their old tricks, in particular remaining obsessively fixated on short-term trading profits, with the help of zero percent loans from the Fed window, to drive their recovery.

In fact, much of the competition was killed off in the crisis so that once stronger banks are now stronger still, allowing them to charge customers higher transaction fees, from equities to bonds to derivatives.

Many on Wall Street are engaged in high-frequency trading strategies

which, as the Chicago Federal Reserve branch wrote just this week, pose a systemic risk.

Fair and transparent markets are a cornerstone of American democracy. But institutions on Wall Street are riven by obvious conflicts of interest, as banks and nonbanks continue to profit, even by taking positions directly adverse to those of their clients, and too big to fail remains a critical problem.

Many on Wall Street are telling us it is too late to unscramble the egg, that we cannot separate banking and trading entities that over the past 10 years have become inextricably intertwined. But the Nation is counting on the Congress to do what is right. We must restore and preserve the credibility of our financial markets. We simply cannot fail to undertake what should be a dramatic reformation of our financial regulatory system.

Especially as a depression—which is how today's economy feels to millions of Americans who lost their jobs, their homes, their retirement savings—continues across this country, we simply cannot squander the time for fundamental reform. We can never let a financial disaster happen again.

So what must we do? Mr. Greenspan has called for heightened Federal regulation of banks and other financial institutions. But that is not at all sufficient.

That is why I was deeply gratified last month when the Obama administration took an important step in pushing Congress in a stronger direction. The President put forward a plan that has been suggested by Mr. Greenspan's predecessor at the Fed, Paul Volcker. It went well beyond Mr. Greenspan's call for mere heightened regulation.

Chairman Volcker's plan would ban commercial banks from engaging in proprietary trading that does not benefit their clients. In other words, as Mr. Volcker explained, banks should stick to banking, providing both credit to those who need it and an efficient global payment system, without which, of course, our worldwide economy cannot work.

It is axiomatic to say banks should exist to serve their customers, not as platforms on which an elite class of traders make their careers and their mind-boggling bonuses.

Sound advice, Mr. Chairman.

Remarkably, some on Wall Street and in Washington have been arguing that proprietary trading did not cause the crisis, even though the crisis began on Wall Street with the collapse of a Bear Stearns hedge fund, even though all of the major firms involved in the crisis built up major proprietary positions in collateralized debt obligations and other securities.

As Professor Roy Smith of New York University, a former Goldman Sachs partner, said:

Those weren't client-driven trades. They decided to take them themselves. The idea

that proprietary trades were a trivial part of the losses at the banks is just not realistic.

This is from a New York University professor and former Goldman Sachs partner.

These same critics are now looking to poke holes in the Volcker proposal—to put it to death by a thousand cuts. They state that proprietary trading can't be distinguished from normal market-making activities. They add that customer money is oftentimes invested alongside some of the firm's capital in proprietary ventures. Before it is even considered in Congress, they found facile arguments to undermine the very spirit of the proposal. These critics would leave the decisionmaking to the regulators, and I could not disagree more. We should not leave the decisionmaking to the regulators.

So while I applaud Chairman Volcker's direction, I believe we need to go even further. We cannot pass the buck to our regulatory agencies. We have tried that before. They punted their responsibilities to the credit rating agencies and to the banks themselves, and we were left with disastrous consequences.

As a recent feature in the Economist stated, the big issue we face is "not how to make regulation cleverer, but how to protect taxpayers from a huge bill when all the precautions fail and a bank steps into the void."

Congress needs to draw hard lines that get directly at the structural problems that afflict Wall Street and our largest banks. We must draw lines that divide financial institutions which are "too big to fail." And we must draw lines that end the conflicts of interest that literally and inevitably serve to corrupt some of our most important financial institutions.

I have been around the Senate for 37 years, and I know laws are usually not written with hard-and-fast lines. Laws are a product of legislative compromise, which often means they are vague and ambiguous, and we often justify our vagueness by saying that the regulators to whom we grant statutory authority are in a better position to write the rules and then to apply those regulatory rules on a case-by-case basis. Many times, they are right, but this is not one of those times.

If Congress fails to draw hard lines that deliver on real systemic reforms, regulators cannot be counted upon to do what is needed. We need brick and mortar, not human judgment, to cleave the banks from investment banking again. We need stone walls, not regulatory oversight, to prevent institutional conflict of interests that inevitably bring financial disaster to millions of Americans. We must create a system, as the saying goes, of laws and not of men. While Congress is by nature a compromiser, we must do better than our usual legislative ambiguity. We must provide those agencies—the Fed, the SEC, the FDIC, the OCC, the CFTC, and others—the statutory clarity and the bright lines they need to enforce the law.

That is why Congress needs a bold and clear plan that ends taxpayer bailouts for Wall Street and eliminates the problem of too big to fail. In my view, the core part of that plan must include three critical features:

First, we must reimpose the kinds of protections we had under Glass-Steagall, completely separating traditional commercial banking activities from the activities of investment banks.

Second, we must impose size and leverage constraints on the nonbank players to ensure they never again—never again—become too big to fail.

Third, we must address the fundamental conflict of interest in modern investment banking that permits proprietary trading to come before serving customers.

I was proud to join Senators CANTWELL and MCCAIN in sponsoring a bill that would reimpose Glass-Steagall. By statutorily splitting apart massive financial institutions that house both banking and securities operations, we will go a long way toward fixing too big to fail.

As important as reimposing the protections of Glass-Steagall, we must also understand that the financial world has changed enormously since it was last in place. An investment bank is no longer an advisory business where small partnerships jealously guard their capital. Instead, it is dominated by highly leveraged behemoths that trade for their own account. So while Glass-Steagall firewalls protect federally insured deposits and eliminate the conflicts in combining commercial and investment banking, it wouldn't eliminate the possibility of a large, leveraged, and interconnected firm such as Lehman Brothers from creating havoc in the financial system.

For that reason, Congress must take other prudent steps. We can begin with the other concept put forward by the Obama-Volcker proposal—placing limits on debt. Wall Street banks were able to fly too high on borrowed wings by leveraging their threadbare capital base well over 30 times—30 times—allowing a firm such as Lehman Brothers to finance a trillion-dollar balance sheet of illiquid trading assets through short-term debt. I repeat, we cannot depend upon regulators and their discretionary judgments to ensure this does not happen again. Instead, we need a strict limit on the size of investment banks' liabilities. There is already such a limit in place for bank deposits. No individual bank can hold more than 10 percent of the size of the total national deposits. That deposit limit can be applied to nonbank liabilities such that no investment bank can have liabilities equal to more than 10 percent of total deposits. With this limit, we can ensure that never again will the so-called shadow banking system eclipse the real banking system.

Two other problems in the current crisis were the questionable quality of bank capital and the arbitrary nature

of regulators' risk-based capital assessments. Lehman Brothers, in fact, had more than double its required capital only days before it failed, in part due to a loosening of the definition of capital and in part due to unrealistic valuations of how risky Lehman's assets actually were.

We can eliminate those problems with a simple statutory leverage requirement that is based upon banks' core capital; that is to say, their common stock plus retained earnings. Such a requirement would supplement regulators' more highly calibrated risk-based assessments. In short, it would provide a sorely needed gut check that ensures regulators don't miss the forest for the trees when assessing the capital adequacy of a financial institution.

Finally, as many of my colleagues know, I have focused a lot on the problems associated with conflicts of interest, including those at banking institutions. One of the key problems is that proprietary trading poses an inherent conflict of interest. Instead of seeking the best prices for their clients' orders, brokers can trade against or even in front of them—a potential profit motive that could disadvantage their customer and put them at a conflict of interest with their customer.

Given that, we need to think critically about how we can address the conflicts inherent in the modern investment banking model that place the traditional businesses of merger advice and securities underwriting under the same roof with proprietary trading, hedge funds, and private equity investments. For example, under this business model, it has become commonplace for a firm to underwrite securities and then short them—or sell them—within a week to protect themselves. This and other problematic practices need to be restricted. Chairman Volcker is absolutely right that proprietary businesses are not appropriate for commercial banks.

More to the point, it is becoming clear that we need stronger protections against conflicts of interest at investment banks, which play a critical role in providing clients with advice on mergers, equity offerings, and debt offerings, as well as in providing liquidity and making markets in securities.

Of course, there are some who will claim that all these remedies are too prescriptive; that they constitute too much regulation. It is too late to unscramble the eggs, they say, so let's move on, or let's leave it to the regulators to develop appropriate rules and remain flexible. That is the road to another financial disaster.

If Congress fails to impose the needed structural and institutional change, the same systemic risks to our financial system remain; indeed, they will get worse with each financial crisis because the Federal safety net gets bigger and bigger. And when the next crisis occurs—and it will—the legislative pendulum will suddenly shift direction

and it will fall hard on Wall Street, very hard, if we and Wall Street do not act together in a realistic and constructive spirit first.

Frankly, I am always astounded that I continue to hear those arguments about overregulation when, in fact, we have had precious little regulation, particularly since Glass-Steagall was eliminated a decade ago.

Risk taking is a fundamental part of finance. Without risks, markets just do not work. But the balancing act between safety on one side and growth and innovation on the other cannot tilt too far in the wrong direction. If we don't act, as sure as I am standing here, the short-term trading profits on Wall Street today threaten to become the losses borne by the rest of America down the road.

As Chairman Volcker said at the Banking Committee hearing this week, if we do not heed his warning, the next disaster may not take place in his lifetime, but it will come, and his soul will come back to haunt us all. The American people already know this basic truth, even if Wall Street does not. They may not understand the complexities of the banking system, and, indeed, only a handful of math Ph.D.s can follow the complex algorithms that help create much of today's exorbitant trading profits. But people do know banks are not designed to be trading machines. They know banks should make their money taking deposits and lending money, which in turn provides capital for growth, creates jobs, and provides opportunities for more jobs and more growth. You can call it populism, but you can also call it good-old common sense, borne once again in the lessons of hard economic times brought about by Wall Street excesses. That common sense needs to be returned to our national financial system. We must shrink bankers' outside sense of entitlement and return to a more realistic vision of their role in society. Bankers are not traders, nor should they be. Bankers should be too safe to fail, not so large that we cannot permit their failure.

We must structurally reform the conflicts of interest that threaten to erupt again in crisis and great financial loss. We must build again the edifices that will keep the American economy safe from financial crisis for decades to come. We must do it now. Americans deserve no less.

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

The PRESIDING OFFICER (Mr. BURRIS). The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

EARNED-INCOME TAX CREDIT

Mr. BROWN of Ohio. Mr. President, a week or so ago we marked Earned-In-

come Tax Credit Awareness Day, a day to highlight a vital tool for Americans working their way out of poverty. These are challenging economic times. The costs of food, housing, transportation and, basic necessities increase while wages stagnate. We know for the last 10 years, even before this recession, even in times of relative prosperity where profits were up and there was growth in the economy, most people's wages were flat even though costs went up. Tuition especially, energy costs, health care costs have meant difficult times for a decade; obviously more acutely difficult now. That is one of the reasons the earned-income tax credit, one of the most important tax cuts for our Nation, is so important.

The EITC is designed to fill that gap that so many working families suffer from. It provides millions of Americans, including hundreds of thousands of Ohioans, from Bellaire to Van Wert, from Ashtabula to Middletown—provides hundreds of thousands of Ohioans earning low to moderate wages, a potentially lifesaving tax credit. If you work and you play by the rules but you earn low wages, the earned-income tax credit can provide for your children, help you build economic security, help you extend your reach for the American dream.

According to a recent study, the earned-income tax credit has lifted more children above the poverty line than any government program. The earned-income tax credit, again, is available for people who have jobs and get a tax credit as a result of that job. In 2005, more than 22 million U.S. households applied for the earned-income tax credit. They received on average \$1,800 a household. An estimated 2.6 million children were lifted above the poverty line because of the earned-income tax credit.

This is no handout. This is earned. It is the earned-income tax credit because people in lower wage jobs are working hard and playing by the rules and doing the right thing. The American Recovery and Reinvestment Act has increased the earned-income tax credit refund, expanding it to help thousands more Ohioans. Approximately 875,000 Ohio families qualify for the earned-income tax credit, but as much as 20 percent do not take advantage of it. They do not know about it or they do not know how to apply for it. That is 175,000 working families from Chillicothe to Dayton, from Maumee to Bryan; 175,000 working families in my State have earned the earned-income tax credit but they are not receiving it.

There are millions of dollars on the table, if you will, millions of dollars in tax credits for Ohio's working families. These are the criteria: If you earned less than \$48,000 last year, depending on the size of your family, you could be eligible to receive an earned-income tax credit of up to about \$5,000. Even if your income is lower than the threshold for filing taxes, file them anyway to obtain the earned-income tax credit.

That is all you have to do. You earned it, you absolutely earned it, just ask for it.

I encourage people who are not sure to call my office or call the offices of your Senators or your Congress men and women around the country.

The Presiding Officer from Illinois has been very active in this, and his office is available also to make sure in his State that these families who work hard, play by the rules—maybe they are making \$20,000 \$30,000, \$40,000 a year; they are struggling—can get several thousand dollars tax credit, money in their pocket as they work to pursue the American dream.

We have seen what the earned-income tax credit can do for working families. In Hamilton County, southwest Ohio, the Cincinnati area, a woman and her three children became homeless after she lost her job. But because of her work, the wages she earned, she qualified for the earned-income tax credit. Every dime of her \$2,000 earned-income tax credit went back into her pocket to help her overcome the daunting economic challenges she faced—\$2,000 which went, for somebody at that income level, so very far.

An elderly couple was grateful they qualified for the earned-income tax credit. They used the \$3,700 to cover a tragic occurrence, a grandchild's funeral expenses, expenses otherwise beyond their reach.

There are hundreds of thousands of stories like this across Ohio and across our Nation. I encourage Ohioans in Ashtabula and Bellaire and Zainsville and Springfield and Xenia who may be eligible for the earned-income tax credit to visit the IRS tax site at www.irs.gov or call 1-800-906-9887 and find a local Volunteer Income Tax Assistance Center. Remember, if you think you might be eligible for the earned-income tax credit, it is a tax credit that, if you are working and you are working hard and playing by the rules and you are not making a lot of money—not just minimum wage, but if you are not making more than \$30,000 or \$40,000 a year, even up to \$48,000 year—you should call that number or visit the Web site, irs.gov. The Volunteer Income Tax Assistance Center, or VITA, is a vital and free resource for working families where accountants and tax experts volunteer their time to help you file your taxes so you can receive the EITC.

In Lorain, OH, in my home county, where President Obama visited just 10 days ago, in a program which we began when I was a Member of Congress, a couple visited a free tax preparation center after trying to do their taxes on their own. They found help; they qualified for the EITC. They received a refund of \$5,000, which helped replace the roof of their house which required replacement.

To receive EITC, all you have to do is file your taxes. That is it. You earned it, just ask for it. Spread the word, Mr.

President, and all of my colleagues and anyone listening—spread the word about the earned-income tax credit. It is a bridge out of poverty that serves millions of families across Ohio and across the Nation. Remember, you earned it.

HEROIC ACTIONS OF NEVADA'S FEDERAL AGENTS

Mr. REID. Mr. President, I rise today with a heavy heart to pay tribute to the heroic actions of eight Federal agents at the Lloyd D. George Federal District Courthouse in Las Vegas, NV.

On January 4, 2010, an armed man entered the Lloyd D. George Federal District Courthouse and opened fire at the Federal agents securing entrance to the building. The Federal agents fought to ensure the safety of the employees, occupants, and visitors of the courthouse. On that day, Stanley Cooper gave the ultimate sacrifice.

Stanley Cooper, 72, was a Court Security Officer at the courthouse. Stanley was born in Tulsa, OK, where he began his career in public service in 1960. After four years, Stanley moved to Las Vegas, NV, to serve in the Las Vegas Metropolitan Police Department. Stanley retired as a sergeant after 26 years with the LVMPD. Soon after, he began work as a court security officer with the U.S. Marshals Service. He was a quiet man whose passion and dedication for serving the people of his community was only surmounted by his love for his family. Stanley Cooper died valiantly in the line of duty to protect the lives of those around him. I offer my most heartfelt condolences to the families, friends, and loved ones of Stanley Cooper.

Alongside Stanley Cooper were Deputy U.S. Marshal Richard Gardner, U.S. Marshal Dave Del Berti, Court Security Officer Jack Eklund, Court Security Officer Arthur Gennaro, Court Security Officer Michael Gerrity III, Court Security Officer William Sherman, and Detention Officer Justin Cord. Richard Gardner, 48, was treated and released for injuries he sustained during the shooting. Richard serves as Deputy U.S. Marshal at the Lloyd D. George Federal District Courthouse. These eight brave men pursued the gunman as he fled across the street to the Historic Fifth Street School, where he was later subdued.

Law enforcement personnel put their lives at risk every day to protect our communities, and we should all be grateful for their sacrifices. On the morning of January 4, these eight men showed the bravery, sense of duty, and valor of true heroes. Selflessly, they put themselves in harm's way to subdue the gunman, preventing harm to innocent bystanders.

I am humbled today to honor these eight men for their extraordinary bravery, dedicated service to the citizens of the great State of Nevada, and the heroic measures they took to save the lives of others. My thoughts and pray-

ers are with those affected by this tragedy. As we grieve, may all of us find strength in the courage and compassion shown by the federal agents during this tremendously difficult time.

Mr. ENSIGN. Mr. President, I am honored to rise today to pay tribute to the brave men who literally fought off evil on January 4, 2010, at the Lloyd D. George Federal Building in Las Vegas, NV. On that tragic day, an armed assailant entered the lobby of the courthouse with clear objectives, to kill as many innocent people as he possibly could. Court Security Officer Stanley Cooper went to work that day with the same vision and determination he had every day; that was to keep the employees and visitors to the Federal building safe as they went about their lives. Tragically, Stan was fatally wounded by the gunman as he faithfully stood his watch at the security check point that morning.

Stanley Cooper was a quiet and gentle man who dedicated his life to the service and protection of others. He retired after 26 years as an officer with the Las Vegas Metropolitan Police Department and then chose a life of service again as a court security officer. Stan will always be remembered as a hero, not only because he gave his life in that one terrible moment on January 4 but also because he gave his life every day in the selfless act of serving others.

The other court security officers on duty that day, along with members of the U.S. Marshals Service and a detention officer, acted swiftly and bravely to subdue the gunman and protect the countless innocent lives that were in harm's way. Deputy U.S. Marshal Richard J. "Joe" Gardner was wounded in the ensuing battle as he and the other officers valiantly fought off the deadly attack.

It is with utmost gratitude that I take a moment to remember and commend the life of a true hero, Officer Stanley Cooper, and to thank Deputy U.S. Marshal Joe Gardner, the court security officers, the U.S. deputy marshals, the Las Vegas Metropolitan Police Department officers, and all law enforcement officers who responded to the heinous assault at the Lloyd D. George Federal Building on January 4, 2010, for their brave and courageous actions. Stan and the other officers answered the call of duty that day without concern for themselves or their own safety. Their sacrifice and courage will not be forgotten.

May God grant Stan's beloved family and friends peace and comfort in this time of loss, and may He continue to protect all the men and women in law enforcement who selflessly serve and protect others.

REMEMBERING ROGELIO DARIAS

Mr. REID. Mr. President, I rise today to mourn the passing of one of Nevada's finest entertainers, Rogelio Darias. Known in Las Vegas and

throughout the world as simply the "The Bongo King," Rogelio brought smiles to all those within earshot with his rhythmic talents. Mr. Darias passed away on January 20, 2010, at the age of 93.

Born in Santa Clara, Cuba, Rogelio first began his storied career as a percussionist in a band with his siblings, Pedro and Diego, at the tender age of eight. Their musical group, known as the "Hermanos Darias" quickly garnered the attention of music producers throughout Cuba, and it was not long before young Rogelio was swept away to the big city of Havana, where he pursued further his musical career. He soon began working with Havana's most well-known musicians, such as Maestro Ernesto Lecuona and Chiquito Orefiche, and performing both on the radio station Cadena Azul Chain and at the National Theater.

Rogelio's mastery of the his craft became world famous, and before long he was traveling to Europe, Asia, and Africa, spreading his "bongo gospel" to people of all races, nationalities, and creeds. Notwithstanding his world-wide fame, Mr. Darias continually sought to better himself as a musician. He spent several months living in the Africa's Belgian Congo, where he studied the authentic African rhythms created by the local indigenous population. Years later he also worked alongside Polynesian musicians in Hawaii, as well as Japanese musicians in Tokyo. His love of any and all music, and insatiable appetite for knowledge undoubtedly contributed to Mr. Darias' seemingly endless musical talents and knowledge.

By the 1960s, the Bongo King had arrived in Las Vegas, one of the world's foremost performing arts centers. During his time in Las Vegas, Rogelio established himself as one of the most sought-after musical collaborators in the industry. His incredible beats were in high demand by stars such as Liberace and Charo, with both of whom he toured. Hollywood also came calling, and as a result Rogelio performed for both Johnny Carson and Merv Griffin and their respective hit shows.

In spite of his worldwide fame and incredible accomplishments, Rogelio Darias remained a loyal friend and family member to those who knew him best. His passing has come as a great tragedy to all those people who depended on him for a laugh and a smile. Las Vegas lost a monumental entertainer in the passing of Rogelio Darias. The Bongo King will be deeply missed by all of Las Vegas, and countless music-lovers throughout the world.

BUDGET DEFICITS

Mr. KYL. Mr. President, I recommend to my colleagues a Robert Robb column, published in the Arizona Republic, February 3, 2010.

In it, Robb points to the massive deficits in President Obama's budget and argues that the administration has no grounds on which to pass the blame.

He explains that the deficits President Obama recommends from 2011 on are entirely his own, driven by vast new spending, and that they are far higher than historical deficits.

Robb writes that, even though President Obama's budget projects that the recession will be over by 2011, he proposes that Federal spending continue at nearly 24 percent of gross domestic product through 2020, far beyond the historical average of around 20.5 percent.

He also points out an enormous increase in the debt as a share of GDP:

After the World War II debt was reduced, accumulated federal debt never exceeded 50 percent of GDP until 2009, when it reached 53 percent. Under Obama's recommendations it would grow to 77 percent by 2020.

Robb recommends returning spending to its historical average as a means of getting the deficit under control.

I ask unanimous consent to have this article be printed in the RECORD and urge my colleagues to consider the facts and arguments contained in it.

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

[From the Arizona Republic, Feb. 3, 2010]

OBAMA DEFICITS NOT BUSH'S FAULT

(By Robert Robb, Columnist)

The Obama administration undoubtedly wants the budget message to be all the good things it wants to do for the American people, except those who make the mistake of earning too much money.

There's a second stimulus, rechristened a jobs program. Health care reform, repositioned as an attack on the insurance industry's dirty deeds. New middle-class tax breaks. More spending on education. Lots more spending on infrastructure and clean energy.

The budget is intended to position the Democratic Party as the friend of the middle-class. But the message is blotted out by all the red ink.

Obama likes to depict himself as a deficit victim. He inherited a huge deficit and a deep recession. Not his fault.

Certainly the Republicans during the Bush years were fiscally irresponsible. But within historical bounds. The deficits in Obama's budget are beyond historical bounds and are his alone.

Even with Bush's tax cuts, federal revenues in 2007 were at the average as a percentage of GDP, 18.5 percent, going back to 1960. The deficit was just 1.2 percent of GDP, historically on the low side. Accumulated federal debt was 36 percent of GDP.

Then the recession hit. From 2008 to 2009, federal spending increased 18 percent. This was a budget year that straddled the Bush and Obama presidencies. But the spending increase was driven by anti-recession measures, predominately the Bush stimulus and bailouts.

Obama supported these measures. In fact, his complaint about the Bush stimulus was that it was too small.

This raises a question of political ontology: If Obama agreed with Bush, is it still just Bush's fault?

The Bush tax cuts expire this year. Except for the legacy costs of the Iraq war, Obama is free to recommend changing anything Bush did. The deficits he recommends from 2011 on are purely his own.

And they are massive, and driven by spending.

Obama purposes that the federal government spend over 25 percent of GDP in 2011, compared to a historical average of around 20.5 percent. He justifies this as necessary to continue to fight the recession.

Obama, however, projects that the recession will be fully over in 2011 and robust growth under way. Yet he proposes that federal spending continue to be nearly 24 percent of GDP through 2020.

In other words, rather than wind down the additional recession spending after recovery, Obama is proposing that it simply become a new, higher base.

After the World War II debt was reduced, accumulated federal debt never exceeded 50 percent of GDP until 2009, when it reached 53 percent. Under Obama's recommendations it would grow to 77 percent by 2020.

If Obama were to recommend a path to return spending to its historical share of economic output, in 2020 the deficit would be just \$255 billion, about what the federal government spends each year on large capital projects, and just 1 percent of GDP. In other words, not a problem. And federal spending would have still increased by more than 4 percent a year since 2008.

Instead, Obama recommends a 2020 deficit of over \$1 trillion and a troubling 4.2 percent of GDP.

Rather than recommend deficit reducing measures himself, Obama wants to turn the job over to a bipartisan commission. Republicans suspect a rat, an attempt to get them to support even larger tax increases than Obama is already proposing.

They are right. Under Obama's budget, revenues are already projected to be 19.6 percent of GDP, much higher than the historical average. Yet he still proposes trillion dollar deficits.

The problem is spending. Obama wants to do too much of it.

FREE GUN LOCKS

Mr. LEVIN. Mr. President, I would like to take this opportunity to commend the Wayne County Sheriff's Office on its newly announced initiative to provide gun trigger locks free of charge to firearm owners in the Metro Detroit area. Partnering with local religious leaders and Project Child Safe, an organization that provides gun locks to law enforcement agencies, the Sheriff's Office seeks to reduce the number of firearm-related accidents that occur in the home.

Every year, far too many children get access to guns in homes across the United States, often with fatal consequences. According to the Centers for Disease Control, in 2006, 154 children and teens died as a result of unintentional shootings, and in 2008, 3,997 children and teens were injured by a firearm unintentionally. It is imperative that gun owners across the country safely store their weapons out of the reach of children to prevent these tragic accidents. Safe storage includes keeping guns unloaded, using trigger locks, storing guns in a locked, safe place away from children, and storing ammunition in a separate, locked place.

Providing gun owners with trigger locks and educating them on gun safety and storage has become even more important with the recent increase in

the number of gun owners, specifically the number of concealed weapon permit holders. According to Wayne County Sheriff Benny Napoleon, there are currently 41,687 concealed weapon permit holders in Wayne County. There were 13,843 permit applications in 2009, up from 9,300 in 2008, and so far in 2010, the Sheriff's Office has seen an average of 61 requests per day. In light of this dramatic increase, we must do everything we can to reduce the risk guns pose to children.

Commonsense gun safety legislation, such as mandatory child safety locks, could help reduce the number of tragic accidents that kill and injure young Americans. Again, I applaud the efforts of the Wayne County Sheriff's Office on their distribution of free gun trigger locks to gun owners in the Metro Detroit community.

REMEMBERING FREYA VON MOLTKE

Mr. LEAHY. Mr. President, I rise to speak in memory of Freya von Moltke, an extraordinary woman and long-time resident of Norwich, VT, who passed away this January 1 at the age of 98.

In 1929, at the age of 18, Freya met the young lawyer Helmuth von Moltke, and 2 years later she married him. Freya earned her own law degree in 1935 but never practiced; law had already begun to lose its meaning as Hitler and the Nazi party tightened their grip on power. It was for the same reason that Helmuth gave up his dreams of becoming a judge and of working closer to the family estate in Kreisau, in Silesia, now a part of Poland. Instead, he opened a small law office in Berlin, where he could remain independent of the regime without drawing attention to himself. He and Freya divided their time between the family estate and his apartment in Berlin.

In the last years before the war, they traveled to South Africa to visit Helmuth's mother's parents in South Africa. On those trips they spoke openly of what the Nazi regime was capable of, and were constantly urged not to return to Germany. But they felt responsible, for their broader family, the estate, and Germany's fate; they felt they had no choice but to return. Helmuth's work as an attorney came to an end at the outbreak of the war in 1939, when he was drafted into the German army's intelligence service. Freya settled into overseeing the farm in Kreisau in his absence, and the flood of letters between them began. Helmuth came home whenever he could. They welcomed their first son Helmuth Caspar, in 1937 and their second, Konrad, in 1941.

It was clear to the von Moltkes from the beginning that the Nazi regime was criminal, but moving from opposition to active resistance was a giant step. When Helmuth told Freya that he knew he had to do what he could to resist, she gave him her complete support. Slowly Helmuth gathered a loose

group of friends and friends of friends, people who could be trusted, people who represented almost every class and interest group outside the Nazi party. He spent his evenings in Berlin meeting with them in small groups, discussing what would eventually have to be done to undo the damage to Germany by the Nazis. Only on a few memorable occasions did they all dare to meet together; Freya and Helmuth invited the whole group to gather for seemingly innocent weekends in Kreisau. There they were able to hammer out together their plans for the longed-for day when the Nazi regime would finally fall—their plans for a new Germany, a democratic Germany embedded in a renewed and democratic Europe. Freya not only participated in the discussions; she also took care of everyone's room and board.

Early in 1944, Helmuth was imprisoned for warning an acquaintance of his imminent arrest. In July of that year, many of his friends participated in an attempt to assassinate Hitler. It failed, and many of them lost their lives immediately. In the aftermath, the Gestapo began to uncover the connections leading from one resistance group to another, including the one they called the "Kreisau Circle." Most of the surviving members of the group soon joined Helmuth in prison. Most were tried before the infamous People's Court, convicted, and sentenced to death. Helmuth himself was executed in January of 1945.

Between her trips to Berlin to make appeals for Helmuth's life, Freya took in a growing group of their friends' widows and children at Kreisau. In the face of the Soviet advance, she moved them all into nearby Czechoslovakia, only to find that it was safer to move them home again. Through the intervention of British friends, she and her children at last managed to leave Kreisau for Berlin, but they soon left Germany for South Africa, where Freya made her living as a social worker.

In 1956, unable to tolerate apartheid any longer, Freya returned to Germany. In Berlin she began her work to keep the memory of the German resistance to Hitler alive; she also began to transcribe Helmuth's letters, which, along with the minutes of the Kreisau Circle's meetings, she had hidden from the Gestapo in the beehives on the estate. She published Helmuth's final letters from prison very soon after the end of the war. In 1988, many of the thousands of letters he had written her between the summer of 1939 and his death appeared in English as "Letters to Freya."

It was in September of 1960 that Freya moved to Norwich, VT. She moved to Norwich to join her close friend—and her husband's—Eugen Rosenstock-Huussy, whose wife had died the year before. Freya lived with him until his death in 1973, and after his death she founded a nonprofit to keep his books in print; she was presi-

dent of that group until the 1990s, by which time they had over 60 titles in print. Freya served for years on the board of the Co-op supermarket in Hanover, NH, and with friends from the Co-op board she went on to found the Twin Pines Cooperative Housing Foundation, the first group to try to develop affordable housing in that part of Vermont and the first in the State to establish a tenant-owned housing cooperative.

At 75, after many years in Norwich, Freya became an American citizen and an active member of the League of Women Voters. At 93 she agreed to speak in Berlin on the 60th anniversary of the failed assassination attempt, but for many years she had spoken in Vermont high schools about what she and her husband and their friends had done and the need for courage in the face of injustice in any society. Students from one school she visited for years sent flowers to her funeral.

It is no simple feat for a foreigner to become accepted as a "natural" part of a small town in northern New England, but Freya did it. In 1985, the owner of Dan & Whit's general store in Norwich ran into her in the post office. He reacted to the flood of unfamiliar faces by telling her, "Let them come. We were here first." His gallant inclusion of her as a "native" after only 25 years in town moved Freya deeply. Her own hospitality is reflected in the sign she tacked to her unlocked kitchen door at the age of 90: "To Everybody! Please, walk in! Push hard. Find me upstairs if I don't respond."

Freya was firm in her belief that the territory Germany had lost, the land her family had lost, was the price Germany had to pay for the crimes of the Nazi regime. But she had hopes for what had been the family estate. In 1988, a group of young people in East Germany had the idea of making the former von Moltke estate a place where people from divided Europe could meet and get to know each other; they found friends in Poland, but also in West Germany, in Holland and the United States. Only a year later, a friend of their Polish friends became the prime minister of Poland and invited the chancellor of Germany to meet him for a mass of reconciliation in Kreisau. The two men agreed to fund the restoration of Kreisau, now called Kryzowa. The German chancellor had invited Freya to accompany him, but she said she would wait until the Poles invited her, which they soon did. In her final years, she lent her name and her blessing to a foundation to support the new Kreisau, which with support from the German and Polish governments has grown in 20 years from the dream of a few young people to an international meeting place that hosts about 100 events a year, attended by some 10,000 young people from all over Europe.

Freya von Moltke was an inspiration to all who knew her. She was a wonderful friend and neighbor, and she enriched the lives of countless citizens of

our State. She lived a long and fruitful life; she will be missed by admirers around the world, but most of all by the Vermonters who knew and loved her.

TRIBUTE TO MIKLOS HARASZTI

Mr. CARDIN. Mr. President, in my capacity as Chairman of the Commission on Security and Cooperation in Europe, I am pleased to commend Miklos Haraszti, the OSCE Representative on Freedom of the Media, for his years of dedicated service in the cause of advancing freedom of expression and media. An accomplished writer and journalist as well as a courageous human rights activist in his native Hungary for decades prior to the end of the Cold War, he was elected to parliament in the early 1990s. Since his appointment to his current position in 2004, Mr. Haraszti has been an outspoken champion for beleaguered journalists throughout the OSCE region.

Mr. Haraszti's periodic reports have proven invaluable in tracking trends regarding laws, policies and practices governing freedom of expression and media in the participating states. He has been vigilant in monitoring and reporting on issues arising from the adoption of "extremism" laws in a growing number of OSCE countries. The Representative on Freedom of the Media has likewise been a strong voice in calling for decriminalization of defamation and a critic of attempts by some regimes to restrict the Internet and new media technologies. Most importantly, he has responded to specific urgent situations and cases, including instances involving the harassment, physical attacks, and even murder of journalists. He has never shied away from naming names, he has never played favorites, and he has been a voice for those whom governments would like to silence.

Next month Mr. Haraszti will conclude his service as the OSCE Representative on Freedom of the Media. You can write a great mandate for a high-level official, but if you don't appoint the right person to the job, you won't get results. Mr. Haraszti has been the right person for the right job and we have been very fortunate that he has given 6 years to serve the greater good in the OSCE region.

The OSCE participating States will be hard pressed to find an individual to match his professionalism, passion, and integrity. I join my colleagues at the Helsinki Commission in expressing our deep appreciation to Miklos Haraszti, a tireless advocate for freedom of expression and media, for his service and we wish him the best in his future pursuits.

ADDITIONAL STATEMENTS

TRIBUTE TO CURTIS STEWART AND PEGGY CLAYTON CHAPMAN

• Mrs. LINCOLN. Mr. President, today I congratulate Curtis Stewart and

Peggy Clayton Chapman as the 2009 Man and Woman of the Year, as named by the Dumas Chamber of Commerce.

I was pleased to be on-hand as Curtis and Peggy were recognized last month during the Annual Dumas Chamber of Commerce Banquet. I have felt a long kinship to Dumas, and I am grateful for the friendships I have made there.

Dumas is a community with a great spirit of volunteerism and caring. Mr. President, we should all embrace the spirit of service and volunteerism on display by these deserving individuals. I send my heartfelt congratulations to both Curtis and Peggy.●

TRIBUTE TO THE JASON SMITH FAMILY

• Mrs. LINCOLN. Mr. President, today I congratulate the Jason Smith family for being named the Desha County Farm Family of the Year for 2009.

I have felt a long kinship with Desha County, and I am grateful for the friendships I have made there.

As a seventh-generation Arkansan and farmer's daughter and as chairman of the Senate Agriculture Committee, I understand firsthand and appreciate the hard work and contributions of our farm families. Agriculture is the backbone of Arkansas's economy, creating more than 270,000 jobs in the State and providing \$9.1 billion in wages and salaries. In total, agriculture contributes roughly \$15.9 billion to the Arkansas economy each year.

Our farm families are critical to our Nation's economic stability. We must work to continue the farm family tradition, so families such as the Smith family are able to maintain their livelihoods and continue to help provide the safe, abundant, and affordable food supply that feeds our own country and the world and that is essential to our own economic stability.

I salute the Smiths and all Arkansas farm families for their hard work and dedication.●

RECOGNIZING MONTICELLO'S EDUCATORS

• Mrs. LINCOLN. Mr. President, today I recognize Monticello's Educators of the Year: Dr. Juan Serna, assistant professor of physics at the University of Arkansas at Monticello; Cindy Flemister, a second grade teacher at Drew Central Elementary School; and Wanda Jackson, a third grade teacher at Monticello Elementary School.

These educators represent the best of our Arkansas educational system, and I am pleased to see them receive these recognitions.

The University of Arkansas at Monticello selected Dr. Juan Serna, an assistant professor of physics, as its educator teacher of the year. Serna, who is responsible for the pre-engineering program at UAM, completed his Ph.D. at the University of Arkansas in 2005. His research interests are in mathematical physics and quantum optics.

The Drew Central Educator of the Year is Cindy Flemister, a second grade teacher at Drew Central Elementary School. According to her coworkers, Cindy was chosen for her "extraordinary kindness, open-mindedness, tolerance, and patience as she works with students or visits with parents."

The Monticello School District's Educator of the Year is Wanda Jackson, a third grade teacher at Monticello Elementary School. According to her fellow teachers, Wanda believes that all students are capable of learning and achieving. They say her dedication to student success is evident from the moment you enter her classroom, where she provides lessons and activities tailored to meet the specific needs of her students.

As a mother of twin boys and as an aunt with many nieces and nephews, I know firsthand that no child is alike. They each have unique personality traits and different abilities. They also have their own learning habits and interests. I have heard from many Arkansas teachers, administrators, parents, and students who have expressed the same view.

There is no issue more intricately connected to the future prosperity of our Nation than the quality of our schools. I am proud to see our Arkansas educators, especially those in Monticello, offer every child the chance to achieve his or her full potential.●

RECOGNIZING HOT SPRINGS ARKANSAS

• Mrs. LINCOLN. Mr. President, today I wish to honor the town of Hot Springs in my home State of Arkansas. Hot Springs was recently voted the "Best Attraction in Arkansas" by the readers of Southern Living magazine, one of the largest lifestyle magazines in the country.

I have always felt a close connection to the community of Hot Springs. I have many fond memories of the trips to Hot Springs that my parents took me and my siblings on when we were young. Exploring the downtown shops, restaurants, and National Park bathhouses was always exciting. We also spent untold hours on the area lakes boating, swimming, and fishing. I am pleased that I am able to continue experiencing those wonderful memories with my own children, who I know will someday look back on their childhood days spent in Hot Springs, as I have, as some of the most happy times of their lives.

In 1832, Congress set aside the natural hot springs site as a Federal reservation, making Hot Springs National Park America's "first resort." Hot Springs provides opportunities for camping, fishing, hiking, and boating on its lakes and in its forests. Hot Springs is also known for its vibrant arts community, with a variety of art galleries and antique shops, along with the nationally recognized Hot Springs Documentary Film Festival and Hot

Spring Music Festival. Hot Springs is also home to Oaklawn Park, which offers thoroughbred racing each, spring and simulcast racing throughout the year.

I salute the residents of Hot Springs for their efforts to maintain the heritage, beauty, and history of their community. I join all Arkansans to express my pride in this jewel of Arkansas.●

RECOGNIZING MAINE MANUFACTURING LLC

● Ms. SNOWE. Mr. President, manufacturers across the country have been hit hard in this current downturn. In fact, the manufacturing sector has lost 2.1 million jobs since the beginning of the recession in December 2007—roughly 15 percent of its total employment. That is why it is heartening to see that a small manufacturing company in my home State of Maine is hiring new employees and seeking to grow its product line. Today I recognize this firm, Maine Manufacturing LLC in Sanford, for the tremendous work it is doing to hasten an economic recovery in the region by putting people back to work.

Maine Manufacturing, which specializes in the production of several disposable laboratory supplies like filters and centrifuge tubes frequently used in research and university labs as well as pharmaceutical and biotech companies, was founded in 2008 by Craig Cunningham, who formerly served as the director of engineering for Whatman Inc.'s Sanford plant. Whatman, a British laboratory equipment maker that is now part of GE Healthcare, announced in September 2008 that it would be shutting its Sanford plant over the course of the next year, leaving over 200 employees without work. Seeking to mitigate the negative effects in the local community, Mr. Cunningham and his colleague, William Emhiser, requested that GE Healthcare operate the plant until early 2010 and keep roughly 70 employees until that time, allowing Maine Manufacturing to fully take over the facility. GE Healthcare agreed, and on January 4, 2010 Maine Manufacturing took over six product lines from the company.

Mr. Cunningham's company started very small, with three full-time employees and four part-time workers just a year ago. To grow his business, Mr. Cunningham applied for and received a \$100,000 community development block grant, which provided working capital to the company and afforded his business the opportunity to purchase critical new equipment. The grant also allowed Maine Manufacturing to create 12 new jobs. To further increase its workforce, the company recently offered jobs to 66 employees who previously worked at GE Healthcare. While creating quality jobs for Mainers, Maine Manufacturing is simultaneously becoming a major supplier to GE Healthcare, producing filters and other parts the company uses

to manufacture larger products. Additionally, the company hopes to expand even more in the coming years to become a recognized leader in its industry.

Because the recession has hit small businesses the hardest, it is all the more impressive that Maine Manufacturing has made such tremendous strides in growing, expanding, and hiring over the past year. These firms employ just over half of all employees in the private sector, and Maine Manufacturing has provided them with a model for successful job growth in coming years, which will be essential to the revitalization of the American economy. I am grateful for the actions of Craig Cunningham and William Emhiser to create necessary jobs for Maine workers, and I look forward to hearing future good news about their impressive company.●

RECOGNIZING THE UNDERWATER OPERATIONS INDUSTRY

● Mr. VITTER. Mr. President, today I wish to honor the underwater operations industry, especially the Marine Technology Society and the Association of Diving Contractors International.

The Marine Technology Society was founded in 1963. Throughout its 40-plus years of existence, it has stayed true to its guiding purpose: "to promote awareness, understanding, advancement and application of marine technology." Founded in 1968 the Association of Diving Contractors played an essential role in creating the first safety standards for commercial divers. The association today has member companies hailing from 41 different nations all pledging to abide by the ADCI Consensus Standards for Commercial Diving Operations.

The commercial underwater industry encompasses the support of deep sea divers, ROV operators, technical support, retail dealers, the shipping industry, the energy industry, universities, research facilities, equipment manufacturers, families, and a support system that extends to all avenues of the labor market. This diverse community and unique segment of industry work tirelessly toward maintaining and supporting safe underwater operations throughout the world. The commercial underwater industry affects the development of dams, bridges, oil platforms, pipelines, underwater, geological research, outer space, and even the entertainment industry.

The industry is especially vital to Louisiana. From our seafood industry to one of the Nation's largest provider of offshore energy, our waterways and shorelines are of great importance to our economy. Underwater operations allow these industries to run smoothly.

Underwater operations conducted from the deepest seas to inland waterways throughout the world are a vital component in ongoing industrial development globally. It is important that

Federal and State government and citizens worldwide recognize the value of the underwater operations industry to the continued progress of humanity.

Thus, today, I am proud to applaud such an important industry, and thank them for their contributions to the State of Louisiana, our Nation, and the rest of the world.●

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

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

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

MESSAGES FROM THE HOUSE

At 12:03 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests a concurrence of the Senate:

H.R. 2843. An act to provide for the joint appointment of the Architect of the Capitol by the Speaker of the House of Representatives, the President pro tempore of the Senate, the majority and minority leaders of the House of Representatives and Senate, the chair and ranking minority member of the Committee on House Administration of the House of Representatives, the chair and ranking minority member of the Committee on Transportation and Infrastructure of the House of Representatives, the chair and ranking minority member of the Committee on Rules and Administration of the Senate, the chairs and ranking minority members of the Committees on Appropriations of the House of Representatives and Senate, and for other purposes.

H.R. 4495. An act to designate the facility of the United States Postal Service located at 100 North Taylor Lane in Patagonia, Arizona, as the "Jim Kolbe Post Office".

At 4:36 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House agrees to the amendment of the Senate to the joint resolution (H.J. Res. 45) increasing the statutory limit on the public debt.

ENROLLED BILL AND JOINT RESOLUTION SIGNED

At 5:36 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bill and joint resolution:

H.R. 730. An act to strengthen efforts in the Department of Homeland Security to develop nuclear forensics capabilities to permit attribution of the source of nuclear material, and for other purposes.

H.J. Res. 45. Joint resolution increasing the statutory limit on the public debt.

MEASURES REFERRED

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

H.R. 2843. An act to provide for the joint appointment of the Architect of the Capitol by the Speaker of the House of Representatives, the President pro tempore of the Senate, the majority and minority leaders of the House of Representatives and Senate, the chair and ranking minority member of the Committee on House Administration of the House of Representatives, the chair and ranking minority member of the Committee on Transportation and Infrastructure of the House of Representatives, the chair and ranking minority member of the Committee on Rules and Administration of the Senate, the chairs and ranking minority members of the Committees on Appropriations of the House of Representatives and Senate, and two other designated members of the Senate, and for other purposes; to the Committee on Rules and Administration.

H.R. 4495. An act to designate the facility of the United States Postal Service located at 100 North Taylor Lane in Patagonia, Arizona, as the "Jim Kolbe Post Office"; to the Committee on Homeland Security and Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ROCKEFELLER, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 850. A bill to amend the High Seas Driftnet Fishing Moratorium Protection Act and the Magnuson-Stevens Fishery Conservation and Management Act to improve the conservation of sharks (Rept. No. 111-124).

S. 952. A bill to develop and promote a comprehensive plan for a national strategy to address harmful algal blooms and hypoxia through baseline research, forecasting and monitoring, and mitigation and control while helping communities detect, control, and mitigate coastal and Great Lakes harmful algal blooms and hypoxia events (Rept. No. 111-125).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. DODD for the Committee on Banking, Housing, and Urban Affairs.

*Sharon Y. Bowen, of New York, to be a Director of the Securities Investor Protection Corporation for a term expiring December 31, 2012.

*Orlan Johnson, of Maryland, to be a Director of the Securities Investor Protection Corporation for a term expiring December 31, 2011.

*Douglas A. Criscitello, of Virginia, to be Chief Financial Officer, Department of Housing and Urban Development.

*Theodore W. Tozer, of Ohio, to be President, Government National Mortgage Association.

*David W. Mills, of Virginia, to be an Assistant Secretary of Commerce.

*Suresh Kumar, of New Jersey, to be Assistant Secretary of Commerce and Director General of the United States and Foreign Commercial Service.

*Kevin Wolf, of Virginia, to be an Assistant Secretary of Commerce.

By Mr. HARKIN for the Committee on Health, Education, Labor, and Pensions.

Kathleen S. Tighe, of Virginia, to be Inspector General, Department of Education.

*Irvin M. Mayfield, Jr., of Louisiana, to be a Member of the National Council on the Arts for a term expiring September 3, 2014.

*Cynthia L. Attwood, of Virginia, to be a Member of the Occupational Safety and Health Review Commission for a term expiring April 27, 2013.

*Craig Becker, of Illinois, to be a Member of the National Labor Relations Board for the term of five years expiring December 16, 2014.

By Mr. LEAHY for the Committee on the Judiciary.

Louis B. Butler, Jr., of Wisconsin, to be United States District Judge for the Western District of Wisconsin.

Edward Milton Chen, of California, to be United States District Judge for the Northern District of California.

Mary L. Smith, of Illinois, to be an Assistant Attorney General.

Christopher H. Schroeder, of North Carolina, to be an Assistant Attorney General.

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

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. KERRY (for himself, Mrs. BOXER, Ms. SNOWE, and Ms. COLLINS):

S. 2982. A bill to combat international violence against women and girls; to the Committee on Foreign Relations.

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

S. 2983. A bill to amend the Internal Revenue Code of 1986 to provide an exemption from employer social security taxes with respect to previously unemployed individuals, and to provide a credit for the retention of such individuals for at least 1 year; to the Committee on Finance.

By Ms. LANDRIEU (for herself and Mr. VITTER):

S. 2984. A bill to direct the Secretary of Health and Human Services to revise regulations implementing the statutory reporting and auditing requirements for the Medicaid disproportionate share hospital ("DSH") payment program to be consistent with the scope of the statutory provisions and avoid substantive changes to preexisting DSH policy; to the Committee on Finance.

By Mr. PRYOR:

S. 2985. A bill to amend the Internal Revenue Code of 1986 to establish a new Small Business Startup Savings Account; to the Committee on Finance.

By Ms. LANDRIEU:

S. 2986. A bill to authorize the Administrator of the Small Business Administration to waive interest for certain loans relating to damage caused by Hurricane Katrina, Hurricane Rita, Hurricane Gustav, or Hurricane Ike; to the Committee on Small Business and Entrepreneurship.

By Mr. ENSIGN:

S. 2987. A bill to amend title XVIII of the Social Security Act to extend the exceptions

process for one year with respect to the caps on payments for therapy services under the Medicare program; to the Committee on Finance.

By Mr. ENSIGN:

S. 2988. A bill to amend title XVIII of the Social Security Act to extend the exceptions process for two years with respect to caps on payments for therapy services under the Medicare program; to the Committee on Finance.

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

S. 2989. A bill to improve the Small Business Act, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Mr. DeMINT (for himself, Mr. GRAHAM, Mr. COBURN, Mr. MCCAIN, Mr. LEMIEUX, Mr. BURR, Mr. CRAPO, Mr. RISCH, Mr. CHAMBLISS, Mr. CORNYN, Mr. ENSIGN, Mr. JOHANNES, Mrs. McCASKILL, Mr. KYL, Mr. GRASSLEY, and Mr. SESSIONS):

S. 2990. A bill to establish an earmark moratorium for fiscal years 2010 and 2011; to the Committee on Rules and Administration.

By Mrs. McCASKILL (for herself and Ms. COLLINS):

S. 2991. A bill to amend title 31, United States Code, to enhance the oversight authorities of the Comptroller General, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

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

S. 2992. A bill to amend the Internal Revenue Code of 1986 to eliminate the drawback fee on the manufacture or production of certain distilled spirits used in nonbeverage products; to the Committee on Finance.

By Mr. SANDERS (for himself, Mr. WHITEHOUSE, Mr. CARDIN, Mrs. GILLIBRAND, Mr. MERKLEY, Mr. LAUTENBERG, Mr. LEAHY, Mrs. BOXER, Mr. MENENDEZ, and Mr. SPECTER):

S. 2993. A bill to increase the quantity of solar photovoltaic electricity by providing rebates for the purchase and installation of an additional 10,000,000 solar roofs and additional solar water heating systems with a cumulative capacity of 10,000,000 gallons by 2019; to the Committee on Energy and Natural Resources.

By Mrs. BOXER (for herself and Mr. WEBB):

S. 2994. A bill to amend the Internal Revenue Code of 1986 to impose an excise tax on excessive 2009 bonuses received from certain major recipients of Federal emergency economic assistance, to limit the deduction allowable for such bonuses, and for other purposes; to the Committee on Finance.

By Mr. CARPER (for himself, Mr. ALEXANDER, Ms. KLOBUCHAR, Ms. COLLINS, Mrs. FEINSTEIN, Mr. GREGG, Mrs. SHAHEEN, Mr. GRAHAM, Mr. KAUFMAN, Mr. SCHUMER, Mr. LIEBERMAN, and Ms. SNOWE):

S. 2995. A bill to amend the Clean Air Act to establish a national uniform multiple air pollutant regulatory program for the electric generating sector; to the Committee on Environment and Public Works.

By Ms. COLLINS (for herself, Mr. PRYOR, Mr. VOINOVICH, and Ms. LANDRIEU):

S. 2996. A bill to extend the chemical facility security program of the Department of Homeland Security, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. WICKER:

S. 2997. A bill to amend title XVIII of the Social Security Act to provide for the update under the Medicare physician fee schedule for years beginning with 2010 and to sunset the application of the sustainable growth

rate formula, and for other purposes; to the Committee on Finance.

By Mrs. GILLIBRAND (for herself and Mr. MENENDEZ):

S. 2998. A bill to temporarily expand the V nonimmigrant visa category to include Haitians whose petition for a family-sponsored immigrant visa was approved on or before January 12, 2010; to the Committee on the Judiciary.

By Mr. UDALL of Colorado:

S. 2999. A bill to provide consistent enforcement authority to the Bureau of Land Management, the National Park Service, the United States Fish and Wildlife Service, and the Forest Service to respond to violations of regulations regarding the management, use, and protection of public lands under the jurisdiction of these agencies, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. ROCKEFELLER (for himself, Mr. REID, Mr. KERRY, Mr. HARKIN, Mr. FRANKEN, Mr. BROWN, Mr. BEGICH, Mr. LEVIN, Mr. DURBIN, Mrs. GILLIBRAND, Mr. REED, Mr. DODD, Mr. WHITEHOUSE, Mr. LEAHY, Mr. KIRK, Ms. STABENOW, Mr. CASEY, Mr. AKAKA, Mr. BURRIS, Mrs. BOXER, Mr. SCHUMER, Mr. MENENDEZ, Mr. LAUTENBERG, Mr. JOHNSON, Ms. MIKULSKI, Mrs. MURRAY, Mr. KAUFMAN, Mr. WYDEN, Mr. BINGAMAN, Mr. SPECTER, Mr. CARDIN, Mr. MERKLEY, Ms. CANTWELL, and Mrs. SHAHEEN):

S. 3000. A bill to extend the increase in the FMAP provided in the American Recovery and Reinvestment Act of 2009 for an additional 6 months; to the Committee on Finance.

By Mr. WARNER:

S. 3001. A bill to require the Secretary of Commerce to establish a loan program to assist in the locating of information technology and manufacturing jobs in the United States, and for other purposes; to the Committee on Environment and Public Works.

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

S. 3002. A bill to amend the Federal Food, Drug, and Cosmetic Act to more effectively regulate dietary supplements that may pose safety risks unknown to consumers; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DODD:

S. 3003. A bill to enhance Federal efforts focused on public awareness and education about the risks and dangers associated with Shaken Baby Syndrome; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BROWN:

S. 3004. A bill to require notification to and prior approval by shareholders of certain political expenditures by publicly traded companies, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. REED:

S. 3005. A bill to create an independent research institute, to be known as the "National Institute of Finance", that will oversee the collection and standardization of data on financial entities and activities, and conduct monitoring and other research and analytical activities to support the work of the Federal financial regulatory agencies and the Congress; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. DEMINT (for himself, Mr. GRAHAM, Mr. COBURN, Mr. MCCAIN, Mr. LEMIEUX, Mr. BURR, Mr. CRAPO, Mr. RISCH, Mr. CHAMBLISS, Mr. CORNYN, Mr. ENSIGN, Mr. VITTER, Mr. KYL, Mr. INHOFE, and Mr. SESSIONS):

S.J. Res. 27. A joint resolution proposing a balanced budget amendment to the Constitution of the United States; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Ms. KLOBUCHAR:

S. Res. 407. A resolution congratulating the Concordia University-St. Paul volleyball team on winning their third consecutive NCAA Division II Women's Volleyball National Championship; to the Committee on the Judiciary.

By Ms. SNOWE (for herself, Mrs. MURRAY, Ms. MIKULSKI, and Mr. BINGAMAN):

S. Res. 408. A resolution designating February 3, 2010, as "National Women and Girls in Sports Day"; to the Committee on the Judiciary.

By Mr. FEINGOLD (for himself, Mr. COBURN, Mr. CARDIN, and Ms. COLLINS):

S. Res. 409. A resolution calling on members of the Parliament in Uganda to reject the proposed "Anti-Homosexuality Bill", and for other purposes; to the Committee on Foreign Relations.

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

S. Res. 410. A resolution supporting and recognizing the goals and ideals of "RV Centennial Celebration Month" to commemorate 100 years of enjoyment of recreation vehicles in the United States; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 144

At the request of Mr. KERRY, the names of the Senator from Virginia (Mr. WEBB) and the Senator from New York (Mrs. GILLIBRAND) were added as cosponsors of S. 144, a bill to amend the Internal Revenue Code of 1986 to remove cell phones from listed property under section 280F.

S. 332

At the request of Mrs. FEINSTEIN, the names of the Senator from Illinois (Mr. BURRIS) and the Senator from Colorado (Mr. BENNET) were added as cosponsors of S. 332, a bill to establish a comprehensive interagency response to reduce lung cancer mortality in a timely manner.

S. 405

At the request of Mr. LEAHY, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 405, a bill to amend the Internal Revenue Code of 1986 to provide that a deduction equal to fair market value shall be allowed for charitable contributions of literary, musical, artistic, or scholarly compositions created by the donor.

S. 448

At the request of Mr. SPECTER, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 448, a bill to maintain the free flow of information to the public by providing conditions for the federally compelled disclosure of information by certain persons connected with the news media.

S. 538

At the request of Mrs. LINCOLN, the name of the Senator from Minnesota

(Ms. KLOBUCHAR) was added as a cosponsor of S. 538, a bill to increase the recruitment and retention of school counselors, school social workers, and school psychologists by low-income local educational agencies.

S. 557

At the request of Mr. KOHL, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 557, a bill to encourage, enhance, and integrate Silver Alert plans throughout the United States, to authorize grants for the assistance of organizations to find missing adults, and for other purposes.

S. 570

At the request of Mr. VITTER, the names of the Senator from South Dakota (Mr. THUNE) and the Senator from Mississippi (Mr. WICKER) were added as cosponsors of S. 570, a bill to stimulate the economy and create jobs at no cost to the taxpayers, and without borrowing money from foreign governments for which our children and grandchildren will be responsible, and for other purposes.

S. 593

At the request of Mrs. FEINSTEIN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 593, a bill to ban the use of bisphenol A in food containers, and for other purposes.

S. 633

At the request of Mr. TESTER, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 633, a bill to establish a program for tribal colleges and universities within the Department of Health and Human Services and to amend the Native American Programs Act of 1974 to authorize the provision of grants and cooperative agreements to tribal colleges and universities, and for other purposes.

S. 727

At the request of Ms. LANDRIEU, the name of the Senator from Massachusetts (Mr. KIRK) was added as a cosponsor of S. 727, a bill to amend title 18, United States Code, to prohibit certain conduct relating to the use of horses for human consumption.

S. 841

At the request of Mr. KERRY, the names of the Senator from Colorado (Mr. BENNET) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of S. 841, a bill to direct the Secretary of Transportation to study and establish a motor vehicle safety standard that provides for a means of alerting blind and other pedestrians of motor vehicle operation.

S. 985

At the request of Mrs. LINCOLN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 985, a bill to establish and provide for the treatment of Individual Development Accounts, and for other purposes.

S. 1027

At the request of Mr. SPECTER, his name was added as a cosponsor of S.

1027, a bill to amend title VII of the Tariff Act of 1930 to clarify that fundamental exchange-rate misalignment by any foreign nation is actionable under United States countervailing and antidumping duty laws, and for other purposes.

S. 1066

At the request of Mr. SCHUMER, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1066, a bill to amend title XVIII of the Social Security Act to preserve access to ambulance services under the Medicare program.

S. 1173

At the request of Mr. FEINGOLD, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 1173, a bill to establish a demonstration project to train unemployed workers for employment as health care professionals, and for other purposes.

S. 1203

At the request of Mr. BAUCUS, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 1203, a bill to amend the Internal Revenue Code of 1986 to extend the research credit through 2010 and to increase and make permanent the alternative simplified research credit, and for other purposes.

S. 1319

At the request of Mr. COBURN, the name of the Senator from Tennessee (Mr. CORKER) was added as a cosponsor of S. 1319, a bill to require Congress to specify the source of authority under the United States Constitution for the enactment of laws, and for other purposes.

S. 1345

At the request of Mr. REED, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 1345, a bill to aid and support pediatric involvement in reading and education.

S. 1441

At the request of Mr. WYDEN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1441, a bill to amend title 38, United States Code, to grant family of members of the uniformed services temporary annual leave during the deployment of such members.

S. 1458

At the request of Ms. LANDRIEU, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1458, a bill to encourage the development and implementation of a comprehensive, global strategy for the preservation and reunification of families and the provision of permanent parental care for orphans.

S. 1553

At the request of Mr. GRASSLEY, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 1553, a bill to require the Secretary of the Treasury to mint coins in commemoration of the National Future Farmers of America Organization and

the 85th anniversary of the founding of the National Future Farmers of America Organization.

S. 1589

At the request of Ms. CANTWELL, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 1589, a bill to amend the Internal Revenue Code of 1986 to modify the incentives for the production of biodiesel.

S. 1859

At the request of Mr. ROCKEFELLER, the names of the Senator from Rhode Island (Mr. REED) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 1859, a bill to reinstate Federal matching of State spending of child support incentive payments.

S. 1939

At the request of Mrs. GILLIBRAND, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1939, a bill to amend title 38, United States Code, to clarify presumptions relating to the exposure of certain veterans who served in the vicinity of the Republic of Vietnam, and for other purposes.

S. 2736

At the request of Mr. FRANKEN, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 2736, a bill to reduce the rape kit backlog and for other purposes.

S. 2747

At the request of Mr. BINGAMAN, the name of the Senator from Colorado (Mr. BENNET) 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. 2750

At the request of Mr. SCHUMER, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 2750, a bill to amend the Public Health Service Act to authorize the Secretary of Health and Human Services to make grants to eligible States for the purpose of reducing the student-to-school nurse ratio in public secondary schools, elementary schools, and kindergarten.

S. 2772

At the request of Mr. WHITEHOUSE, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 2772, a bill to establish a criminal justice reinvestment grant program to help States and local jurisdictions reduce spending on corrections, control growth in the prison and jail populations, and increase public safety.

S. 2794

At the request of Mr. SCHUMER, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 2794, a bill to amend the Internal Revenue Code of 1986 to provide tax in-

centives for the donation of wild game meat.

S. 2870

At the request of Mr. INOUE, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 2870, a bill to establish uniform administrative and enforcement procedures and penalties for the enforcement of the High Seas Driftnet Fishing Moratorium Protection Act and similar statutes, and for other purposes.

S. 2909

At the request of Mr. SANDERS, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 2909, a bill to provide State programs to encourage employee ownership and participation in business decisionmaking throughout the United States, and for other purposes.

S. 2912

At the request of Mr. NELSON of Florida, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 2912, a bill to require lenders of loans with Federal guarantees or Federal insurance to consent to mandatory mediation.

S. 2924

At the request of Mr. LEAHY, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 2924, a bill to reauthorize the Boys & Girls Clubs of America, in the wake of its Centennial, and its programs and activities.

S. 2946

At the request of Ms. STABENOW, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 2946, a bill to direct the Secretary of the Army to take action with respect to the Chicago waterway system to prevent the migration of bighead and silver carps into Lake Michigan, and for other purposes.

S. 2959

At the request of Mr. FRANKEN, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 2959, a bill to amend the Federal Election Campaign Act of 1971 to protect Federal, State, and local elections from the influence of foreign nationals.

S. 2962

At the request of Mr. DODD, the names of the Senator from Maine (Ms. SNOWE) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of S. 2962, a bill to amend title II of the Social Security Act to apply an earnings test in determining the amount of monthly insurance benefits for individuals entitled to disability insurance benefits based on blindness.

S. 2977

At the request of Mr. GRAHAM, the names of the Senator from New Hampshire (Mr. GREGG), the Senator from Oklahoma (Mr. INHOFE) and the Senator from Georgia (Mr. ISAKSON) were added as cosponsors of S. 2977, a bill to prohibit the use of Department of Justice funds for the prosecution in Article III courts of the United States of

individuals involved in the September 11, 2001 terrorist attacks.

S. RES. 316

At the request of Mr. MENENDEZ, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. Res. 316, a resolution calling upon the President to ensure that the foreign policy of the United States reflects appropriate understanding and sensitivity concerning issues related to human rights, ethnic cleansing, and genocide documented in the United States record relating to the Armenian Genocide, and for other purposes.

S. RES. 403

At the request of Mr. VITTER, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. Res. 403, a resolution expressing the sense of the Senate that Umar Farouk Abdulmutallab should be tried by a military tribunal rather than by a civilian court.

S. RES. 404

At the request of Mr. FEINGOLD, the names of the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of S. Res. 404, a resolution supporting full implementation of the Comprehensive Peace Agreement and other efforts to promote peace and stability in Sudan, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KERRY (for himself, Mrs. BOXER, Ms. SNOWE, and Ms. COLLINS):

S. 2982. A bill to combat international violence against women and girls; to the Common on Foreign Relations.

Mr. CARDIN. Mr. President, I rise today to express my support for the International Violence Against Women Act, introduced today by Senators KERRY, BOXER, SNOWE, and COLLINS. I am proud to be an original cosponsor on this legislation simply because it has the power to save the lives of women and girls around the world while increasing our safety here at home.

This bill is particularly significant because it would be a very significant effort by the U.S. to tackle this egregious and widespread problem. One out of every three women worldwide will be physically, sexually or otherwise abused during her lifetime, with rates reaching 70 percent in some countries.

Ranging from rape to domestic violence and acid burnings to dowry deaths and so-called honor killings, violence against women and girls is an extreme human rights violation, a public health epidemic and a barrier to solving global challenges such as extreme poverty, HIV/AIDS and conflict. It devastates the lives of millions of women and girls—in peacetime and in conflict—and knows no national or cultural barriers.

Women who are abused are not only more likely to face serious injury or death because of abuse, but are at much greater risk of dying in pregnancy, having children who die in childhood, and contracting HIV/AIDS.

What many people don't realize though is that violence against women and girls is a major cause of poverty. Women are much more likely to be among the world's poorest, living on a \$1 a day or less, and the violence they face keeps them poor. It prevents them from getting an education, going to work, and earning the income they need to lift their families out of poverty. In turn, women's poverty means they are not free to escape abuse, perpetuating a vicious cycle that keeps women from making better lives for themselves and their families.

In Nicaragua, for example, a study found that children of victims of violence left school an average of 4 years earlier than other children. In India, it has been found that women who experienced even a single incident of violence lost an average of 7 working days. Sometimes, the workplace itself can be a source of abuse: in Kenya, 95 percent of the women who had experienced sexual abuse in their workplace were afraid to report the problem for fear of losing their jobs.

Greater economic opportunity and earning capacity not only allows women an option of escaping violent situations, but more importantly, it increases equality and mutual respect within households, reducing women's vulnerability to abuse in the first place.

Women around the world are working desperately to change the laws and customs in their countries that routinely allow women and girls to be raped, beaten or deprived of any legal rights, even the ability to see a doctor or leave the house alone. But they need our help.

IVAWA is a good step in that direction.

The bill was developed in consultation with more than 150 expert organizations, including the input of 40 women's groups from all around the world.

Highlighting the cross-cutting nature of the issue of violence, the bill is supported by a diverse coalition of almost 200 NGOs, including Amnesty International USA, Women Thrive Worldwide, Jewish Women International, Family Violence Prevention Fund, CARE, United Methodist Church, and Refugees International.

This bill would direct the State Department to create a comprehensive 5-year strategy to reduce violence against women and girls in up to 20 countries and provide vital funds to foster programs in these countries that address violence in a coordinated, comprehensive way. It would do this by reforming legal and health sectors, helping to change social norms and attitudes that condone rape and abuse, and improving education and economic opportunities for women and girls.

Because violence against women is often rampant in countries embroiled in conflict or crisis, this bill also requires that the U.S. act in cases of extreme outbreaks of violence against women and girls, like the horrific levels of rape experienced by women in the Democratic Republic of Congo.

This legislation is necessary because this is not an academic issue—we must remember that the scourge of gender-based violence effects real women around the world.

But there are solutions.

When Dulce Marlen Contreras started her organization with seven of her friends, the first thing on her mind was how to help the women of Honduras protect themselves from domestic violence. A daughter of farmers in the rural region of La Paz, Honduras, Marlen was tired of watching the women of her community endure widespread alcoholism and household abuse.

In 1993, Marlen founded the Coordinadora de Mujeres Campesinas de La Paz, or COMUCAP, to raise awareness about women's rights. The organization started by educating women in the community about their rights and training them to stand up for themselves.

As time went on, Marlen noticed something was missing. While awareness-building was critical, in order to reduce violence for the long-term COMUCAP had to attack the problem at its root: poverty. "We realized that until women are economically empowered, they will not be empowered to escape abuse for good," says Marlen. Seeing this link changed the way COMUCAP approached its work. It started training women to grow and sell organic coffee and aloe vera, helping them to earn an income for their families.

Initially the reaction from the community was hostile—women's empowerment was seen as a threat to families. As COMUCAP's programs grew, however, they started seeing results—the more money women made, the more power they were able to assert in the household.

As the community started to view the women of COMUCAP as economic contributors to its families, more and more women made decisions jointly with their husbands and stood up for themselves and their children in the face of abuse. Today COMUCAP provides employment and income to over 256 women in its community. Household violence has reduced drastically within the families of COMUCAP.

This example clearly illustrates that violence against women is preventable and that there are proven solutions that work. Even more inspiring, there are many thousands of local organizations like COMUCAP worldwide, which work within their own communities to support women in violent situations, help them find ways to support themselves and change cultural attitudes within their communities.

By supporting funding to overseas women's organizations to enable them

to work independently, IVAWA encourages this type of grassroots sustainability that will be crucial to any permanent solution to violence.

Violence has a profound effect on the lives of women and girls, and therefore, all communities around the world. As a member of the Senate Foreign Relations Committee, I am committed to continue to work with my colleagues to fight to end it and to provide any assistance and resources necessary to achieve this goal.

By Ms. LANDRIEU:

S. 2986. A bill to authorize the Administrator of the Small Business Administration to waive interest for certain loans relating to damage caused by Hurricane Katrina, Hurricane Rita, Hurricane Gustav, or Hurricane Ike; to the Committee on Small Business and Entrepreneurship.

Ms. LANDRIEU. Mr. President, I come to the floor today to speak on an issue that is of great importance to my home State of Louisiana: disaster recovery from Hurricanes Katrina and Rita of 2005 and Hurricanes Gustav and Ike of 2008. Almost 5 years after these first two devastating storms, our eyes are still fixed on our shores during hurricane season as our communities and businesses in the hardest-hit areas continue to rebuild. As chair of the Senate Committee on Small Business and Entrepreneurship, I remain focused on their ongoing recovery efforts and am here today to introduce a bill that I believe will help these struggling small businesses become successful once again and hire new workers.

Charles R. "Ray" Bergeron and his wife's Fleur de Lis Car Care Center in New Orleans, Louisiana, is one of the businesses that need this type of assistance. Small Business Administrator Karen Mills and I toured the Bergerons' business back in June. Pre-Katrina, Fleur de Lis, which opened in 1988, had nine employees. After Hurricane Katrina hit, Mr. and Mrs. Bergeron found themselves having to take out two loans, one for their house and another for their small business. As of our visit in June, the Bergerons were down to two employees, not including themselves, and their business was back at about 40 percent of pre-Katrina sales, due in large measure to the population not returning. Their neighborhood is mostly empty homes, which Mr. Bergeron attributes in part to high flood insurance premiums, high property taxes and high homeowner's insurance.

As of June when I met with them, the Bergerons had a \$225,000 SBA disaster loan with a standard 30-year term, which Mr. Bergeron says he will not pay off until he is 101 years old. But just yesterday, Mrs. Bergeron contacted my office requesting SBA assistance with their loan repayment after work to repair the flood-damaged roads surrounding their gas station had cut access to their business for even their most loyal customers. Since the

project began, Fleur de Lis' sales have been cut almost in half. This latest challenge comes on the heels of the economic downturn, which caused the station to lay off two employees earlier last year.

The Bergeron's story is one I have heard from countless businesses. Coupled with their recovery from the 2005 and 2008 hurricanes, and more recently, the economic downturn, these businesses—the ones that took the initiative to quickly reopen after the storms—are today struggling with one challenge after another. Yet these "pioneer" businesses are the ones rebuilding communities need the most because they serve as anchors. If residents see the Bergeron's gas station, or their favorite restaurant, open, they are more likely to come back to rebuild their homes.

To help ongoing recovery efforts in the Gulf Coast, and to give these struggling businesses immediate assistance, I am introducing today the Southeast Hurricanes Small Business Disaster Relief Act of 2010. I thank my colleague Representative CHARLIE MELANCON for introducing the House companion bill. Our legislation would provide targeted assistance to as many as 22,000 businesses in Louisiana, Mississippi, and Texas. What these particular businesses have in common is that they received SBA disaster loans following the 2005 or 2008 hurricanes. While they have made payments on these loans, I have heard from countless businesses in my State that they could expand operations if they had additional cash flow. This legislation would inject immediate capital into these hardest-hit businesses by giving SBA the authority to waive up to \$15,000 of interest payments over 3 years, helping to create or save up to 81,000 jobs.

Under this program, SBA is required to give priority to applications from businesses with 50 employees or less and businesses that re-opened between September 2005 and October 2006 for the 2005 storms or September and December 2008 for the 2008 hurricanes. This ensures that SBA first helps true small businesses and those "pioneer" businesses that were the first to re-open after the disaster. The program would end on December 31, 2010.

This program makes a difference because for some businesses, depending on the loan term and loan amount, their total principal/interest payments could run as high as \$1,000 per month. For example, for a \$114,000 disaster loan with a 4 percent interest rate and a 25-year term, a business could be paying as much as \$400 in monthly interest. In one year, this adds up to \$4,800 and almost \$14,500 in 3 years. While this is not a lot of money for Wall Street banks or Fortune 500 companies, \$15,000 makes a major impact for a gas station with two employees, like Fleur de Lis, or a neighborhood restaurant with 10 employees. These businesses have seen their bottom lines shrink as others on Wall Street received extrava-

gant bonuses. I, for one, believe it is time to help these Main Street businesses, as they are the backbone of our communities.

My legislation also follows legislation approved by a previous Congress. The prior bill came after Hurricane Betsy devastated Florida, Louisiana and Mississippi in September 1965. According to Red Cross reports at the time, between 800,000 and 1 million people were adversely impacted by the hurricane. Before this storm, the only previous disaster of that magnitude was the 1937 Ohio-Mississippi River floods, which forced more than a million people from their homes. In total, Betsy destroyed more than 1,500 homes, damaged more than 150,000, and damaged more than 2,000 trailers. Hurricane Betsy also destroyed 1,400 farm buildings and 2,600 small businesses. At the time, the Senate Committee on Public Works noted in Committee Report 89-917 that, "The overwhelming magnitude of the vicious storm, surprising even to experienced disaster workers, was more apparent every day as storm victims continued to register for long-term recovery help in rebuilding their lives and homes."

As part of the review to provide Hurricane Betsy victims appropriate assistance, including a field hearing in Louisiana, Congress determined that the massive scale of this disaster required targeted, disaster-specific programs. In particular, Congress approved the Southeast Hurricane Disaster Relief Act of 1965, Public Law 89-339. This bill authorized various business, homeowner, and agricultural disaster assistance, including loans and temporary rental assistance. In its committee report on the legislation, which is referenced above, the Senate Committee on Public Works wrote, "This bill contains what the committee believes is needed and necessary to give further aid to the disaster-stricken areas . . . including special measures to help these States in the reconstruction and rehabilitation of devastated areas." Among other provisions, Section 3 of the bill authorized SBA to waive interest—for loans above \$500—due on the loan over a period of 3 years, but not to exceed \$1,800 in interest. The bill was signed into law in November 1965 and Congress later approved \$35 million to implement provisions in the Act.

Just as with Hurricane Betsy in 1965, in 2005, Mississippi and Louisiana again saw a catastrophic disaster hit their businesses, farms, and homes. Everyone now knows the impact Hurricanes Katrina and Rita had on the New Orleans area and the southeast part of our State. Images from the devastation following these storms, and the subsequent Federal levee breaks, were transmitted across the country and around the world. Katrina ended up being the deadliest natural disaster in United States history, with 1,800 people killed—1,500 in Louisiana alone. Katrina was also the costliest natural

disaster in U.S. history, with more than \$81.2 billion reported in damage.

In Louisiana, we had 18,000 businesses catastrophically destroyed and 81,000 businesses economically impacted. I believe that, across the entire Gulf Coast, some estimates ran as high as 125,000 businesses impacted by Katrina and Rita. Many of these businesses, for various reasons, have not returned or re-opened. By mid-2007, Orleans Parish was still down 2,000 employers, or 23 percent of its pre-Katrina business level. Nearby St. Bernard Parish—which had up to 80 percent of its homes damaged—had the largest percentage decline of 48 percent fewer businesses open, according to Louisiana State University and the Louisiana Recovery Authority. These disasters were followed by the 2008 hurricanes that hit the same areas in Texas and Louisiana. With this in mind, on September 25, 2009, I chaired a committee field hearing in Galveston, Texas. At this hearing, we received a progress report from Federal, State and local officials on the recovery from Hurricane Ike in 2008. We also heard from individual business owners in Galveston who were still struggling a year on from the hurricane.

These Galveston business owners, the Bergeron's Fleur de Lis gas station, and many other "pioneer" businesses did choose to re-open and are now struggling to stay alive. As is clear from the Bergerons' story, these businesses have suffered from not one disaster, but three: Hurricane Katrina/Rita in 2005, Hurricane Gustav/Ike in 2008, and the economic downturn. My home State of Louisiana was slow to feel the brunt of the credit crunch and economic meltdown, but last year we began to see the drying up of investments and the shrinking of consumers' pocketbooks. I believe the special program implemented following Hurricane Betsy in 1965 would today greatly benefit businesses in these three states hardest hit by Katrina, Rita, Gustav and Ike. Given the urgent needs of many of these impacted businesses, I will be reaching out to my colleagues in Texas, Louisiana, and Mississippi to hopefully gain their support for quick passage of this assistance. While I recognize that these are the hardest hit states, I am also interested to hear from my other Gulf Coast colleagues on whether this program would benefit their impacted businesses as well.

In closing, I would like to note that Congress has been generous in providing essential recovery funds following the 2005 and 2008 storms. However, as we approach the fifth anniversary of the 2005 disasters, we must now ensure that impacted businesses can make it past this anniversary—preventing thousands more workers from being unemployed or additional defaults on SBA disaster loans. One important way that this Congress can ensure that these workers remain employed and that these businesses survive, and even grow, would be to re-

lieve some of the interest on these SBA disaster loans. For this reason, I urge my Senate colleagues to support this commonsense legislation which would make a difference for up to 22,000 Main Street business owners and their estimated 81,000 employees in the Gulf Coast.

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

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

S. 2986

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 "Southeast Hurricanes Small Business Disaster Relief Act of 2010".

SEC. 2. DEFINITIONS.

In this Act—

(1) the terms "Administration" and "Administrator" mean the Small Business Administration and the Administrator thereof, respectively;

(2) the term "covered disaster loan" means a loan—

(A) made under section 7(b) of the Small Business Act (15 U.S.C. 636(b));

(B) for damage or injury caused by Hurricane Katrina of 2005, Hurricane Rita of 2005, Hurricane Gustav of 2008, or Hurricane Ike of 2008; and

(C) made to a business located in a declared disaster area;

(3) the term "declared disaster area" means an area in the State of Louisiana, the State of Mississippi, or the State of Texas for which the President declared a major disaster under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) relating to Hurricane Katrina of 2005, Hurricane Rita of 2005, Hurricane Gustav of 2008, or Hurricane Ike of 2008;

(4) the term "program" means the Southeast Hurricanes Small Business Disaster Relief Program established under section 3; and

(5) the term "small business concern" has the meaning given that term under section 3(a) of the Small Business Act (15 U.S.C. 632(a)).

SEC. 3. SOUTHEAST HURRICANES SMALL BUSINESS DISASTER RELIEF PROGRAM.

(a) PROGRAM ESTABLISHED.—Subject to the availability of appropriations, the Administrator shall establish a Southeast Hurricanes Small Business Disaster Relief Program, under which the Administrator may waive payment of interest by a business on a covered disaster loan—

(1) for not more than 3 years; and

(2) in a total amount of not more than \$15,000.

(b) PRIORITY OF APPLICATIONS.—The Administrator shall, to the extent practicable, give priority to an application for a waiver of interest under the program by a small business concern—

(1) with not more than 50 employees; or

(2) that resumed business operations in—

(A) a declared disaster area relating to Hurricane Katrina of 2005 or Hurricane Rita of 2005, during the period beginning on September 1, 2005, and ending on October 1, 2006; or

(B) a declared disaster area relating to Hurricane Gustav of 2008 or Hurricane Ike of 2008, during the period beginning on September 1, 2008, and ending on January 1, 2009.

(c) TERMINATION OF PROGRAM.—The Administrator may not approve an application under the program after December 31, 2010.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Administrator such sums as may be necessary to carry out this Act.

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

S. 2989. A bill to improve the Small Business Act, and for other purposes; to the Committee on Small Business and Entrepreneurship.

Ms. LANDRIEU. Mr. President, I am pleased today to be introducing the Small Business Contracting Improvements Act of 2010, legislation designed to protect the interests of small businesses and boost their opportunities in the Federal marketplace.

As Chair of the Senate Committee on Small Business and Entrepreneurship, I have focused a considerable amount of energy promoting the interests of small businesses in the federal contracting arena. The legislation I am introducing today marks a critical step forward in this process.

As the largest purchaser in the world, the Federal Government is uniquely positioned to offer new and reliable business opportunities for our Main Street businesses. Government contracts are perhaps one of the easiest and most inexpensive ways the government can help immediately increase sales for America's entrepreneurs, giving them the tools they need to keep our economy strong and create jobs. By increasing contracts to small businesses by just 1 percent, we can create more than 100,000 new jobs—and today, we need those jobs more than ever.

But the reality is, small businesses need all the help they can get accessing Federal contracts. In fiscal year 2007, according to the Federal Procurement Data System, the Federal Government missed its 23 percent contracting goal by .992 percent. That .992 percent represents more than \$3.74 billion and 93,500 jobs lost for small businesses. The numbers are even worse the next fiscal, in fiscal year 2008 the Federal Procurement Data System reported that the government missed its goal by 1.51 percent—meaning more than \$6.51 billion and 162,700 jobs lost. While these numbers tell the stark story of why this legislation is vital for our small businesses and our overall economy, they are still only a part of the story of why this legislation is needed.

Our small businesses have been taking the brunt of this economic downturn. In this past year, small businesses accounted for more than 85 percent of job losses. This fact was vividly illustrated to me this weekend when I met with Louisiana business owners and officials. A small business owner who spoke at our meeting told of how he was down from 20 plus employees to three. He was clear that if he had access to federal work he would begin staffing up tomorrow. That is the reason I am introducing this legislation today. These contracting opportunities represent job creation for small businesses in a way that is unique. When large businesses get new work they

typically spread that work among existing employees. When small businesses get these contracts they must staff up to meet the increased demand.

Furthermore, last night President Obama made the case that small businesses need to be the focus of our recovery. I have heard over and over again that small business is the engine that drives our economy. Well, if that is true, then it is time to give that engine some gas. President Obama set the right tone last night and today our bill looks to act on his words and fill that tank as we consider improvements in four key areas.

The first area I attempt to make improvements in is the area of contract bundling. Although contract bundling may have started out as a good idea, it has now become the prime example of the old saying that too much of a good thing can be very, very bad. The proliferation of bundled contracts coupled with the decimation of contracting professionals within the government threatens to kill small businesses' ability to compete for federal contracts.

Our bill looks to address those issues by ensuring: accountability of senior agency management for all incidents of bundling; timely and accurate reporting of contract bundling information by all federal agencies; and improved oversight of bundling regulation compliance by the Small Business Administration, SBA.

The bill also ensures that contract consolidation decisions made by a department or agency, other than the Defense Department and its agencies, provide small businesses with appropriate opportunities to participate as prime contractors and subcontractors.

Another way that this bill attempts to tackle the issue of bundling is by creating a joint venture and teaming center at the SBA. This center will provide technical support to associations and businesses who are interested in bidding on larger contracts as part of small business teams or joint ventures. The bill will also ease regulations that serve as a disincentive for small businesses who want to enter into teaming relationships with one another.

The second area that this bill attempts to address is subcontracting. The Committee has heard from many businesses about the challenges that some small business subcontractors face when dealing with prime contractors. Business owners have related that the way subcontracting compliance is calculated creates opportunity for abuse. They also related that many small businesses will spend time, money and effort preparing bid proposals to be a part of a bid team and that once the contract is won they never heard from the prime contractor again. Many also complain about a lack of timely payments after they have completed work.

This bill attempts to deal with some of these issues by including provisions designed to prevent misrepresentations

in subcontracting by prime contractors. To accomplish this, the bill: provides guidelines and procedures for reviewing and evaluating subcontractor participation in prime contracts and provides for speedier payments to small business subcontractors who have successfully completed work on behalf of the prime contractor.

The third area I intend to update is the acquisition process. This bill aims to increase the number of small business contracting opportunities by including additional provisions to reduce bundled contracts by reserving more contracts for small business concerns. The bill accomplishes this by: authorizing small business set-asides in multiple-award, multi-agency contracting vehicles; directing the Office of Federal Procurement Policy to issue guidelines to analyze the use of government credit cards for the purpose of meeting small business goals; and requiring that agencies include meeting small business contracting goals in the performance evaluation of contracting and program personnel.

The last area that I tackle in this legislation is small business size and status integrity. The Committee has heard from a number of small businesses about large businesses parading as small businesses. It is imperative that small business contracts go to small businesses. Small businesses may be losing billions of dollars in opportunities because of size standard loopholes.

This bill attempts to address these issues by making additions to the Small Business Act that are designed to strengthen the government's ability to enforce the size and status standards for small business certification. To achieve this, the new section: establishes a presumption of loss to the federal government whenever a large business performs a small business contract; requires that small businesses annually certify their size status; requires the development of training programs for small business size standards; requires a detailed review of the size standards for small businesses by the SBA within one year; and directs GAO to study the effectiveness of the mentor-protege program.

It is well past time to provide greater opportunities for the thousands of small business owners who wish to do business with the Federal Government. I believe that this legislation is a good step toward opening those doors of opportunity. I hope all of my colleagues will join me in supporting this bill and I look forward to working with them as we work to move this legislation forward.

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

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

S. 2989

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 "Small Business Contracting Revitalization Act of 2010".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. Definitions.

TITLE I—CONTRACT BUNDLING

- Sec. 101. Leadership and oversight.
- Sec. 102. Consolidation of contract requirements.
- Sec. 103. Small business teams pilot program.

TITLE II—SUBCONTRACTING INTEGRITY

- Sec. 201. GAO recommendations on subcontracting misrepresentations.
- Sec. 202. Small business subcontracting improvements.

TITLE III—ACQUISITION PROCESS

- Sec. 301. Reservation of prime contract awards for small businesses.
- Sec. 302. Micro-purchase guidelines.
- Sec. 303. Agency accountability.
- Sec. 304. Payment of subcontractors.
- Sec. 305. Repeal of Small Business Competitiveness Demonstration Program.

TITLE IV—SMALL BUSINESS SIZE AND STATUS INTEGRITY

- Sec. 401. Policy and presumptions.
- Sec. 402. Annual certification.
- Sec. 403. Training for contracting and enforcement personnel.
- Sec. 404. Updated size standards.
- Sec. 405. Study and report on the mentor-protege program.

SEC. 3. DEFINITIONS.

In this Act—

(1) the terms "Administration" and "Administrator" mean the Small Business Administration and the Administrator thereof, respectively; and

(2) the term "small business concern" has the meaning given that term under section 3 of the Small Business Act (15 U.S.C. 632).

TITLE I—CONTRACT BUNDLING

SEC. 101. LEADERSHIP AND OVERSIGHT.

(a) IN GENERAL.—Section 15 of the Small Business Act (15 U.S.C. 644) is amended by adding at the end the following:

“(q) BUNDLING ACCOUNTABILITY MEASURES.—

“(1) TEAMING REQUIREMENTS.—Each Federal agency shall include in each solicitation for any contract award above the substantial bundling threshold of the Federal agency a provision soliciting bids by teams and joint ventures of small business concerns.

“(2) AGENCY POLICIES ON REDUCTION OF CONTRACT BUNDLING.—The head of each Federal agency shall—

“(A) not later than 180 days after the date of enactment of this subsection, publish on the website of the Federal agency the policy of the Federal agency regarding contracting bundling and consolidation, including regarding the solicitation of teaming and joint ventures under paragraph (1); and

“(B) not later than 30 days after the date on which the head of the Federal agency submits data certifications to the Administrator for Federal Procurement Policy, publish on the website of the Federal agency a list and rationale for any bundled contract for which the Federal agency solicited bids or that was awarded by the Federal agency.

“(3) REPORTING.—Not later than 90 days after the date of enactment of this subsection, and every 3 years thereafter, the Director of Small and Disadvantaged Business Utilization for each Federal agency shall submit to the Committee on Small Business

and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report regarding procurement center representatives and commercial market representatives, which shall—

“(A) identify each area for which the Federal agency has assigned a procurement center representative or a commercial market representative;

“(B) explain why the Federal agency selected the areas identified under subparagraph (A); and

“(C) describe the activities performed by procurement center representatives and commercial market representatives.”.

(b) **TECHNICAL CORRECTION.**—Section 15(g) of the Small Business Act (15 U.S.C. 644(g)) is amended by striking “Administrator of the Office of Federal Procurement Policy” each place it appears and inserting “Administrator for Federal Procurement Policy”.

(c) **REPORT.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report regarding the procurement center representative program of the Administration.

(2) **CONTENTS.**—The report submitted under paragraph (1) shall—

(A) address ways to improve the effectiveness of the procurement center representative program in helping small business concerns obtain Federal contracts;

(B) evaluate the effectiveness of procurement center representatives and commercial marketing representatives; and

(C) include recommendations, if any, on how to improve the procurement center representative program.

(d) **ELECTRONIC PROCUREMENT CENTER REPRESENTATIVE.**—Not later than 180 days after the date of enactment of this Act, the Administrator shall implement an electronic procurement center representative program.

SEC. 102. CONSOLIDATION OF CONTRACT REQUIREMENTS.

The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) by redesignating section 44 as section 45; and

(2) by inserting after section 43 the following:

“SEC. 44. CONSOLIDATION OF CONTRACT REQUIREMENTS.

“(a) **DEFINITIONS.**—In this section—

“(1) the term ‘Chief Acquisition Officer’ means the employee of a Federal agency designated as the Chief Acquisition Officer for the Federal agency under section 16(a) of the Office of Federal Procurement Policy Act (41 U.S.C. 414(a));

“(2) the term ‘consolidation of contract requirements’, with respect to contract requirements of a Federal agency, means a use of a solicitation to obtain offers for a single contract or a multiple award contract to satisfy 2 or more requirements of the Federal agency for goods or services that have been, are being, or will be provided to, or will be performed for or would typically be performed for, the Federal agency under 2 or more separate contracts lower in cost than the total cost of the contract for which the offers are solicited;

“(3) the term ‘Federal agency’ does not include the Department of Defense or any agency of the Department of Defense;

“(4) the term ‘multiple award contract’ means—

“(A) a multiple award task order contract or delivery order contract that is entered into under the authority of sections 303H through 303K of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253h through 253k); and

“(B) any other indefinite delivery, indefinite quantity contract that is entered into by the head of a Federal agency with 2 or more sources pursuant to the same solicitation; and

“(5) the term ‘senior procurement executive’ means an official designated under section 16(c) of the Office of Federal Procurement Policy Act (41 U.S.C. 414(c)) as the senior procurement executive for a Federal agency.

“(b) **POLICY.**—The head of each Federal agency shall ensure that the decisions made by the Federal agency regarding consolidation of contract requirements of the Federal agency are made with a view to providing small business concerns with appropriate opportunities to participate as prime contractors and subcontractors in the procurements of the Federal agency.

“(c) **LIMITATION ON USE OF ACQUISITION STRATEGIES INVOLVING CONSOLIDATION.**—

“(1) **IN GENERAL.**—The head of a Federal agency may not carry out an acquisition strategy that includes a consolidation of contract requirements of the Federal agency with a total value of more than \$2,000,000, unless the senior procurement executive or Chief Acquisition Officer for the Federal agency, before carrying out the acquisition strategy—

“(A) conducts market research;

“(B) identifies any alternative contracting approaches that would involve a lesser degree of consolidation of contract requirements; and

“(C) determines that the consolidation of contract requirements is necessary and justified.

“(2) **DETERMINATION THAT CONSOLIDATION IS NECESSARY AND JUSTIFIED.**—

“(A) **IN GENERAL.**—A senior procurement executive or Chief Acquisition Officer may determine that an acquisition strategy involving a consolidation of contract requirements is necessary and justified for the purposes of paragraph (1)(C) if the benefits of the acquisition strategy substantially exceed the benefits of each of the possible alternative contracting approaches identified under paragraph (1)(B).

“(B) **SAVINGS IN ADMINISTRATIVE OR PERSONNEL COSTS.**—For purposes of subparagraph (A), savings in administrative or personnel costs alone do not constitute a sufficient justification for a consolidation of contract requirements in a procurement unless the expected total amount of the cost savings, as determined by the senior procurement executive or Chief Acquisition Officer, is substantial in relation to the total cost of the procurement.

“(3) **BENEFITS TO BE CONSIDERED.**—The benefits considered for the purposes of paragraphs (1) and (2) may include cost and, regardless of whether quantifiable in dollar amounts—

“(A) quality;

“(B) acquisition cycle;

“(C) terms and conditions; and

“(D) any other benefit.”.

SEC. 103. SMALL BUSINESS TEAMS PILOT PROGRAM.

(a) **DEFINITIONS.**—In this section—

(1) the term “Center” means the Center for Small Business Teaming established under subsection (b); and

(2) the term “eligible organization” means a well-established national organization for small business concerns with the capacity to provide assistance to small business concerns (which may be provided with the assistance of the Center) relating to—

(A) customer relations and outreach;

(B) submitting bids and proposals;

(C) team relations and outreach; and

(D) performance measurement and quality assurance.

(b) **ESTABLISHMENT.**—The Administrator shall establish a Center for Small Business Teaming within the Administration to carry out a pilot program for teaming and joint ventures involving small business concerns.

(c) **GRANTS.**—The Center may make grants to eligible organizations to assemble teams of small business concerns to compete for larger procurement contracts.

(d) **CONTRACTING OPPORTUNITIES.**—

(1) **IN GENERAL.**—The Center shall work with eligible organizations receiving a grant under this section to identify appropriate contracting opportunities for teams or joint ventures of small business concerns.

(2) **RESTRICTED COMPETITION.**—A contracting officer of a Federal agency may restrict competition for any contract for the procurement of goods or services by the Federal agency to teams or joint ventures of small business concerns if determined appropriate by the contracting officer.

(e) **TERMINATION.**—The authorities under this section shall terminate 5 years after the date of enactment of this Act.

(f) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated for grants by the Center under subsection (c) \$5,000,000 for each of fiscal years 2010 through 2015.

TITLE II—SUBCONTRACTING INTEGRITY

SEC. 201. GAO RECOMMENDATIONS ON SUBCONTRACTING MISREPRESENTATIONS.

Section 8 of the Small Business Act (15 U.S.C. 637) is amended by adding at the end the following:

“(o) **PREVENTION OF MISREPRESENTATIONS IN SUBCONTRACTING; IMPLEMENTATION OF RECOMMENDATIONS OF COMPTROLLER GENERAL.**—

“(1) **STATEMENT OF POLICY.**—It is the policy of Congress that the recommendations of the Comptroller General of the United States in Report No. 05-459, concerning oversight improvements necessary to ensure maximum practicable participation by small business concerns in subcontracting, shall be implemented Government-wide, to the maximum extent possible.

“(2) **CONTRACTOR COMPLIANCE.**—Compliance of Federal prime contractors with subcontracting plans relating to small business concerns shall be evaluated as a percentage of obligated prime contract dollars and as a percentage of subcontracts awarded.

“(3) **ISSUANCE OF AGENCY POLICIES.**—Not later than 180 days after the date of enactment of this subsection, the head of each Federal agency shall issue a policy on subcontracting compliance relating to small business concerns, including assignment of compliance responsibilities between contracting offices, small business offices, and program offices and periodic oversight and review activities.”.

SEC. 202. SMALL BUSINESS SUBCONTRACTING IMPROVEMENTS.

Section 8(d)(6) of the Small Business Act (15 U.S.C. 637(d)(6)) is amended—

(1) in subparagraph (E), by striking “and” at the end;

(2) in subparagraph (F), by striking the period at the end and inserting “; and”; and

(3) by adding at the end, the following:

“(G) a certification that the offeror or bidder will acquire articles, equipment, supplies, services, or materials, or obtain the performance of construction work from the small business concerns used in preparing and submitting to the contracting agency the bid or proposal, in the same amount and quality used in preparing and submitting the bid or proposal, unless the small business concerns are no longer in business or can no longer meet the quality, quantity, or delivery date.”.

TITLE III—ACQUISITION PROCESS**SEC. 301. RESERVATION OF PRIME CONTRACT AWARDS FOR SMALL BUSINESSES.**

Section 15 of the Small Business Act (15 U.S.C. 644), as amended by this Act, is amended by adding at the end the following:

“(r) **GOVERNMENT-WIDE ACQUISITION CONTRACTS.**—Not later than 180 days after the date of enactment of this subsection, the Administrator for Federal Procurement Policy and the Administrator shall jointly, by regulation, establish criteria for Federal agencies for—

“(1) setting aside part or parts of a multiple award contract (as defined in section 44), Federal supply schedule contracts, and other Government-wide acquisition contracts for small business concerns, including the subcategories of small business concerns identified in subsection (g)(2);

“(2) setting aside orders placed against multiple award contracts, Federal supply schedule contracts, and other Government-wide acquisition contracts for small business concerns, including the subcategories of small business concerns identified in subsection (g)(2); and

“(3) reserving 1 or more contract awards for small business concerns under full and open multiple award procurements, including the subcategories of small business concerns identified in subsection (g)(2).”.

SEC. 302. MICRO-PURCHASE GUIDELINES.

Not later than 1 year after the date of enactment of this Act, the Controller of the Office of Federal Financial Management shall issue guidelines regarding the analysis of purchase card expenditures to identify opportunities for achieving and accurately measuring fair participation of small business concerns in purchases in an amount not in excess of the micro-purchase threshold, as defined in section 32 of the Office of Federal Procurement Policy Act (41 U.S.C. 428) (in this section referred to as “micro-purchases”), consistent with the national policy on small business participation in Federal procurements set forth in sections 2(a) and 15(g) of the Small Business Act (15 U.S.C. 631(a) and 644(g)), and dissemination of best practices for participation of small business concerns in micro-purchases.

SEC. 303. AGENCY ACCOUNTABILITY.

Section 15(g)(2) of the Small Business Act (15 U.S.C. 644(g)(2)) is amended—

(1) by inserting “(A)” after “(2)”;
(2) by striking “Goals established” and inserting the following:

“(B) Goals established”;
(3) by striking “Whenever” and inserting the following:

“(C) Whenever”;
(4) by striking “For the purpose of” and inserting the following:

“(D) For the purpose of”;
(5) by striking “The head of each Federal agency, in attempting to attain such participation” and inserting the following:

“(E) The head of each Federal agency, in attempting to attain the participation described in subparagraph (D)”.

(6) in subparagraph (E), as so designated—
(A) by striking “(A) contracts” and inserting “(i) contracts”; and

(B) by striking “(B) contracts” and inserting “(ii) contracts”; and

(7) by adding at the end the following:
“(F)(i) Each procurement employee or program manager described in clause (ii)—

“(I) shall communicate to the subordinates of the procurement employee or program manager the importance of achieving small business goals; and

“(II) shall have as a significant factor in the annual performance evaluation of the procurement employee or program manager, where appropriate, the success of that pro-

curement employee or program manager in small business utilization, in accordance with the goals established under this subsection.

“(ii) A procurement employee or program manager described in this clause is a senior procurement executive, senior program manager, or Director of Small and Disadvantaged Business Utilization of a Federal agency having contracting authority.”.

SEC. 304. PAYMENT OF SUBCONTRACTORS.

Section 8(d) of the Small Business Act (15 U.S.C. 637(d)) is amended by adding at the end the following:

“(11) **PAYMENT OF SUBCONTRACTORS.**—

“(A) **DEFINITION.**—In this paragraph, the term ‘covered contract’ means a contract relating to which a prime contractor is required to develop a subcontracting plan under paragraph (4) or (5).

“(B) **NOTICE.**—

“(i) **IN GENERAL.**—A prime contractor for a covered contract shall notify in writing the contracting officer for the covered contract if the prime contractor pays a reduced price to a subcontractor for goods and services upon completion of the responsibilities of the subcontractor or the payment to a subcontractor is more than 90 days past due for goods or services provided for the covered contract for which—

“(I) the Federal agency has paid the prime contractor; or

“(II) the prime contractor has submitted a request for payment to the Federal agency.

“(ii) **CONTENTS.**—A prime contractor shall include the reason for the reduction in a payment to or failure to pay a subcontractor in any notice made under clause (i).

“(iii) **PUBLIC AVAILABILITY.**—The head of each Federal agency shall, after redacting information identifying any subcontractor, make publicly available any notice made under clause (i).

“(C) **PERFORMANCE.**—A contracting officer for a covered contract shall consider the failure by a prime contractor to make a full or timely payment to a subcontractor in evaluating the performance of the prime contractor.

“(D) **CONTROL OF FUNDS.**—A contracting officer for a covered contract may restrict the authority of a prime contractor that has a history of untimely payment of subcontractors (as determined by the contracting officer) to make expenditures under or control payment of subcontractors for a covered contract.”.

SEC. 305. REPEAL OF SMALL BUSINESS COMPETITIVENESS DEMONSTRATION PROGRAM.

(a) **IN GENERAL.**—The Business Opportunity Development Reform Act of 1988 (Public Law 100-656) is amended by striking title VII (15 U.S.C. 644 note).

(b) **EFFECTIVE DATE AND APPLICABILITY.**—The amendment made by this section—

(1) shall take effect on the date of enactment of this Act; and

(2) apply to the first full fiscal year after the date of enactment of this Act.

TITLE IV—SMALL BUSINESS SIZE AND STATUS INTEGRITY**SEC. 401. POLICY AND PRESUMPTIONS.**

Section 3 of the Small Business Act (15 U.S.C. 632) is amended by adding at the end the following:

“(t) **PRESUMPTION.**—

“(1) **IN GENERAL.**—In every contract, subcontract, cooperative agreement, cooperative research and development agreement, or grant which is set aside, reserved, or otherwise classified as intended for award to small business concerns, there shall be a presumption of loss to the United States based on the total amount expended on the contract, subcontract, cooperative agreement, coopera-

tive research and development agreement, or grant whenever it is established that a business concern other than a small business concern willfully sought and received the award by misrepresentation.

“(2) **DEEMED CERTIFICATIONS.**—The following actions shall be deemed affirmative, willful, and intentional certifications of small business size and status:

“(A) Submission of a bid or proposal for a Federal grant, contract, subcontract, cooperative agreement, or cooperative research and development agreement reserved, set aside, or otherwise classified as intended for award to small business concerns.

“(B) Submission of a bid or proposal for a Federal grant, contract, subcontract, cooperative agreement, or cooperative research and development agreement which in any way encourages a Federal agency to classify the bid or proposal, if awarded, as an award to a small business concern.

“(C) Registration on any Federal electronic database for the purpose of being considered for award of a Federal grant, contract, subcontract, cooperative agreement, or cooperative research agreement, as a small business concern.

“(3) **CERTIFICATION BY SIGNATURE OF RESPONSIBLE OFFICIAL.**—

“(A) **IN GENERAL.**—Each solicitation, bid, or application for a Federal contract, subcontract, or grant shall contain a certification concerning the small business size and status of a business concern seeking the Federal contract, subcontract, or grant.

“(B) **CONTENT OF CERTIFICATIONS.**—A certification that a business concern qualifies as a small business concern of the exact size and status claimed by the business concern for purposes of bidding on a Federal contract or subcontract, or applying for a Federal grant, shall contain the signature of a director, officer, or counsel on the same page on which the certification is contained.

“(4) **REGULATIONS.**—The Administrator shall promulgate regulations to provide adequate protections to individuals and business concerns from liability under this subsection in cases of unintentional errors, technical malfunctions, and other similar situations.”.

SEC. 402. ANNUAL CERTIFICATION.

Section 3 of the Small Business Act (15 U.S.C. 632), as amended by this Act, is amended by adding at the end the following:

“(u) **ANNUAL CERTIFICATION.**—

“(1) **IN GENERAL.**—Each business certified as a small business concern under this Act shall annually certify its small business size and, if appropriate, its small business status, by means of a confirming entry on the ORCA database of the Administration, or any successor thereto.

“(2) **REGULATIONS.**—Not later than 1 year after the date of enactment of this subsection, the Administrator, in consultation with the Inspector General and the Chief Counsel for Advocacy of the Administration, shall promulgate regulations to ensure that—

“(A) no business concern continues to be certified as a small business concern on the ORCA database of the Administration, or any successor thereto, without fulfilling the requirements for annual certification under this subsection; and

“(B) the requirements of this subsection are implemented in a manner presenting the least possible regulatory burden on small business concerns.

“(3) **DETERMINATION OF SIZE STATUS.**—The small business size or status of a business concern shall be determined at the time of the award of a Federal—

“(A) contract, except that, in the case of interagency multiple award contracts (as defined in section 44), small business size or

status shall be determined annually, except for purposes of the award of each task or delivery order set aside or reserved for small business concerns;

“(B) subcontract;

“(C) grant;

“(D) cooperative agreement; or

“(E) cooperative research and development agreement.”.

SEC. 403. TRAINING FOR CONTRACTING AND ENFORCEMENT PERSONNEL.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Federal Acquisition Institute, in consultation with the Administrator for Federal Procurement Policy, shall develop courses concerning proper classification of business concerns and small business size and status for purposes of Federal contracts, subcontracts, grants, cooperative agreements, and cooperative research and development agreements.

(b) POLICY ON PROSECUTIONS OF SMALL BUSINESS SIZE AND STATUS FRAUD.—Section 3 of the Small Business Act (15 U.S.C. 632), as amended by this Act, is amended by adding at the end the following:

“(v) POLICY ON PROSECUTIONS OF SMALL BUSINESS SIZE AND STATUS FRAUD.—Not later than 1 year after the date of enactment of this subsection, the head of each relevant Federal agency and the Inspector General of the Administration shall issue a Government-wide policy on prosecution of small business size and status fraud.”.

SEC. 404. UPDATED SIZE STANDARDS.

Not later than 1 year after the date of enactment of this Act, and every 5 years thereafter, the Administrator shall—

(1) conduct a detailed review of the size standards for small business concerns established under section 3(a)(2) of the Small Business Act (15 U.S.C. 632(a)(2));

(2) make appropriate adjustments to size standards under that section to reflect market conditions; and

(3) make publically available information regarding—

(A) the factors evaluated as part of the review conducted under paragraph (1); and

(B) the criteria used for any revised size standards promulgated under paragraph (2).

SEC. 405. STUDY AND REPORT ON THE MENTOR-PROTEGE PROGRAM.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the mentor-protégé program of the Administration for small business concerns participating in programs under section 8(a) of the Small Business Act (15 U.S.C. 637(a)), and other relationships and strategic alliances pairing a larger business and a small business concern partner to gain access to Federal Government contracts, to determine whether the programs and relationships are effectively supporting the goal of increasing the participation of small business concerns in Government contracting.

(b) MATTERS TO BE STUDIED.—The study conducted under this section shall include—

(1) a review of a broad cross-section of industries; and

(2) an evaluation of—

(A) how each Federal agency carrying out a program described in subsection (a) administers and monitors the program;

(B) whether there are systems in place to ensure that the mentor-protégé relationship, or similar affiliation, promotes real gain to the protégé, and is not just a mechanism to enable participants that would not otherwise qualify under section 8(a) of the Small Business Act (15 U.S.C. 637(a)) to receive contracts under that section; and

(C) the degree to which protégé businesses become able to compete for Federal contracts without the assistance of a mentor.

(c) REPORT TO CONGRESS.—Not later than 180 days after the date of enactment of this

Act, the Comptroller General shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report on the results of the study conducted under this section.

Ms. SNOWE. Mr. President, as ranking Member of the Senate Committee on Small Business and Entrepreneurship, I rise today, along with Senator LANDRIEU, to introduce the Small Business Contracting Revitalization Act of 2010. This critical piece of legislation is the direct result of consensus-building and compromise, and continues the bipartisan tradition of the Small Business Committee. I also wish to thank Chair LANDRIEU for her partnership with me in forging this truly crucial measure as we work toward contracting parity for small business, and for her tireless leadership on all concerns confronting small businesses today.

The Small Business Contracting Revitalization Act of 2010 retains critical procurement provisions that originate in the comprehensive contracting bills I introduced or cosponsored in the 109th and 110th Congresses which were unanimously voted out of the Small Business Committee. This particular legislation will serve to minimize the use of contract bundling and consolidation of contracts by the Federal Government, and increase the ability of small businesses to fairly compete for such contracts through a host of key improvements, including allowing small businesses to join together in teams to bid on certain procurement opportunities. Additional requirements will help to ensure prompt payment from prime contractors to subcontractors, and make it easier for the Federal Government to prosecute businesses who fraudulently identify themselves as small companies.

Since the mid-1990s, with the enactment of acquisition streamlining reforms and the downsizing of the Federal procurement workforce, small businesses have faced a litany of hurdles that have deprived them of Federal contracting dollars. One such impediment is contract bundling which takes contracting opportunities out of the hands of deserving small businesses by grouping numerous small contracts and bundling them into one large award. Ill-equipped to manage the demands of these consolidated awards due to a lack of resources, small business owners again find themselves crowded out of the Federal contracting process. Consequently, the bipartisan measure we are introducing today reflects the recommendations made by the Government Accountability Office, GAO, to impose stricter reviews and more comprehensive reporting of bundled contracts, encourages small business teaming to bid on larger contracts, and promotes Federal agency publishing and use of best practices. Additional obstacles to successful small business contracting include “bait and switch” tactics used by

prime contractors who use small firms in developing bids but do not subcontract with them once a contract has been awarded. Our bill will address this concern as well as other ongoing problems such as large businesses posing as small businesses, flawed reporting data, and agencies who fail to meet their small business contracting goals.

As Ranking Member of the Senate Committee on Small Business and Entrepreneurship, I am further dismayed by the myriad ways that government agencies have time and again egregiously failed to meet the vast majority of their small business statutory “goalings” requirements. It is unconscionable that the statutory goal for only one category of small business—small disadvantaged businesses—has been met, and that goals for the three other programs—HUBZones, women-owned small businesses, and service-disabled veterans-owned businesses—have never been achieved.

Consider that, in 2007, small businesses were eligible for \$378 billion in Federal contracting awards, yet received only \$83 billion. This blatant failure to utilize small businesses, thus preventing them to secure their fair share of Federal contracting dollars, has resulted in firms losing billions of dollars in contracting opportunities. But 23 percent is only a base goal—we must strive to exceed it, not just meet it.

In the last two years alone, the Small Business Committee has held numerous hearings and roundtables to identify and explain small business’ contracting concerns. In addition, the GAO and the Small Business Administration’s Inspector General have issued multiple reports addressing small business Federal contracting deficiencies. Our legislation builds on the contracting provisions of previous Small Business Committee contracting bills by endowing the SBA with additional tools to meet the demands of an ever-changing 21st century contracting environment.

That said, I am greatly encouraged by the latest statistics relating to Federal contracting dollars awarded to small businesses from the funds appropriated under the American Recovery and Reinvestment Act, ARRA. Preliminary reports show that, as of February 1, 2010, small businesses have received over 29 percent of the ARRA Federal contracting dollars, well-exceeding the imposed 23 percent statutory goal. This begs the question, if the Federal government can not only meet but exceed these requirements for the Recovery Act, why can’t these goals be met year in and year out? The simple answer is they can. I am hopeful that this administration will make a conscious effort to reverse the government-wide failure to meet small business goals on a consistent basis.

I am confident that this legislation will result in the changes necessary to reduce fraud and waste while paving the way for the Federal government to

maximize the use of America's innovative small businesses in the contracting arena. Again, I want to recognize Senator LANDRIEU for her leadership in this matter, and for her continuing commitment to the small business community.

By Mr. CARPER (for himself, Mr. ALEXANDER, Ms. KLOBUCHAR, Ms. COLLINS, Mrs. FEINSTEIN, Mr. GREGG, Mrs. SHAHEEN, Mr. GRAHAM, Mr. KAUFMAN, Mr. SCHUMER, Mr. LIEBERMAN, and Ms. SNOWE):

S. 2995. A bill to amend the Clean Air Act to establish a national uniform multiple air pollutant regulatory program for the electric generating sector; to the Committee on Environment and Public Works.

Mr. ALEXANDER. Mr. President, today Senator CARPER and I have joined with Senators KLOBUCHAR, COLLINS, GREGG, KAUFMAN, GRAHAM, FEINSTEIN, SHAHEEN, SCHUMER, LIEBERMAN, and SNOWE to introduce the Clean Air Act Amendments of 2010.

This bill is about clean air and the effect of sulfur dioxide, nitrogen oxides, and mercury emissions of coal-fired power plants on health, jobs, and tourism. This bill does not address carbon emissions.

To me the most important aspect of this bill is that for the very first time it puts into federal law requirements that we cut mercury emissions by 90 percent from coal plants, which produce 50 percent of our electricity today.

This bill will reduce sulfur dioxide, nitrogen oxides, and mercury emissions from power plants by directing EPA to cut mercury emissions at least 90 percent through the best available technology and strengthening national limits on emissions of sulfur dioxide and nitrogen oxides from power plants with new trading systems that will enable cost-effective reductions of these two pollutants.

For Tennesseans this is a bill about our health, it is about tourism in our State and it is about our jobs.

400,000 Tennesseans have asthma that is affected by the dirty air in our state. Sulfur dioxide and nitrogen oxides can trigger asthma attacks and cause chronic lung problems. 400,000 Tennesseans with asthma are at a daily risk due to poor air quality.

The more we learn about mercury the more we understand that it gets in our food supply, it gets in our water supply, some of it comes from our coal

plants and it especially affects women and children. Nationwide, EPA estimates this bill will save more than 215,000 lives and more than \$2 trillion in health care costs by 2025.

In our State, we are privileged to have the most visited national park in America, the Great Smoky Mountains National Park—we are intensely proud of it. But we want the 10 million tourists who come there every year to see the blue haze that the Cherokee Indians used to sing about, not the smog that is produced by dirty air blowing into our State and some of the dirty air that we produce.

Finally we have become an automobile State. When auto parts suppliers move to Tennessee and want to locate near the Nissan plant or near the Volkswagen plant, one of the first things they have to do is to get a clean air permit. Our State simply cannot clean up our air all by ourselves without strong national standards to require the rest of the country to stop producing dirty air that blows into our State. So for Tennesseans this is about our health, about our tourism and our mountains, and this is about our jobs.

The Environmental Protection Agency says the bill will only cost electricity consumers about 1.5 percent to 2.5 percent increases in their utility bills by 2020. This may only be about \$2 a month per customer. I think \$2 a month is worth it for savings of \$2 trillion in health care costs.

In summary, this bill helps save hundreds of thousands of lives, saves trillions of health care dollars, enables communities to meet new EPA air quality requirements and create new jobs, and protects the scenic beauty of some of our greatest natural treasures.

Cleaner air is something we can all support and I ask my colleagues to join Senator CARPER and me in this effort.

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

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

CLEAN AIR ACT AMENDMENTS OF 2010

TO REDUCE SULFUR DIOXIDE, NITROGEN OXIDES, AND MERCURY EMISSIONS FROM POWER PLANTS

Sponsors and Cosponsors: Carper, Alexander, Klobuchar, Collins, Gregg, Kaufman, Graham, Feinstein, Shaheen, Schumer, Lieberman, Snowe.

Background on the Pollutants:

1. Sulfur dioxide (SO₂) is a gas that can quickly trigger asthma attacks, but is most dangerous as one of the primary raw ingredients in particle pollution. SO₂ converts in

the atmosphere into microscopic fine particles that can lodge deep in the lungs—and increase the risk of dying early, trigger heart attacks, strokes, and may cause lung cancer.

2. Nitrogen oxides (NO_x) are the key contributor to ozone smog, which causes respiratory illness and harms crops and ecosystems.

3. Mercury is a neurotoxin. High exposure to mercury can harm the brain, heart, kidneys, lungs and immune systems, especially in children and pregnant women. Also harms crops, wildlife, and streams.

What this bill does:

Codifies the Clean Air Interstate Rule (CAIR) for 2010 and 2011—setting SO₂ and NO_x standards for eastern states.

Strengthens national limits on emissions of SO₂ and NO_x from power plants and creates new trading systems that will enable cost-effective reductions of these two pollutants.

Directs EPA to cut mercury emissions at least 90% through the best available technology.

Why it is needed—

Jobs: Clean air targets promote job creation in engineering, construction, and manufacturing of advanced clean air technologies. Targets help communities meet air quality standards, so new manufacturers can get clean air permits, build new facilities, and hire new workers.

In Chattanooga, Tennessee, for example, it will allow more auto part suppliers to build facilities near the new Volkswagen plant and employ thousands of Tennesseans.

Health: Cleaner air means residents are less likely to have chronic lung disease, asthma, or lung cancer.

Nationwide, EPA estimates this bill will save more than 215,000 lives and more than \$2 trillion in health care costs by 2025.

In Tennessee, 400,000 Tennesseans with asthma are at a daily risk due to poor air quality.

In Delaware, over 18,000 children with asthma are living in areas of poor air quality.

Tourism: Millions of people a year visit the Great Smoky Mountains National Park to see the “Blue Haze” not the smog from dirty air. Tennessee has over 85 million tourists visit the state each year, generating over \$14 billion for the State of Tennessee.

Certainty: Clear targets provide certainty for public health protection and for power sector investment. Predictability allows companies to find the most cost-effective ways to employ clean air technologies.

How it works: Through the use of emissions control equipment, such as “scrubbers” on smokestacks, and other technologies, the bill would require utilities to:

Cut SO₂ emissions by 80 percent (from 7.6 million tons in 2008 to 1.5 million tons in 2018).

Cut NO_x emissions by 53 percent (from 3 million tons in 2008 to 1.6 million tons in 2015).

Cut mercury emissions by at least 90 percent no later than 2015.

CLEAN AIR ACT AMENDMENTS OF 2010

Clean Air Act Amendments of 2010

Sulfur Dioxide	Codifies CAIR for 2010 and 2011. National Caps Beginning in 2012—3.5 million tons emission cap. Beginning in 2015—2.0 million tons emission cap. Beginning in 2018—1.5 million tons emission cap. Builds on Acid Rain national trading program.
Nitrogen Oxide	Codifies CAIR for 2010 and 2011. National Caps Beginning in 2012—1.79 million tons emission cap. Beginning in 2015—1.62 million tons emission cap. Creates two regional trading programs—for the East and the West.
Mercury	Directs EPA to cut mercury emissions from coal plants by at least 90% by 2015 through maximum available control technology enforcement.

By Ms. COLLINS (for herself, Mr. PRYOR, Mr. VOINOVICH, and Ms. LANDRIEU):

S. 2996. A bill to extend the chemical facility security program of the Department of Homeland Security, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Ms. COLLINS. Mr. President, the law granting the Federal Government, for the first time, the authority to regulate the security of the nation's highest risk chemical facilities is due to expire at the end of this fiscal year. Given the success of this law and its vital importance to all Americans, I am introducing legislation today with Senators PRYOR, VOINOVICH, and LANDRIEU to reauthorize it.

The U.S. is home to an astonishing number of facilities that manufacture, use, or store chemicals for legitimate purposes. From pharmaceuticals to cosmetics, soaps to plastics and all manner of industrial, construction, and agricultural products, chemicals enable the manufacture of more than 70,000 products that improve the well-being of the American people.

The chemical industry is enormous, diverse, and vital to the American economy. It approaches half a trillion dollars annually in sales. It is one of our largest exporters, with exports totaling \$174 billion annually. It directly employs more than 850,000 people nationwide and supports millions more indirectly.

These facilities are vital parts of our economy and society. But, to our enemies, they can be potential chemical weapons. Like the airliners of September 11th, it would only take an attack on a few, or even one, to cause a horrifying loss of life.

In 2005, as Chairman of the Homeland Security and Governmental Affairs Committee, I held a series of hearings to examine the terrorist threat to the nation's chemical facilities and the devastating consequences that could arise from a successful attack. As a result of those hearings, I introduced comprehensive, bipartisan legislation to provide the Department of Homeland Security with the authority necessary to set and enforce security standards at high-risk chemical facilities in the U.S. That bill formed the basis for chemical security legislation signed into law in 2006 as part of the Department of Homeland Security Appropriations Act, 2007.

Specifically, section 550 requires the Department to issue rules requiring all high-risk chemical facilities to conduct vulnerability assessments, develop site security plans to address identified vulnerabilities, and implement protective measures necessary to satisfy risk-based performance standards. Section

550 also directs the Secretary of Homeland Security to review and approve those vulnerability assessments and site security plans and to audit and inspect covered chemical facilities for compliance with the performance standards. It also permits the Secretary to shut down covered facilities that are non-compliant.

In April 2007, the Department published interim final rules, known as the Chemical Facilities Anti-Terrorism Standards, CFATS, setting forth the requirements that high-risk chemical facilities must meet to comply with the law. Among other things, CFATS establishes 18 risk-based performance standards which facilities must meet to be in compliance with the law. These standards cover items such as securing the perimeter and critical targets, controlling access, deterring the theft of potentially dangerous chemicals, and preventing internal sabotage.

CFATS, however, does not dictate specific security measures. Instead, the law allows chemical facilities the flexibility to choose the security measures or programs that the owner or operator of the facility decides would best address the particular facility and its security risks, so long as these security measures satisfy the Department's 18 performance standards.

Since publishing CFATS in 2007, the Department has worked aggressively and diligently on implementation. The Department has hired and trained more than 100 chemical facility field inspectors and headquarters staff. Indeed, by the end of Fiscal Year 2010, the Department hopes to employ more than 260 CFATS staff. And, to date, the Department has received over \$200 million in funding to support CFATS.

Given the daunting challenges of establishing such a comprehensive regulatory program from scratch, the Department wisely decided to implement CFATS in phases, beginning with those facilities presenting the very highest security risks.

To determine which facilities presented the highest risks, the Department first required chemical plants that possessed certain threshold quantities of specified chemicals to complete an online security assessment—called “Top-Screen.” Based on the Top-Screen and any other available information, the Department then ascertained whether a facility “presented a high level of security risk” and preliminarily divided such facilities into four tiers of escalating risk. While all covered facilities must satisfy the Department's performance standards, the security measures sufficient to meet them are more robust for those facilities in the higher tiers, such as Tiers 1 and 2.

For chemical facilities that qualified as “preliminarily high risk,” the De-

partment required the preparation and submission of security vulnerability assessments. These assessments enabled the Department to identify more accurately each facility's risk and, thus, to assign final risk tier rankings. Based on these final tier rankings, these facilities must develop site security plans and submit to inspections or audits to ensure their compliance.

The men and women of the Department have processed a tremendous amount of information in a relatively short period of time. According to the Department, since establishing CFATS, it has reviewed almost 38,000 Top-Screen submissions and notified more than 7,000 facilities of their high-risk designations and preliminary tiers.

As of December 2009, CFATS covered only 6,000 facilities. Some facilities closed; others made material modifications that altered their risk profile. Of those remaining, the Department has assigned final tiers to almost 3,000—including all of the facilities in Tiers 1 and 2—and is now reviewing their site security plans.

Although the Department remains in the midst of implementing CFATS, it has generally received positive reviews for its work. The private sector has become a partner in the program's success. The collaborative nature of the program has been praised by many experts as a model for security-related regulation.

Notwithstanding the Department's success in administering the CFATS program and the considerable costs that facilities have incurred in complying with it, some now want to “swap horses in midstream” by radically overhauling the law.

Indeed, in November 2009, the House of Representatives passed legislation that would dramatically alter the nature of CFATS, requiring the Department to completely rework the program and stop its considerable progress—dead in its tracks. Among other things, the House bill would direct the Secretary of Homeland Security to establish new risk-based performance standards, require covered chemical facilities in Tiers 1 and 2 to implement so-called “inherently safer technology”, IST, and allow third-party lawsuits against the Department over CFATS implementation.

Unfortunately, Mr. President, the changes proposed by the House will in no way enhance the nation's security. They will, however, impose unnecessary and costly burdens on the economy and destroy the collaborative public-private partnership critical to CFATS' success.

The House provision that would allow the Department to mandate that certain chemical facilities implement IST is an example. IST is an approach

to process engineering involving the use of less dangerous chemicals, less energetic reaction conditions, or reduced chemical inventories. It is not, however, a security measure. And because there is no precise methodology by which to measure whether one technology or process is safer than another, an IST mandate may actually increase or unacceptably transfer the risk to other points in the chemical process or elsewhere on the supply chain.

For example, it is my understanding that after careful evaluations of the available alternatives, many drinking water utilities have determined that gaseous chlorine remains their best and most effective drinking water treatment option. Their decisions were not based solely on financial cost considerations, but also on many other factors, such as the characteristics of the region's climate, geography, and source water supplies, the size and location of the utility's facilities, and the risks and benefits of gaseous chlorine use compared to those inherent with the use of alternative treatment processes.

According to one water utility located in an isolated area of the Northwest, if Congress were to force it to replace its use of gaseous chlorine with sodium hypochlorite, then the utility would have to use as much as seven times the current quantity of treatment chemicals to achieve comparable water quality results. In turn, the utility would have to arrange for many more bulk chemical deliveries, by trucks, into the watershed. The greater quantities of chemicals and increased frequency of truck deliveries would heighten the risk of an accident resulting in a chemical spill into the watershed. In fact, the accidental release of sodium hypochlorite into the watershed would likely cause greater harm to soils, vegetation and streams than a gaseous chlorine release in this remote area. Because the facility is so isolated from population centers, the gas released in the event of an accident would almost certainly dissipate before reaching populated areas.

Forcing chemical facilities to implement IST could wreak economic havoc on some facilities and affect the availability of products that all Americans take for granted. For instance, according to October 2009 testimony by the Society of Chemical Manufacturers and Affiliates before the House Committee on Energy and Commerce, mandatory IST would negatively restrict the production of pharmaceuticals and microelectronics, unnecessarily crippling those industries.

Moreover, the increased cost of a mandatory IST program could encourage chemical companies to transfer their operations overseas, costing thousands of American jobs.

To be clear, some owners and operators of chemical facilities will want to use IST. But the decision to implement IST should be that of the owner or operator, not a Washington bureaucrat.

In fact, the evidence is quite compelling that many chemical facilities, based on an assessment of many complex factors, have already taken steps to avoid the use, storage, and handling of extremely dangerous chemicals in favor of safer alternative processes. The Department's own data indicate that nearly 1,000 facilities voluntarily adopted safer alternative processes.

Notwithstanding all of the other changes to CFATS passed by the House, the mandatory IST requirement itself will bring CFATS to a screeching halt. This is neither necessary nor wise. Congress should not dictate specific industrial processes under the guise of security when a facility may choose other alternatives that meet the Nation's security needs.

That is precisely why Senators PRYOR, VOINOVICH, LANDRIEU, and I are introducing the Continuing Chemical Facilities Antiterrorism Security Act of 2010. Instead of directing the Department to start again from scratch, our legislation would reauthorize section 550 for five more years. Such an extension would provide the Department with sufficient time to fully implement the CFATS program in its current form. It would also provide a stable regulatory environment to encourage chemical innovation and industry confidence.

Our legislation also contains two improvements, both of which are based on similar provisions from the Security and Accountability For Every, SAFE, Port Act of 2006. The first would direct the Secretary to establish a voluntary Chemical Security Training Program to enhance the capabilities of Federal, State, and local governments, chemical industry personnel, and governmental and nongovernmental emergency response providers to prevent, prepare for, respond to, mitigate against, and recover from acts of terrorism, natural disasters, and other emergencies that could affect chemical facilities. The second would create a voluntary program to test and evaluate these capabilities.

Not only is the chemical industry vital to our country's economy, but also it is the linchpin to the important advancements and innovations in critical fields such as science, technology, agriculture, medicine, and manufacturing.

As one of the co-authors of the first chemical security law, no one is more conscious than I am of the risks that attacks on chemical facilities pose to the nation. The Department has done a remarkable job developing a comprehensive chemical security program.

If our true intent is to secure high-risk facilities, then it is incumbent upon Congress to allow the Department to continue doing its job implementing CFATS.

By Mr. UDALL, of Colorado:

S. 2999. A bill to provide consistent enforcement authority to the Bureau of Land Management, the National

Park Service, the United States Fish and Wildlife Service, and the Forest Service to respond to violations of regulations regarding the management, use, and protection of public lands under the jurisdiction of these agencies, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. UDALL of Colorado. Mr. President, today I am introducing a bill to improve the management our public lands by increasing the fines and penalties associated with violations of law—and regulation—governing the use of these lands.

Throughout the west, and especially in Colorado, increased growth and development has resulted in an expanded use and enjoyment of our public lands. These uses have, in some cases, stressed the capacity of the public land agencies to adequately control and manage such uses. As a result, many of our public lands are being damaged.

While most users are responsible and law-abiding, some either knowingly or inadvertently violate these rules and damage these precious natural resources, which harms wildlife, increases run-off and sediment loading in rivers and streams, diminishes the enjoyment of other users, and impacts sensitive high-alpine tundra, desert soils, and wetlands. In addition, as we have seen over the past decade, the careless use of fire can catastrophically damage homes and habitat, and can result in the tragic loss of life.

Often times, when these violations occur, the federal public land agencies do not have the authority to charge fines commensurate with the damage that results. For example, under the Federal Land Policy and Management Act of 1976, the Bureau of Land Management is limited to a fine of \$1,000 no matter how great the damage. That figure has remained unchanged for a quarter of a century, and does not reflect the fact that in many cases the damage from violations will cost thousands more to repair.

The bill I am introducing today would provide for increased fines for such knowing violations to \$100,000, and possible imprisonment, and for other non-willful violations to \$5,000. The bill is similar to one that I cosponsored in previous Congresses. The need for this legislation was demonstrated by incidents in several states, including some in Colorado.

For example, in the summer of 2000, two recreational off-road vehicles ignored closure signs while four-wheel driving on Bureau of Land Management land high above Silverton, CO. As a result, they got stuck for five days on a 70 percent slope at 12,500 feet along the flanks of Houghton Mountain.

At first, they abandoned their vehicles. Then, they returned with others to pull them out of the mud and off the mountain. The result was significant damage to the high alpine tundra, a delicate ecosystem that may take thousands of years to recover. As noted

in a Denver Post story about this incident, "alpine plant life has evolved to withstand freezing temperatures, nearly year-round frost, drought, high winds and intense solar radiation, but it's helpless against big tires."

Despite the extent of the damage, the violators were only fined \$600 apiece—hardly adequate to restore the area, or to deter others.

Another example was an event in the mountains near Boulder, CO, that became popularly known as the "mudfest."

Two Denver radio personalities announced that they were going to take their off-road four-wheel drive vehicles for a weekend's outing on an area of private property along an existing access road used by recreational off-road vehicles. Their on-air announcement resulted in hundreds of people showing up and driving their vehicles in a sensitive wetland area, an area that is prime habitat of the endangered boreal toad. As a result, seven acres of wetland were destroyed and another 18 acres were seriously damaged. Estimates of the costs to repair the damage ranged from \$66,000 to hundreds of thousands of dollars.

Most of the "mudfest" damage occurred on private property. However, to get to those lands the off-road vehicle users had to cross a portion of the Arapaho-Roosevelt National Forest—but the Forest Service only assessed a \$50 fine to the two radio disc jockeys for not securing a special use permit to cross the lands.

Again, this fine is not commensurate to the seriousness of the violation or the damage that ensued, and is an ineffective deterrent for future similar behavior.

These are but two examples. And these violations are not just limited to off-road vehicle use. Regrettably, there have been many more such examples not only in Colorado but also throughout the west from a range of public land uses. These examples underscore the nature of the problem that this bill would address. If we are to deter such activity and recover the damaged lands, we need to increase the authorities of the federal public land agencies.

My bill would do just that. Specifically, it would amend the Federal Lands Policy and Management Act and other relevant laws governing the Forest Service, the National Park Service, and the Fish and Wildlife Service to authorize these agencies to assess greater fines on those who violate laws and regulations governing the use of these special lands. The bill would authorize the Secretary of the Interior and the Secretary of Agriculture to assess up to \$100,000 in fines, or up to 12 months in jail, or both, for violations of these laws and regulations. In addition, the bill establishes that any reckless use of fire on these public lands shall be punishable by fines of no less than \$500.

This bill augments another bill, S. 720, the Federal Land Restoration, En-

hancement, Public Education, and Information Resources Act or the Federal Land REPAIR Act, which I have introduced this session with my colleague Senator BENNET. S. 720 would authorize the Secretary of the Interior and the Secretary of Agriculture to apply any funds acquired from violations to the area that was damaged or affected by such violations, and to increase public awareness of the need for proper recreational use of our federal lands.

With the increase in fines established by this bill, along with the authorization to apply these funds to restoring damaged lands under the REPAIR Act, these public land agencies could restore address impacts on these public lands. Specifically, these bills would allow the public land agencies to repair damaged wildlife habitat, replant wetland vegetation, re-vegetate scarred lands, repair trails, roadways, and embankments to stem erosion and restore riparian ecosystems, and install barriers and other security measures to help deter violations in the first place.

Together, these bills can go a long way to giving the federal public land agencies the tools they need to better protect and restore these sensitive and critical lands for the use and enjoyment for generations to come. I ask my colleagues to support this bill.

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

S. 3002. A bill to amend the Federal Food, Drug, and Cosmetic Act to more effectively regulate dietary supplements that may pose safety risks unknown to consumers; to the Committee on Health, Education, Labor, and Pensions.

Mr. MCCAIN. Mr. President, today I am pleased to introduce the Dietary Supplement Safety Act of 2010 with my colleague Senator DORGAN. This bill would strengthen the Food and Drug Administration's, FDA, regulation of dietary supplements to ensure the safety of the millions of Americans who use them daily. The proposed legislation would require manufacturers of dietary supplements to register with the FDA and disclose a full list of ingredients contained in each supplement. Currently, these companies do not have to submit such information before their products are offered for sale to consumers.

A little over a year ago the NFL suspended six players, including two players from one of the teams competing this Sunday, for violating the league's anti-doping policy. Several of the players were surprised that they tested positive for a banned substance because they used a dietary supplement they believed to be safe and legal. Additionally, a recent GAO study, GAO-09-250, found that a record number of young Americans are using dietary supplements naively believing these supplements are safe and approved by the FDA for sale. However, FDA does not have a pre-market approval process. In

a recent article published in The New York Times, it was reported that Americans spent almost \$24 billion on dietary supplements last year. Close to \$3 billion of that total is estimated to have come from manufactures that frequently advertise their products as alternatives to anabolic steroids, which are used for increasing muscle mass and strength.

The current regulatory process does not adequately address the problem. Manufactures of dietary supplements are not required to demonstrate that their product is safe and effective before it is offered for sale to the public. The dietary supplement industry is one that is mostly self-regulated. However, manufacturers have failed to disclose to their customers key ingredients that may harm a consumer's health.

For this reason, the proposed bill would require manufacturers to register the locations they manufacture these supplements, the products they are making, and disclose the ingredients found in their products with the FDA. Furthermore, dietary supplement companies would be required to provide a 75 day pre-market notice to the FDA not only for New Dietary Ingredients, but for all products containing steroids, including hormones, pro-hormones, and hormone analogues, and must establish that the product is safe for its intended use.

Lastly, the proposed legislation provides the FDA with mandatory recall authority if a product is found to be unsafe or harmful. Had this provision been in place earlier, the FD might not have taken 10 years to ban ephedra, a dietary ingredient that accounted for 64 percent of all adverse reactions in 2001, despite accounting for 1 percent of all total dietary supplement sales. It has been reported that use of ephedra contributed to the deaths of Baltimore Orioles pitcher Steve Bechler and Minnesota Vikings player Korey Stringer. Sadly and unfortunately, there are numerous stories of amateur athletes who took this supplement and experienced serious health problems.

Legitimate dietary supplement companies should have nothing to fear from this legislation. These additional requirements are critical to the FDA's ability to evaluate the safety of particular dietary ingredients and to quickly identify and notify all dietary supplement manufacturers and consumers of ingredients with known safety risks. People's lives and dreams have been significantly impacted by illegitimate supplements. The purpose of the bill is not to create a sweeping regulatory structure, but instead a targeted structure that provides for openness, transparency and safety. All Americans should know the ingredients of any dietary supplement they use and the FDA must have the tools necessary to ensure the safety of all Americans.

I am proud that this legislation is supported by all the major sports leagues, including Major League Baseball, the National Basketball Association, the National Football League,

and the National Hockey League. Additionally, the legislation is supported by the United States Anti-Doping Agency, the United States Olympic Committee, the American College of Sports Medicine, National College Athletic Association, NCAA, and the PGA Tour. I hope my colleagues will join these organizations in supporting this needed legislation.

By Mr. DODD:

S. 3003. A bill to enhance Federal efforts focused on public awareness and education about the risks and dangers associated with Shaken Baby Syndrome; to the Committee on Health, Education, Labor, and Pensions.

Mr. DODD. Mr. President, today I rise to introduce the Shaken Baby Syndrome Prevention Act of 2010, important legislation that promotes awareness and prevention of Shaken Baby Syndrome/Abusive Head Trauma, a devastating form of child abuse that results in the severe injury, disability or death of hundreds of children each year.

Child abuse and neglect is a well-documented tragedy for some of our youngest and most vulnerable citizens. According to the National Child Abuse and Neglect Data System, NCANDS, 794,000 children were victims of abuse and neglect in 2007. Babies are particularly vulnerable; in 2007, children aged 12 months or younger accounted for nearly 40 percent of all child abuse and neglect fatalities and children aged 4 years and younger accounted for almost 77 percent. Yet even these disturbing statistics may not paint an accurate picture; most experts agree that child abuse is widely under reported.

Abusive head trauma, including Shaken Baby Syndrome, is the leading cause of death of physically abused children, in particular for infants younger than one. When a frustrated caregiver loses control and violently shakes a baby or impacts the baby's head, the trauma can kill the child or cause severe injuries, including loss of vision, loss of hearing, brain damage, paralysis, and/or seizures, resulting in lifelong disabilities and creating profound grief for many families.

Far too many children have experienced the horrible devastation of Shaken Baby Syndrome. A 2003 report in the *Journal of the American Medical Association* estimates that as a result of Shaken Baby Syndrome, an average of 300 U.S. children will die each year, and 600 to 1,200 more will be injured, of whom 2/3 will be infants younger than one. Medical professionals believe that thousands of Shaken Baby Syndrome cases are misdiagnosed or undetected, as many children do not immediately exhibit obvious symptoms after the abuse.

Prevention programs can significantly reduce the number of cases of Shaken Baby Syndrome. For example, the upstate New York SBS Prevention Project at Children's Hospital of Buffalo has used a simple video to educate

new parents before they leave the hospital, reducing the number of shaken baby incidents in the area by nearly 50 percent.

In Connecticut, a multifaceted prevention approach involving hospitals, schools, childcare providers, and community-based organizations in awareness and training activities, including home visits and targeted outreach, has raised awareness and encouraged prevention across the state. Hospitals in many states educate new parents about the dangers of shaking a baby, yet it is estimated that less than 60 percent of parents of newborns receive information about the dangers of shaking a baby. Without more outreach, education, and training, the risk of Shaken Baby Syndrome will persist.

With the introduction of the Shaken Baby Syndrome Prevention Act of 2010, I hope to reduce the number of children injured or killed by abusive head trauma, and ultimately to eliminate Shaken Baby Syndrome. Our initiative provides for the creation of a public health campaign, including development of a National Action Plan to identify effective, evidence-based strategies for prevention and awareness of SBS, and establishment of a cross-disciplinary advisory council to help coordinate national efforts.

The campaign will educate the general public, parents, child care providers, health care professionals and others about the dangers of shaking, as well as healthy preventative approaches for frustrated parents and caregivers coping with a crying or fussy infant. The legislation ensures support for families who have been affected by SBS, and for families and caregivers struggling with infant crying, through a 24-hour hotline and an informational website. All of these activities are to be implemented through the coordination of existing programs and/or the establishment of new efforts, to bring together the best in current prevention, awareness and education practices to be expanded into areas in need. Awareness is absolutely critical to prevention. Families, professionals and caregivers responsible for infants and young children and must learn about the dangers of violent shaking and abusive impacts to the head.

Additionally, this bill will include a study to identify the current data collected on Shaken Baby Syndrome and examine the feasibility of collecting uniform, accurate data from all states regarding the incidence rates of Shaken Baby Syndrome, the characteristics of perpetrators, and the characteristics of victims. It is my hope that having this information will enable us to better reach those who may be at risk for Shaken Baby Syndrome and, thus, prevent Shaken Baby Syndrome.

On behalf of the victims of Shaken Baby Syndrome, including Cynthia Gibbs from New York, Hannah Juceum from California, Sarah Donohue from New York, Kierra Harrison from Ne-

vada, Miranda Raymond from Pennsylvania, Taylor Rogers from Illinois, Cassandra Castens from Arizona, Gabriela Poole from Florida, Amber Stone from New York, Bennett Sandwell from Missouri, Jamison Carmichael from Florida, Margaret Dittman from Texas, Dalton Fish from Indiana, Stephen Siegfried from Texas, Kaden Isings from Washington, Joseph Wells from Texas, Dawson Rath from Pennsylvania, Macie McCarty from Minnesota, Jake Belisle from Maine, Benjamin Zentz from Michigan, Chloe Salazar from New Mexico, Madison Musser of Oklahoma, Daniel Carbajal from Texas, Nykkole Becker from Minnesota, Gianna D'Alessio from Rhode Island, Brynn Ackley from Washington, Rachael Kang from Texas, John Sprague from Maryland, Ryan Sanders from Virginia, David Sedlet from California, Reagan Johnson from Virginia, Skipper Lithco from New York, Brittney Sheets from New York, Madilyne Wentz from Missouri, Nicolette Klinker from Colorado, Brianna Moore from West Virginia, Shania Maria from Massachusetts, Dayton Jones from Pennsylvania, Breanna Sherer from California, Evelyn Biondo from New York, Kenneth Hardy from Pennsylvania, Alexis Vazquez from Florida, Joshua True from Washington, Stephen David from California, Michael Blair from Arkansas, Olivia Thomas from Ohio, Kaleb Schwade from Florida, Aiden Jenkins from Pennsylvania, Isabella Clark from Pennsylvania, Aaron Cherry from Texas, Dominic Morelock from Ohio, Emmy Cole from Maine, Chelsea Forant from Massachusetts, Joshua Cross from Ohio, Gavin Calloway from Maryland, Christopher Daughtrey from North Carolina, McKynzee Goin from Oregon, Bryce McCormick from Florida, and many other innocent lives lost or damaged, I look forward to working with my colleagues to see that this legislation becomes law so that we can expand efforts to eradicate Shaken Baby Syndrome.

By Mr. BROWN:

S. 3004. A bill to require notification to and prior approval by shareholders of certain political expenditures by publicly traded companies, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. BROWN of Ohio. Mr. President, last month, the Supreme Court ruled that corporations, U.S. or multinational, are equivalent to people and should be able to spend an unlimited amount of company money on political campaigns.

I bet the framers of our constitution could not only tell the difference between businesses and people, but could predict the result if businesses are permitted to spend without limit to elect their favorite politicians.

The top three Fortune 500 companies brought in an average profit of more than \$27 billion last year. The average Ohio household brought home an income of about \$48,000.

If you believe our government should be by the people and for the people—flesh and blood people—then corporations already have far more influence on our political process than they should.

In 2009, corporations spent \$3.3 billion lobbying Congress to influence insurance legislation and prescription drug legislation and financial reform legislation and the list goes on. Now they will be able to spend unlimited funds to elect their favorite candidates to Congress, getting in on the ground floor in the hopes that legislation they don't like will never see the light of day.

Grassroots organizations like, conservative organization and Families USA, whose members are real people with real concerns, will be left in the dust by the drug industry and other deep pocketed special interests.

The bottom-line is that our democratic form of government will sit on a cushion of corporate cash. If Corporate America wants to decide who runs our country, they will have a billion ways to do it.

Congress has—and must exercise—its constitutionally granted authority to minimize the negative impact of this decision. Today, I introduced The Citizens Right to Know Act, legislation that is intended to reduce the incentive for corporations to buy out the political process. It would also put a stop to foreign influence on U.S. elections.

To protect shareholder investments, this legislation would require all the shareholders of a corporation to vote for election spending before it happens, with approval by a majority of shareholders. Each shareholder would get one vote per share of common stock held. If shareholders know that millions or billions in potential dividends are about to be spent on campaign ads, they may help instill some reason into the, elected, leadership of the corporations they own.

It would also require corporate CEOs to do what political candidates do when they pay for political advertising: political candidates face the camera and tell the public that they sponsored the commercial. Corporate CEOs would have to do the same for their political advertisements. Issue organizations or trade groups would have to disclose their three top corporate contributors, and to disclose funding information for certain radio and print ads on their website. Shedding sunlight on the political shenanigans of billion dollar corporations may do a world of good in dampening the effects of their spending.

Finally, the bill would close a loophole that permits foreign investors, including foreign governments, to influence U.S. elections by channeling money through a U.S. affiliate. Any company that has a 51 percent or greater ownership stake from a foreign entity, be it a foreign individual, business association, or government, would be prohibited from spending money to influence. I think we can all agree that

foreign governments should not have the same right to contribute to campaigns as the American people, and it would be outrageous if they could spend money to influence the outcome of the Presidential or any other race.

Americans—true, red blooded Americans—should decide who represents them in our democratic system. Billion dollar corporations make important contributions to our nation, but tilting our democratic system their way is not one of them.

By Mr. REED:

S. 3005. A bill to create an independent research institute, to be known as the “National Institute of Finance”, that will oversee the collection and standardization of data on financial entities and activities, and conduct monitoring and other research and analytical activities to support the work of the Federal financial regulatory agencies and the Congress; to the Committee on Banking, Housing, and Urban Affairs.

Mr. REED. Mr. President, today I introduce the National Institute of Finance Act of 2010, which would create an Institute to provide our financial regulators with the data and analytic tools needed to prevent and contain future financial crises.

By establishing this new Institute, my bill offers the foundation for a new approach to financial regulation that would better protect Americans from the financial storm they are currently struggling through.

Over the past 18 months, we have learned that our regulators did not have the appropriate tools or knowledge to address risks that cut across different markets and sectors of the financial system. The recently passed House financial regulatory reform bill and other proposals take an important step in filling this huge regulatory gap by establishing centralized systemic risk oversight. However, any new regulatory structure will be ineffective unless we also equip it with a strong, independent, and well-funded data, research, and analytic capacity to fulfill its mission.

The idea for the National Institute of Finance has been endorsed by a dedicated group of the Nation's top academic researchers, economists, and statisticians—including Nobel Laureate Harry Markowitz—who recognize that any financial regulatory reform is incomplete without a much stronger data, research, and analytic capability.

To further explore these issues, I asked the National Academy of Sciences in August to study the data and tools needed for systemic risk regulation. Among the Academy's findings: that the U.S. currently lacks the technical tools to monitor and manage systemic financial risk with sufficient comprehensiveness and precision. That market efficiency, in addition to regulatory capacity, would be enhanced by improved intelligence about what is going on in the system as a whole. And

that existing capabilities are not a sufficient foundation for systemic risk management.

The bill I introduce today addresses these significant weaknesses by creating the National Institute of Finance, whose mission will be to support the community of financial regulatory agencies by collecting and standardizing the reporting of financial market data; performing applied and essential long-term research; and developing tools for measuring and monitoring systemic risk.

The Institute would house a data center that would collect, validate and maintain key data to perform its mission, including a central database to map the interconnections between financial institutions, along with details on their transactions and positions, and their valuation of their assets and liabilities. By working with banks and other firms to standardize the format of such data and by providing standard reference data, such as databases of legal entities and financial products, the Institute would reduce the costs to regulators and financial institutions from the currently fragmented and disorganized systems used to collect and store such information.

Second, the Institute would contain a research and analysis center to develop the needed metrics and then measure and monitor systemic risk posed by individual firms and markets. This new Institute would house some of the country's most-well-respected researchers to collect and analyze the data needed to understand what is happening in our financial markets, to conduct investigations of market disruptions, and to work with regulators to identify new and dangerous trends.

It would conduct and help coordinate applied research on financial markets and systemic risk, a field that is not well-represented right now at the Federal Reserve or within our other regulatory agencies. It would also develop the metrics and tools our regulators need to measure and monitor systemic risk and help policymakers by conducting studies and providing advice on the impact of government policies on systemic risk.

Finally, the Institute would provide independent periodic reports to Congress on the state of the financial system, ensuring that we are kept apprised of the overall picture of our markets more effectively than we have been in the past. The domino effect caused by the recession will continue to cripple Rhode Island families and Americans across the country unless we put in place a strong new infrastructure and shore up our financial markets.

I hope my colleagues will join me in strengthening our financial system by cosponsoring this legislation and supporting its passage.

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

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

S. 3005

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “National Institute of Finance Act of 2010”.

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

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) The United States is experiencing the worst economic and financial crisis since the Great Depression. The nature of the current crisis is systemic. It was set in motion not by the actions of any single entity, but by a loss of confidence throughout the financial system as a whole.

(2) Such catastrophic events revealed significant shortcomings in the legal tools available to financial policymakers. The scale and systemic nature of the crisis calls for a thorough review of the United States’ system of financial regulation, to assess its capacity to understand, monitor, and respond to systemic threats. It is critical that financial regulators have the legal tools they need to act quickly, decisively, effectively, and when appropriate, preemptively, to prevent systemic financial crises in the future and to mitigate their negative impact, should they recur.

(3) The recent catastrophic events in financial markets also revealed significant gaps in the information and analytic tools available to regulators and policymakers charged with ensuring the health of the financial system.

(4) Systemic risk involves interactions among financial entities in addition to features of individual firms. Therefore, to understand and monitor the buildup of systemic risk in the financial system requires information about such interactions among institutions.

(5) Operational methods do not exist by which to measure systemic risks in the United States financial system. Nor do proven operational techniques exist by which regulators can identify the buildup of systemic risks in the United States financial system.

(6) Regulators do not have effective methodologies for assessing the effects of particular regulatory actions or approaches on the overall health of the financial system.

(7) Financial regulators do not have the data needed to map the networks of counterparty relationships through which systemic contagion could spread. Nor do they have the analytic tools required to translate such data into useful, actionable information.

(8) Notwithstanding noteworthy efforts from the research community, sustained, large-scale programs of applied research and development necessary to create operational systems for understanding, measuring, and monitoring systemic risk in financial systems have not emerged.

(9) There is a substantial amount of high-quality research in academia in relevant disciplines, including financial economics, statistics, and operations research, but such research tends to focus on theoretical or conceptual innovations that are not immediately reducible to operational practice.

(10) The incentives confronting academic researchers work against the production of research that does not yield novel theoretical insights or computational techniques.

(11) The challenges of gaining access to data and obtaining funding from government and industry for academic research severely restrict the number of academics working on understanding and monitoring systemic risk in the financial markets.

(12) Some of the largest commercial firms make substantial investments in research and development in the area of quantitative finance, but such commercial research programs are targeted almost exclusively at applications that create commercial value for the firms undertaking the substantial investments necessary to support the programs, and focus primarily on techniques for pricing particular financial instruments and managing firm-specific risks.

(13) Financial institutions that sponsor research programs usually protect the results of investigations as commercial trade secrets. Even those results that might be useful in application to the analysis of systemic risk are generally not available to the public.

(14) No organization anywhere has access to the comprehensive transaction-level data that are necessary to map the network of counterparty relationships in the financial system. Absent such data, it is not possible to evaluate the primary counterparty risks, the extent to which any given firm is vulnerable to the failure of one of its counterparties, or broader counterparty network risks.

(15) It is not possible to understand, assess, or predict how the collapse of one or more institutions might set off a cascade of failure that destabilizes the entire financial system.

(16) Without intelligence about the network of counterparty relationships and the liquidity provided by the members of the counterparty network, it is difficult even to identify reliably the set of institutions that regulators should deem to be systemically important.

(17) Notwithstanding statutory mandates that call for sharing of information among regulatory agencies, United States financial regulators do not require that firms report data in a uniform standard format. The lack of compatibility in the data formats used by different agencies implies in practice that agencies find it difficult and expensive to integrate data from multiple sources.

(18) In periods of financial crisis such as that experienced in the 2 years preceding the date of enactment of this Act, absence of data comparability becomes a critical handicap, in that dispersed information cannot quickly be integrated into a comprehensive framework that could help reveal the condition of the financial system as a whole. Without a capacity quickly to compare and integrate financial data of diverse types from multiple sources, regulators are unable to analyze the state of the financial system accurately and comprehensively. Nor are they able to foresee, and potentially head off, the onset of a financial crisis.

(19) The events of September 2008 offer a sobering example of the consequences that can flow from an inability quickly to integrate financial data from diverse sources. During several critical days in that month, senior Government officials contemplated the possible consequences of allowing the failure of Lehman Brothers Holdings, Inc. Insofar as the content of their deliberations is accessible in the public record, there is little evidence that such officials had at their disposal an intelligence system that could illuminate the potential consequences of alternative choices. Notwithstanding that the United States Government, through its several agencies, collects a broad range of information from financial firms, the events of September 2008 revealed that, at this most critical juncture, these data and accompanying analytics could not provide finan-

cial officials with the information they needed.

(20) The creation of a system for collecting and organizing a comprehensive financial transaction database that employs standardized formats is feasible.

(21) The Enterprise Data Management Council, an industry consortium, is on record as advocating both the feasibility and desirability of bringing uniform standards to the collection, reporting, and management of financial transaction data.

(22) A leading financial firm has developed for its internal use a system that incorporates comprehensive reference databases of all legal entities in its counterparty network and of all of the many types of financial instruments in which it transacts. Using the system, the firm can compute its exposure to many of their counterparties within an hour.

(23) A leading information technology firm has developed a prototype of an operational system that would support a comprehensive database of financial instruments and transactions across the entire economy, and in collaboration with other private sector firms and public sector entities, is in the process of developing a prototype system for maintaining the needed system-wide reference databases.

(24) The community of financial regulators can realize substantial benefits by consolidating into one entity the highly technical tasks of establishing and maintaining uniform standards for reporting financial data, organizing and managing high-volume flows of financial data, providing analytic and high performance computational services, performing applied research and development activities, and conducting, coordinating, and sponsoring essential long term, fundamental research in the field of financial analysis and regulatory intelligence.

(25) Such technical tasks benefit from increasing economies of scale, the total cost of providing such services to the regulatory community promises to be lower if one agency is tasked to provide all of such data, instead of creating redundant and less effective units in each of the several financial regulatory agencies.

(26) An entity that provides access to data and analytic tools to all regulatory agencies on a common basis would help to ensure that all agencies are receiving accurate, consistent, comparable data and analytic tools that can be modified for agency-specific needs.

(27) The creation of an entity that creates shared data and analytic services will provide a natural and regular vehicle for the exchange of research and collaboration between regulatory agencies.

(28) The emergence of uniform standards for referencing and reporting financial transactions would generate substantial benefits for the financial services industry. There is, at present, no consistent, comprehensive, and universal system for coding, transmitting, and storing financial transaction data. Data reside typically in unconnected databases and spreadsheets, using multiple formats and inconsistent definitions. The routine conduct of business obliges firms to incur substantial costs to translate and transfer data among otherwise incompatible systems. In addition, this data incompatibility impedes the ability of companies to assess their risks accurately. The adoption of a common language for data coding and handling would dramatically reduce costs for processing transactions and carrying out other administrative tasks. Standardized reporting would also enable firms to map their counterparty relationships more clearly and more easily understand their

credit exposures to other firms, a development that promises improvements in risk management practices across the industry.

(29) In August 2008, the Counterparty Risk Management Policy Group called for the financial industry to move rapidly toward real-time reconciliation and confirmation of financial transactions. Industry experts believe that this change would yield substantial benefits to firms individually, to the financial services industry, and to the economy as a whole. Achieving this goal would not be possible, however, without industry-wide adoption of common standards for coding and handling financial transaction data. Despite the clear benefits of data standardization and despite years of effort by the industry, through consortia such as the Enterprise Data Management Council, the financial services industry has not been able to make meaningful progress towards the goal of universal adoption of uniform, consistent standards for data handling.

(30) Efforts to see a common set of standards for financial data adopted universally are impeded by so-called “network effects”. The benefits of adoption for any one firm depend on the extent to which other firms adopt the same common language. For any one institution, the full benefits are distinctly limited until a critical number of participants in the industry adopt the same standards. In light of these network effects, the adoption of a single data handling standard by all industry participants presents a daunting coordination challenge. Each individual firm is discouraged from making the substantial investments required to upgrade its own systems, unless and until they receive assurance that others in the industry will follow suit. Many firms are deferring significant upgrades to their systems until well-defined industry-wide standards are accepted.

(31) The financial services industry’s historical experience strongly suggests that the industry is unlikely to achieve universal adoption of a single data-handling standard on its own initiative, through either the decentralized actions of industry participants or through voluntary coordination at the urging of industry consortia or trade associations. Standardization of financial data will require an external mandate.

(32) The new data standards promulgated for reporting by firms will emerge as the de facto standard for data management in the finance industry, a standard on which firms could converge. Firms could then be confident of realizing a significant return on the investment needed to update their internal systems, knowing that other industry participants were doing likewise.

(33) The establishment of Federal requirements for the maintenance and provision of reference databases and reporting of transactions and position data to a central repository would assure individual institutions of a significant return on the investment needed to update their internal systems. Firms would benefit from not having to maintain their own unique reference databases, standardized reporting would greatly reduce the cost of reconciling trades and other back office activities, and it would give firms a clear map of their counterparty relationships, which would facilitate better risk management across the industry.

(34) Once achieved, the universal adoption of standard protocols for handling financial transaction data promises to generate significant and sustained improvements in the efficiency and productivity of the financial services industry in the United States. Such improvements will help to secure and maintain the international leadership position of United States capital markets.

(35) United States regulators must never again find themselves confronting a financial crisis without the full set of legal, data, and analytic tools they need to understand, measure, monitor, and respond intelligently to systemic risks that threaten the stability (of the United States financial system).

(b) PURPOSES.—The purposes of this Act are—

(1) to ensure that the financial regulatory community is equipped fully with the data and analytic tools it needs to fulfill its responsibility to safeguard the United States financial system;

(2) to reduce the likelihood of another systemic financial crisis occurring;

(3) to restore integrity and confidence to the financial markets of the United States;

(4) to provide for the security of the United States economy from potential external threats to the United States financial system;

(5) to improve the efficiency of the financial markets in the United States;

(6) to reduce the cost and increase the effectiveness of coordinated financial regulation in the United States;

(7) to help maintain the leadership position of the United States as home to the most efficient, competitive, and productive capital markets in the world; and

(8) to help restore and maintain conditions in the United States financial system that will support the creation of wealth and prosperity in the United States.

SEC. 3. DEFINITIONS.

In this Act, the following definitions shall apply:

(1) FINANCIAL REGULATORY AGENCY.—The term “financial regulatory agency” means any Federal regulatory agency or body charged with regulating, examining, or supervising a financial entity or activity, including any financial systemic risk council or agency established by Congress.

(2) INSTITUTE; DIRECTOR; BOARD OF DIRECTORS.—The terms “Institute”, “Director”, and “Board of Directors” mean the National Institute of Finance, the Director thereof, and the Board of Directors thereof, respectively.

(3) FINANCIAL ENTITY.—

(A) IN GENERAL.—The term “financial entity” means any corporation, partnership, individual, or other organizational form, whether public or private, used to engage in any type of financial activity that may contribute to systemic risk, including any bank, savings association, credit union, industrial loan company, trust, pension fund, holding company, lender, finance company, mortgage broker, broker-dealer, mutual fund or other investment company, investment adviser, hedge fund, insurance company, clearinghouse or other central counterparty, exchange, and any other entity or institution that the Director determines, at the formation of the Institute, are necessary for the Institute to complete its duties under this Act.

(B) DIRECTOR AUTHORITY.—The Director may, by rule, add new types of entities or institutions to be treated as financial entities for purposes of this Act.

(4) SYSTEMIC RISK.—The term “systemic risk” means the risk that a failure or default by a financial entity or entities, or exposures to a financial product or products or activity will produce—

(A) significant disruptions to the operations of financial markets;

(B) the spreading of financial losses and failures through the financial system; or

(C) significant disruption to the broader economy.

(5) FINANCIAL CONTRACT.—The term “financial contract” mean a legally binding agree-

ment between 2 or more counterparties, describing rights, and obligations relating to the future delivery of items of intrinsic or extrinsic value among the counterparties.

(6) FINANCIAL INSTRUMENT.—The term “financial instrument” means a financial contract in which the terms and conditions are publicly available, and the roles of 1 or more of the counterparties are assignable without the consent of any of the other counterparties, including common stock of a publicly traded company, government bonds, and exchange traded futures and options contracts.

(7) FINANCIAL ENTITY REFERENCE DATABASE.—The term “financial entity reference database” means a comprehensive list of financial entities that may be counterparties to financial transactions or referenced in the contractual structure of a financial instrument. For each financial entity, the database shall include, but not be limited to a unique identifier, and sufficient information to differentiate the entity from every other entity, including an exact legal name and an address for each company, and an exact legal name and a social security number for each American citizen. For financial entities that are legally owned by or otherwise contained within other financial entities, the database shall include such information.

(8) FINANCIAL INSTRUMENT REFERENCE DATABASE.—The term “financial instrument reference database” means a comprehensive list of unique financial instruments. For each financial instrument, the database shall include a unique identifier and a comprehensive description of the contractual structure of the instrument as well as all express terms governing the interpretation and implementation of the contract, including jurisdiction, force majeure, and dispute resolution. The contractual structure shall include the financial and economic obligations and rights, both express and implied, and including through legal agreements such as netting agreements, established among all of the counterparties having identified roles in the contract, including advisors, principals, trustees, custodians, guarantors, prime brokers, executing brokers, clearing brokers, and issuers of securities. An electronic copy of the prospectus for each financial instrument for which a prospectus was created or distributed shall also be contained in the database.

(9) FINANCIAL TRANSACTION DATA.—The term “financial transaction” means the explicit or implicit creation of a financial contract where at least one of the counterparties is required to report to the Institute. The data describing the transaction shall include the structure of the contract created in the transaction, as well as all express terms governing the interpretation and implementation of the contract, including jurisdiction, force majeure, and dispute resolution. The contractual structure shall include clearly identified counterparties, clearly identified financial instruments (when used as part of the structure of the contract), and the financial and economic obligations and rights, both express and implied, established among all of the counterparties with identified roles in the contract.

(10) POSITION DATA.—The term “position” means a financial asset or liability held on the balance sheet of a financial entity. A new position is created, or the quantity of an existing position is changed, by the execution of a financial transaction involving the financial entity as a counterparty. Position data include—

(A) the counterparty identifier;

(B) a contract identifier;

(C) the role of the counterparty on the transaction;

(D) a quantity, if applicable;

(E) a location, if applicable; and

(F) the valuation of the position for the purposes of the books and records of the financial entity.

SEC. 4. ESTABLISHMENT OF NATIONAL INSTITUTE OF FINANCE; ADMINISTRATIVE MATTERS.

(a) IN GENERAL.—

(1) ESTABLISHMENT.—There is established the National Institute of Finance, which shall be an independent establishment, as that term is defined in section 104 of title 5, United States Code.

(2) MISSION.—The mission of the Institute is to support the Federal financial regulatory agencies, including any systemic risk council or agency established by Congress, by—

- (A) collecting and providing data;
- (B) standardizing the types and formats of data reported and collected;
- (C) performing applied research and essential long-term research;
- (D) developing tools for risk measurement and monitoring;
- (E) performing other related services; and
- (F) making the results of its activities available to financial regulatory agencies.

(b) DIRECTOR.—

(1) APPOINTMENT.—The Institute shall be headed by a Director, who shall be appointed by the President, by and with the advice and consent of the Senate.

(2) TERM OF SERVICE.—The Director shall serve for a term of 15 years.

(3) EXECUTIVE LEVEL AND PENSION.—The position of the Director shall be at level II of the Executive Schedule, and a Director who serves a full term, or becomes disabled and unable to fulfill the responsibilities of the Director after serving at least 10 years, shall receive a pension at retirement equal to the salary of that person in the last year of the term, and that pension shall increase in subsequent years with the increase in the cost of living.

(4) VACANCY.—In the event that a successor is not nominated and confirmed by the end of the term of service of a Director, the Director may continue to serve until such time as the new Director is appointed and confirmed.

(5) PROHIBITION ON DUAL SERVICE.—The individual serving in the position of Director may not, during such service, also serve as the head of any financial regulatory agency.

(6) RESPONSIBILITIES, DUTIES AND AUTHORITY.—The Director shall have sole discretion to fulfill the responsibilities and duties and exercise the authorities described in this Act, except in cases where specific authorities have been given to the Board of Directors.

(c) BOARD OF DIRECTORS.—The Board of Directors of the Institute shall be comprised of the Director, the Secretary of the Treasury, and the head of each financial regulatory agency.

(d) MEMBERSHIP OF THE DIRECTOR ON THE BOARD OF DIRECTORS.—The Director shall serve as a voting member of the Board of Directors and as a member of any financial systemic risk regulatory council or agency established by Congress.

(e) FUNDING.—

(1) ANNUAL BUDGET.—The Director, in consultation with the Board of Directors shall establish the initial annual budget. For all other annual budgets, the Director shall submit an annual budget for the Institute to the Board of Directors not later than April 30 of each year. The Board of Directors may, without amendment, reject the budget with a two-thirds majority vote. Each time a budget is rejected, the Director shall submit a revised budget to the Board of Directors within 60 days, and the Board of Directors may, without amendment, reject the budget with a two-thirds majority vote. If the Board of

Directors fails to reject the budget within 60 days of submission by the Director, the budget shall be automatically approved. If a new budget is not approved before the existing budget expires, the most recent approved budget shall continue on a pro rata basis. Each submitted budget and all votes by the Board of Directors on each budget shall be part of the public record of the Board of Directors.

(2) ASSESSMENTS.—The Institute shall be funded through assessments on the financial entities required to report data to the Institute. The formula by which the budgetary costs are allocated among the reporting entities shall be determined by the Board of Directors. If the Board of Directors fails to establish the formula within 60 days of submission of a budget by the Director, the Director shall determine the formula by which the budgetary costs are allocated among the reporting entities for that year.

(3) INITIAL FUNDING AND START UP.—During the first 4 years of the operation of the Institute, the Institute shall have authority to borrow against future assessment revenue from the Federal Financing Bank. Such borrowed funds shall be paid back to the Federal Financing Bank over a term not to exceed 20 years. The Secretary of the Treasury, and any financial regulatory agency, may second personnel to the Institute to assist the operations of the Institute.

(f) EXCEPTED SERVICE AGENCY.—The Institute shall be an excepted service agency.

(g) PERSONNEL.—The Board of Directors may fix the compensation of Institute personnel, without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates. The rates of pay and benefits shall be competitive with and comparable to the rates of pay and benefits at Federal financial regulatory agencies that are not covered by title 5, United States Code.

(h) NON-COMPETE.—The Director and staff of the Institute, who have had access to the transaction or position data maintained by the Data Center or other business confidential information about financial entities required to report to the Institute, may not, for a period of 1 year after last having access to such transaction or position data or business confidential information, be employed by or provide advice or consulting services to a financial entity, regardless of whether it is required to report to the Institute. Individual staff members who notify the Director of their intention to terminate their employment with the Institute and to seek employment with a prohibited employer or in a prohibited activity, shall be transferred for a period of 12 months to a position that does not provide access to transaction or position data or other business confidential information. For staff whose access to business confidential information was limited, the Board of Directors may provide, on a case-by-case basis, for a shorter period of post-employment prohibition, provided that the shorter period does not compromise business confidential information.

(i) ADVISORY BOARDS.—The Institute shall maintain any advisory boards that the Director determines are needed to complete the mission of the Institute.

(j) FELLOWSHIP PROGRAM.—The Institute may establish and maintain an academic and professional fellowship program, under which qualified academics and professionals shall be invited to spend not longer than 2 years at the Institute, to perform research and to provide advanced training for Institute personnel.

(k) EXECUTIVE SCHEDULE MATTERS.—Section 5312 of title 5, United States Code, is amended by adding at the end the following new item:

“Director of the National Institute of Finance.”.

SEC. 5. ORGANIZATIONAL STRUCTURE; RESPONSIBILITIES OF PRIMARY PROGRAMMATIC UNITS.

(a) IN GENERAL.—The Institute shall carry out its programmatic responsibilities through—

(1) the Federal Financial Data Center (in this Act referred to as the “Data Center”); and

(2) the Federal Financial Research and Analysis Center (in this Act referred to as the “Research Center”).

(b) FEDERAL FINANCIAL DATA CENTER.—

(1) GENERAL DUTIES.—The Data Center shall collect, validate, and maintain all data necessary to carry out its duties, as described in this Act.

(2) RESPONSIBILITIES.—The Data Center shall prepare and publish, in a manner that is easily accessible to the public—

- (A) a financial entity reference database;
- (B) a financial instrument reference database; and

(C) formats and standards for reporting financial transaction and position data to the Institute.

(3) DATA TO BE COLLECTED.—Data referred to in paragraph (1)—

(A) shall include for each financial entity—

- (i) comprehensive financial transaction data on a schedule determined by the Director;

- (ii) comprehensive position data on a schedule determined by the Director;

- (iii) for each financial instrument in the financial instrument reference database or for any other obligation of a financial entity that is contingent on the value of an observable event, where the observable event is not widely available to the public, the level and changes in the level of these observable events, on a schedule determined by the Director; and

- (iv) any other data that are considered by the Director to be important for measuring and monitoring systemic risk, or for determining the soundness of individual financial entities; and

(B) may include data regarding policies and procedures, governance, incentives, compensation practices, contractual relationships, and any other information deemed by the Director to be necessary in order for the Institute to carry out its responsibilities under this Act; and

(C) the Board of Directors may, by a two-thirds vote, exclude financial entities, which, as a group, will not contribute to systemic risk for reasons such as size, nature of their assets and liabilities, volume of transactions, or other reasonable purposes, from reporting data. Notwithstanding such exclusions, financial entities shall comply with all reporting requirements or ensure that reporting requirements are met for any assets or part of their balance sheets that are sold to create a financial instrument or obligation, as described in subparagraph (A)(iii).

(4) INFORMATION SECURITY.—The Director and the Board of Directors shall ensure that data collected and maintained by the Data Center are kept secure and protected against unauthorized disclosure.

(5) CATALOGUE OF FINANCIAL ENTITIES AND INSTRUMENTS.—The Data Center shall maintain a catalogue of the financial entities and instruments reported to the Institute.

(6) AVAILABILITY TO THE FINANCIAL REGULATORY AGENCIES.—The Data Center shall make data collected and maintained by the Data Center available to any financial regulatory agency represented on the Board of Directors, as needed to support the regulatory responsibilities of such agency.

(7) OTHER RESPONSIBILITIES.—The Data Center shall oversee the management of the

data supply chain, from the point of issuance, in order to ensure the quality of all data required to be submitted to the Institute.

(8) OTHER AUTHORITY.—The Institute shall, after consultation with the Board of Directors provide certain data to financial industry participants and the general public to increase market transparency and facilitate research on the financial system, so long as intellectual property rights are not violated, business confidential information is properly protected, and the sharing of such information poses no significant threats to the financial system.

(c) FEDERAL FINANCIAL RESEARCH AND ANALYSIS CENTER.—

(1) GENERAL DUTIES.—The Research Center shall develop and maintain the independent analytical capabilities and computing resources—

(A) to measure and monitor systemic risk;

(B) to perform independent risk assessments of individual financial entities and markets;

(C) to analyze and investigate relationships between the soundness of individual financial entities and markets and the soundness of the financial system together as a whole; and

(D) to provide advice on the financial system.

(2) RESPONSIBILITIES.—The Research Center shall—

(A) develop and maintain metrics and risk reporting systems for system-wide risk;

(B) develop and maintain metrics and risk reporting systems for determining the soundness of financial entities;

(C) monitor, investigate, and report changes in system-wide risk levels and patterns to the Board of Directors and Congress, including through the collection of additional information that the Director deems necessary to understand such changes;

(D) conduct, coordinate, and sponsor research to support and improve regulation of financial entities and markets;

(E) benchmark financial risk management practices and promote best practices for financial risk management;

(F) at the direction of the Board of Directors, or any member of the Board of Directors, for firms under that member's purview, develop, oversee, and report on stress tests or other tests of the valuation and risk management systems of any of the financial entities required to report to the Institute;

(G) maintain expertise in such areas as may be necessary to support specific requests for advice and assistance from financial regulators;

(H) at the direction of the Board of Directors or at the request of Congress, conduct studies and provide advice on financial markets and products, including advice regarding risks to consumers posed by financial products and practices;

(I) at the direction of the Director, at the discretion of the Board of Directors, or at the request of Congress, investigate disruptions and failures in the financial markets, report findings, and make recommendations to the Board of Directors and Congress; and

(J) at the direction of the Board of Directors or at the request of Congress, conduct studies and provide advice on the impact of policies related to systemic risk.

(d) REPORTING RESPONSIBILITIES.—

(1) REQUIRED REPORT.—Commencing 2 years after the date of the establishment of the Institute, the Institute shall prepare and submit an annual report to Congress, not later than 120 days after the end of each fiscal year.

(2) CONTENT.—The report required by this subsection shall assess the state of the financial system, including an analysis of any

threats to the financial system, the status of the Institute's efforts in meeting its mission, and key findings from its research and analysis of the financial system.

(3) ADDITIONAL REPORTS.—At the sole discretion of the Director, the Director may initiate and provide additional reports to Congress regarding the state of the financial system. The Director shall notify the Board of Directors of any additional reports provided to Congress.

SEC. 6. ADMINISTRATIVE AUTHORITIES OF THE INSTITUTE.

The Institute may—

(1) require financial entities to report all data and information in conformance with reporting standards, as determined by the Institute, that are necessary to fulfill the responsibilities of the Institute under this Act;

(2) require reporting on a worldwide basis from the financial entities and affiliates thereof that are organized in the United States;

(3) require reporting of United States-based activities by financial entities that are not organized in the United States;

(4) enforce and apply sanctions on all financial entities required to report to the Institute that fail to report data requested by and in standards, frequency, and time frames, as determined by rule or regulation by the Institute;

(5) share data and information, as well as software developed by the Institute, with other financial regulatory agencies, as determined appropriate by the Board of Directors, where the shared data and software shall be maintained with at least the same level of security as is used by the Institute, and may not be shared with any individuals or entities without the permission of the Board of Directors;

(6) purchase and lease software;

(7) sponsor and conduct research projects; and

(8) assist, on a reimbursable basis, with financial analyses undertaken at the request of governmental agencies, other than financial regulatory agencies.

SEC. 7. CIVIL PENALTIES.

Any person or entity that violates this Act or fails to comply with a rule, regulation, or order of the Institute issued under this Act shall be subject to a civil penalty in an amount established by the Institute and published in the Code of Federal Regulations. Each such violation or failure shall constitute a separate civil offense.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 407—CONGRATULATING THE CONCORDIA UNIVERSITY-ST. PAUL VOLLEYBALL TEAM ON WINNING THEIR THIRD CONSECUTIVE NCAA DIVISION II WOMEN'S VOLLEYBALL NATIONAL CHAMPIONSHIP

Ms. KLOBUCHAR submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 407

Whereas on December 5, 2009, Concordia University won the 2009 NCAA Division II Women's Volleyball National Championship;

Whereas the victory marks the third straight NCAA Division II Women's Volleyball National Championship for Concordia University;

Whereas the Concordia University program is the first in the history of Division I or II women's volleyball to win 3 consecutive National Championships;

Whereas Concordia University won the match against Western Texas A&M in 3 straight sets, capping off a perfect 37-0 season and continuing the NCAA-record 74 match win streak for Concordia University;

Whereas on November 7, 2009, Concordia University won their 7th consecutive Northern Sun Intercollegiate Conference Volleyball Championship;

Whereas with the undefeated season, head coach Brady Starkey's career record with Concordia University is 240-20;

Whereas Concordia University had 5 players named to the 2009 NCAA Women's Volleyball Championship All-Tournament Team, Maggie McNamara, Mary Slinger, Cassie Haag, Emily Palkert, and Megan Carlson; and

Whereas nearly 2000 fans attended the championship match in support of the Concordia University team: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Concordia University-St. Paul volleyball team on winning their third consecutive NCAA Division II Women's Volleyball National Championship; and

(2) recognizes—

(A) the achievements of the players, coaches, students, and staff whose hard work and dedication helped Concordia University win the 2009 NCAA Division II Women's Volleyball National Championship; and

(B) Concordia University President Dr. Robert Holst and Athletic Director Tom Rubbelke, who both have shown great leadership in bringing success to Concordia University.

SENATE RESOLUTION 408—DESIGNATING FEBRUARY 3, 2010, AS "NATIONAL WOMEN AND GIRLS IN SPORTS DAY"

Ms. SNOWE (for herself, Mrs. MURRAY, Ms. MIKULSKI, and Mr. BINGAMAN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 408

Whereas women's athletics are one of the most effective avenues available for the women of the United States to develop self-discipline, initiative, confidence, and leadership skills;

Whereas sports and fitness activities contribute to emotional and physical well-being;

Whereas women need strong bodies as well as strong minds;

Whereas the history of women in sports is rich and long, but there has been little national recognition of the significance of the athletic achievements of women;

Whereas the number of women in leadership positions as coaches, officials, and administrators has declined drastically since the passage of title IX of the Education Amendments of 1972 (Public Law 92-318; 86 Stat. 373);

Whereas there is a need to restore women to leadership positions in athletics to ensure a fair representation of the abilities of women and to provide role models for young female athletes;

Whereas the bonds built between women through athletics help to break down the social barriers of racism and prejudice;

Whereas the communication and cooperation skills learned through athletic experience play a key role in the contributions of an athlete to her home, workplace, and society;

Whereas women's athletics has produced such winners as Flo Hyman, whose spirit, talent, and accomplishments distinguished her above others and who exhibited the true

meaning of fairness, determination, and team play;

Whereas parents feel that sports are equally important for boys and girls and that sports and fitness activities provide important benefits to girls who participate;

Whereas early motor-skill training and enjoyable experiences of physical activity strongly influence life-long habits of physical fitness;

Whereas the performances of female athletes in the Olympic Games are a source of inspiration and pride to the people of the United States;

Whereas the athletic opportunities for male students at the collegiate and high school levels remain significantly greater than those for female students; and

Whereas the number of funded research projects focusing on the specific needs of women athletes is limited and the information provided by these projects is imperative to the health and performance of future women athletes: Now, therefore, be it

Resolved, That the Senate—

(1) designates February 3, 2010, as “National Women and Girls in Sports Day”; and

(2) encourages State and local jurisdictions, appropriate Federal agencies, and the people of the United States to observe “National Women and Girls in Sports Day” with appropriate ceremonies and activities.

Ms. SNOWE. Mr. President, I rise to submit the National Women and Girls in Sports Day resolution. As we celebrate the 24th anniversary of National Girls and Women in Sports Day, I am pleased to be joined by colleagues, Senator MURRAY, Senator MIKULSKI, and Senator BINGAMAN.

The celebration of National Girls and Women in Sports Day began in remembrance of Olympic volleyball player Flo Hyman for her athletic achievements and her commitment to ensuring equality for women's sports. Tragically, Hyman died of Marfan's Syndrome in 1986 while competing in a volleyball tournament. In that same year, I introduced a joint resolution commemorating the first National Women in Sports Day in 1987. With today marking the 24th anniversary of this celebration, we continue to honor all girls and women, recognizing past and current achievements in athletics, as well as the positive influence of sports participation and the continuing struggle for equality and access for women in sports.

We undoubtedly have a plethora of women athletes who deserve our admiration and appreciation with the upcoming 2010 Winter Olympics in Vancouver. Just a few weeks ago, the most decorated female skier in U.S. history Lindsey Vonn was named the 2009 Sports Woman of the Year by the United States Olympic Committee. That remarkable achievement occurred on the heels of earning the distinction of Female Athlete of the Decade by NBC's Universal Sports. While her athletic talent alone make both these awards certainly well-deserved, Ms. Vonn is also widely respected for her indomitable tenacity and resilience: In the 2006 Olympic Winter Games she continued her race despite a horrific crash and earned the Olympic Spirit Award. No doubt she will carry her

“Olympic Spirit” in this year's competition as well.

It is clear that while we celebrate the tremendous progress women's sports have made since the commencement of National Girls and Women in Sports Day, we cannot sit on the sidelines. As reflected in this year's theme, “Stay Strong, Play On”, we must continue to build on the outstanding successes in sports participation by girls and women over the past several decades. Again, I applaud the girls and women across the state of Maine and our country for their participation and leadership in athletics as we celebrate National Girls and Women in Sports Day—today and every day.

SENATE RESOLUTION 409—CALLING ON MEMBERS OF THE PARLIAMENT IN UGANDA TO REJECT THE PROPOSED “ANTI-HOMOSEXUALITY BILL”, AND FOR OTHER PURPOSES

Mr. FEINGOLD (for himself, Mr. COBURN, Mr. CARDIN, and Ms. COLLINS) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 409

Whereas a bill introduced on October 14, 2009, by a member of Parliament in Uganda would expand penalties for homosexuality to include the death penalty and requires citizens to report information about homosexuality to the police or face imprisonment;

Whereas many countries criminalize homosexuality, and in some countries, such as Iran, Nigeria, Saudi Arabia, and Sudan, the penalty for homosexuality includes the death penalty;

Whereas the United States, in seeking to promote the core American principles of equality and “Life, Liberty, and the pursuit of Happiness,” has long championed the universality of human rights;

Whereas religious leaders in the United States, along with representatives from the Vatican and the Anglican Church, have stated that laws criminalizing homosexuality are unjust; and

Whereas the people and Government of the United States recognize that such laws undermine our commitment to combating HIV/AIDS globally through the President's Emergency Plan for AIDS Relief (PEPFAR) by stigmatizing and criminalizing vulnerable communities: Now, therefore, be it

Resolved, That the Senate—

(1) calls on members of the Parliament in Uganda to reject the “Anti-Homosexuality Bill” recently proposed in that country;

(2) urges the governments of all countries to reject and repeal similar criminalization laws; and

(3) encourages the Secretary of State to closely monitor human rights abuses that occur because of sexual orientation and to encourage the repeal or reform of laws such as the proposed “Anti-Homosexuality Bill” in Uganda that permit such abuses.

SENATE RESOLUTION 410—SUPPORTING AND RECOGNIZING THE GOALS AND IDEALS OF “RV CENTENNIAL CELEBRATION MONTH” TO COMMEMORATE 100 YEARS OF ENJOYMENT OF RECREATION VEHICLES IN THE UNITED STATES

Mr. BAYH (for himself and Mr. LUGAR) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 410

Whereas 1910 marks the first year of mass-produced, manufactured, motorized campers and camping trailers;

Whereas 1 in 12 households in the United States own a recreation vehicle (referred to in this preamble as an “RV”), and over 30,000,000 RV enthusiasts take part in this affordable and environmentally friendly form of vacationing;

Whereas RV vacations allow families in the United States to build stronger relationships, explore the great outdoors, and take part in healthy activities;

Whereas this homegrown industry, including RV manufacturers, suppliers, dealers, and campgrounds, employs hundreds of thousands of people in good-paying jobs across all 50 states;

Whereas traveling in an RV offers the freedom, comfort, and flexibility to see all parts of the United States, from historic landmarks and National Parks to local campgrounds and sporting events; and

Whereas the 100th anniversary of the introduction of the RV into the marketplace in the United States will be celebrated June 7, 2010, at the RV/MH Hall of Fame in Elkhart, Indiana: Now, therefore, be it

Resolved, That the Senate—

(1) supports and recognizes the goals and ideals of “RV Centennial Celebration Month” to commemorate 100 years of enjoyment of recreation vehicles in the United States; and

(2) encourages the people of the United States to celebrate this anniversary by taking part in recreation vehicle vacations.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources

The hearing will be held on Monday, February 15, 2010 at 2:30 p.m., at the Corbett Center (Ballroom-Eastside) on the campus of New Mexico State University, in Las Cruces, New Mexico.

The purpose of the hearing is to receive testimony on S. 1689, the Organ Mountains-Desert Peaks Wilderness Act.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150.

For further information, please contact David Brooks at (202) 224-9863 or Allison Seyferth at (202) 224-4905.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on February 4, 2010, at 10:30 a.m., to conduct a hearing entitled "Prohibiting Certain High-Risk Investment Activities by Banks and Bank Holding Companies."

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on February 4, 2010, at 2:30 p.m., in room 253 of the Russell Senate Office Building.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on February 4, 2010 in room S-216 of the Capitol.

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

COMMITTEE ON FINANCE

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on February 4, 2010, at 10 a.m., in room 215 of the Dirksen Senate Office Building, to conduct a hearing entitled "The President's Fiscal Year 2011 Budget."

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

COMMITTEE ON THE JUDICIARY

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on February 4, 2010, at 10 a.m., in SD-226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

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

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on February 4, 2010, at 9:30 a.m., to conduct a hearing entitled "Keeping Foreign Corruption Out of the United States: Four Case Histories."

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. LEAHY. Mr. President, I ask unanimous consent that the Select

Committee on Intelligence be authorized to meet during the session of the Senate on February 4, 2010, at 2:30 p.m.

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

SUBCOMMITTEE ON ANTITRUST, COMPETITION POLICY AND CONSUMER RIGHTS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on the Judiciary, Subcommittee on Antitrust, Competition Policy, and Consumer Rights be authorized to meet during the session of the Senate on February 4, 2010, at 2:30 p.m., in SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled "The Comcast/NBC Universal Merger: What Does the Future Hold for Competition and Consumers?"

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

SUBCOMMITTEE ON SUPERFUND, TOXICS, AND ENVIRONMENTAL HEALTH

Mr. LEAHY. Mr. President, I ask unanimous consent that the Subcommittee on Superfund, Toxics, and Environmental Health be authorized to meet during the session of the Senate on February 4 at 10 a.m. in room 406 of the Dirksen Senate Office Building.

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

INTERNATIONAL DEVELOPMENT AND FOREIGN ASSISTANCE

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on February 4, 2010, at 3 p.m., to hold an International Development and Foreign Assistance Subcommittee hearing entitled "Haiti Reconstruction: Smart Planning Moving Forward."

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

EXECUTIVE SESSION

NOMINATION OF CRAIG BECKER TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD

Mr. REID. Mr. President, I ask unanimous consent that it be in order to move to executive session to consider Calendar No. 688, the nomination of Craig Becker.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

The clerk will report the nomination. The legislative clerk read the nomination of Craig Becker, of Illinois, to be a member of the National Labor Relations Board.

CLOTURE MOTION

Mr. REID. Mr. President, I have a cloture motion at the desk, and I ask that it be reported.

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

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Craig Becker, of Illinois, to be a member of the National Labor Relations Board.

Harry Reid, Tom Harkin, Benjamin L. Cardin, Debbie Stabenow, Bill Nelson, Al Franken, Barbara Boxer, Amy Klobuchar, Mark Begich, Byron L. Dorgan, Dianne Feinstein, John D. Rockefeller IV, Edward E. Kaufman, Roland W. Burris, Daniel K. Akaka, Sheldon Whitehouse, Sherrod Brown.

Mr. REID. Mr. President, I ask unanimous consent that the mandatory quorum be waived.

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

Mr. REID. Mr. President, I ask unanimous consent that at 2 p.m., Monday, February 8, the Senate proceed to executive session and resume consideration of Calendar Nos. 468 and 688, with the time until 5 p.m. equally divided and controlled between the leaders or their designees; and that the debate time run concurrently with respect to Calendar No. 468 and the cloture motion with respect to Calendar No. 688; that at 5 p.m., the Senate proceed to vote on confirmation of the nomination of Joseph Greenaway; that upon confirmation, the motion to reconsider be considered made and laid upon the table, the President be immediately notified of the Senate's action; that upon disposition of the Greenaway nomination, the Senate then proceed to vote on the motion to invoke cloture on the Becker nomination.

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

Mr. REID. I ask unanimous consent that the Senate now resume legislative session.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

ORDERS FOR MONDAY, FEBRUARY 8, 2010

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 2 p.m., Monday, February 8; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to executive session, as provided for under the previous order.

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

PROGRAM

Mr. REID. Mr. President, on Monday, the Senate will debate, concurrently, the nominations of Joseph Greenaway to be U.S. circuit judge for the Third Circuit and Craig Becker to be a member of the National Labor Relations

Board until 5 p.m., with the time equally divided and controlled between the two leaders or their designees.

At 5 p.m., the Senate will proceed to vote on the confirmation of the Greenaway nomination and then immediately proceed to a cloture motion on the Becker nomination.

ORDER FOR ADJOURNMENT

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order, following the remarks of Senator DODD.

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

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

HONORING SENATOR PAUL KIRK

Mr. DODD. Mr. President, first I wanted to say a few words to welcome our new colleague, SCOTT BROWN, who has joined our ranks as a Member of the Senate from the Commonwealth of Massachusetts. I wasn't able to be here at 5 p.m. when he was sworn into office, but I wish him the very best. I had a good conversation with him a couple weeks ago after his election and look forward to serving with him.

I rise this evening to honor a good friend and a legendary public servant. Although he only served here a short time, PAUL KIRK has been a public servant for decades. I wish to tell him and his wife Gail and their family what a remarkable contribution in a few short weeks PAUL KIRK has made as a Member of the Senate.

PAUL is an American who will never get the kind of attention he deserves for the rich life of public service he has led throughout his career. That won't bother him one bit because that is who PAUL KIRK is. For over half a century, he has been motivated not by a desire to seek recognition or to receive it but by a passion for progress and a deep love of his own country.

PAUL came to Washington last fall with the impossible task of succeeding our dear friend Ted Kennedy as Senator from Massachusetts. PAUL did so not in the hopes of filling Teddy's shoes but in continuing to blaze the path forward that Ted Kennedy forged more than four decades ago when he arrived as a new Member of this body. As a U.S. Senator, PAUL KIRK has served the Commonwealth with great dignity and humility. Although he was only among our ranks for a few short months, all of us will miss him in this Chamber. He left such a good and lasting impression of his service.

PAUL's time here is just one of many roles he has played in service to our Nation and our democracy. In 1965, many years ago, PAUL KIRK entered public service as an assistant district attorney in Massachusetts. But it wasn't long before PAUL's story became intertwined with the Kennedy family in Massachusetts.

In 1968, PAUL worked on Robert Kennedy's Presidential campaign, and the very next year he joined the Senate staff of Bob's brother Ted. Thus began the kind of a partnership that has moved mountains throughout our history. As a Senate staffer, the political director of Teddy's Presidential campaign, and the chairman of our own Democratic Party, PAUL served alongside Ted Kennedy as Teddy and his remarkable staff over those four decades fought battle after battle on behalf of the American people.

PAUL has always understood the importance and power of the American story. That is why he has served for a decade as chairman of the National Democratic Institute of International Affairs, working to spread and support democracy around the world so that every nation could know what it is to be truly free. And he has worked to strengthen our own democracy as well, as the longtime cochairman of the Commission on Presidential Debates.

As we all know, PAUL KIRK is a very proud Democrat, but he is even prouder as an American. In an age when it seems as if partisanship can overwhelm even our most fundamental Democratic values, PAUL KIRK has stood for fair play and open debate for decades.

Many Americans first met PAUL KIRK after Teddy passed away, when PAUL so elegantly conducted that remarkable memorial service at the Kennedy Library in Boston. They saw in him the passion that led him to join Ted Kennedy in the cause of progress and also the quiet dignity of a man for whom the work would go on, even after the passing of his very dear friend.

As a U.S. Senator, they have seen him take up the torch of issues that mattered to Teddy and to the people of Massachusetts and to the American people, none more important, of course, or dear to PAUL's heart than the fight to reform our health care system, a fight that will have to continue in his absence.

PAUL has been assisted in this difficult job by a core of public servants, the names of whom are unfamiliar to most and the likes of which we might not see again, the staff he inherited from Ted Kennedy. Whether you are a Democrat or Republican—I say this to new Members—the older Members of this Chamber, Democrats and Republicans, will tell you that to know the Kennedy staff was to respect how talented and professional that staff was, how fairly they treated every Member of this body and every staff member. It was the core reason for their success legislatively, because they had such respect for individual Members, the staff

who works here, and for the ideas people brought to the debate. They too, of course, deserve our appreciation and recognition as well.

I congratulate Senator SCOTT BROWN and welcome him to this Chamber. It is a remarkable opportunity he will have to represent the Commonwealth of Massachusetts. I look forward to working with him in the coming days and weeks. Senator BROWN comes to fill a seat from which great things have been done for the people of Massachusetts and our country. I think there might be no greater compliment I can pay to the man whom we welcomed last year than to say to Senator BROWN: We wish you the very best in filling Ted Kennedy's shoes and PAUL KIRK's shoes as well.

To my friend PAUL, I thank you for your service, not just the service you performed in this Chamber but a lifetime of service you have given to our country and the many more years of service I know you will be able to provide. To his wife Gail, I thank you for sharing your husband with the country over these past months. I wish you all the best as you look forward as well to the future.

To our colleagues who have come to know PAUL's decency and professionalism, I urge we follow his example, not just in dogged pursuit of good legislation that moves our country forward but in the effort to make this Chamber a place where good ideas and good conscience can once again trump pettiness and partisanship. Let us be guided in our work not just by Teddy's passion but by the selfless spirit of service that has made PAUL KIRK such a fine U.S. Senator and a very good American.

I thank PAUL for his service. I said to him the other day that my only regret is that he hasn't been able to serve here a longer time because I think he would have made a remarkable contribution to our country. He did in a short time, but I have a feeling that had he been here for a number of years, the country would be a better place today. It already is because of his service. It could have been even better. I wish him the very best.

I yield the floor.

ADJOURNMENT UNTIL MONDAY,
FEBRUARY 8, 2010, AT 2 P.M.

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 2 p.m., Monday, February 8, 2010.

Thereupon, the Senate, at 6:54 p.m., adjourned until Monday, February 8, 2010, at 2 p.m.

NOMINATIONS

Executive nominations received by the Senate:

MARINE MAMMAL COMMISSION

DARYL J. BONESS, OF MAINE, TO BE A MEMBER OF THE MARINE MAMMAL COMMISSION FOR A TERM EXPIRING MAY 13, 2013. (REAPPOINTMENT)

DEPARTMENT OF COMMERCE

LARRY ROBINSON, OF HAWAII, TO BE ASSISTANT SECRETARY OF COMMERCE FOR OCEANS AND ATMOSPHERE, VICE WILLIAM J. BRENNAN, RESIGNED.

THE JUDICIARY

ELIZABETH ERNY FOOTE, OF LOUISIANA, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF LOUISIANA, VICE TUCKER L. MELANCON, RETIRED.

MARK A. GOLDSMITH, OF MICHIGAN, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF MICHIGAN, VICE JOHN CORBETT O'MEARA, RETIRED.

MARC T. TREADWELL, OF GEORGIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF GEORGIA, VICE HUGH LAWSON, RETIRED.

JOSEPHINE STATION TUCKER, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA, VICE ALICEMARIE H. STOTLER, RETIRED.

DEPARTMENT OF JUSTICE

DAVID B. FEIN, OF CONNECTICUT, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF CONNECTICUT FOR THE TERM OF FOUR YEARS, VICE KEVIN J. O'CONNOR, RESIGNED.

TIMOTHY Q. PURDON, OF NORTH DAKOTA, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF NORTH DAKOTA FOR THE TERM OF FOUR YEARS, VICE DREW HOWARD WRIGLEY.

PARKER LOREN CARL, OF KENTUCKY, TO BE UNITED STATES MARSHAL FOR THE EASTERN DISTRICT OF KENTUCKY FOR THE TERM OF FOUR YEARS, VICE DENNIS MICHAEL KLEIN.

KERRY JOSEPH FORESTAL, OF INDIANA, TO BE UNITED STATES MARSHAL FOR THE SOUTHERN DISTRICT OF INDIANA FOR THE TERM OF FOUR YEARS, VICE PETER MANSON SWAIM.

GERALD SIDNEY HOLT, OF VIRGINIA, TO BE UNITED STATES MARSHAL FOR THE WESTERN DISTRICT OF VIRGINIA FOR THE TERM OF FOUR YEARS, VICE G. WAYNE PIKE.

CLIFTON TIMOTHY MASSANELLI, OF ARKANSAS, TO BE UNITED STATES MARSHAL FOR THE EASTERN DISTRICT OF ARKANSAS FOR THE TERM OF FOUR YEARS, VICE ROBERT GIDEON HOWARD, JR.

SCOTT JEROME PARKER, OF NORTH CAROLINA, TO BE UNITED STATES MARSHAL FOR THE EASTERN DISTRICT OF NORTH CAROLINA FOR THE TERM OF FOUR YEARS, VICE CLYDE R. COOK, JR.

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS VICE COMMANDANT OF THE UNITED STATES COAST GUARD AND TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 47:

To be vice admiral

REAR ADM. SALLY BRICE-O'HARA

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS COMMANDER, PACIFIC AREA OF THE UNITED STATES COAST GUARD AND TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 50:

To be vice admiral

REAR ADM. MANSON K. BROWN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS COMMANDER, ATLANTIC AREA OF THE UNITED STATES COAST GUARD AND TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 50:

To be vice admiral

REAR ADM. ROBERT C. PARKER

IN THE MARINE CORPS

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

To be colonel

WALTER T. ANDERSON
MATTHEW J. ANS
JOHN G. BAKER
JAVIER J. BALL
JAY M. BARGERON
RICHARD T. BEV
EDWARD W. BLIGH
BRANTLEY A. BOND
ROBERT V. BOUCHER
CHAD M. BREEDEN
RANDOLPH J. BRESNIK
LEX A. BROWN
RICKY F. BROWN
PETER D. BUCK
PATRICK C. BYRON
JAMES C. CALEY
AARONPAUL CAMELE
MICHAEL L. CARTER
DAVID F. CASEY
MICHAEL S. CEDERHOLM
ROGER L. CORDELL
ROBERT P. COTE
JOSEPH A. CRAFT
MICHAEL T. CUCCIO
STEVEN M. CUNNINGHAM
KEITH M. CUTLER
JAMES D. DAVIS
DAN E. DOWSE
TERENCE J. DUNNE
DAVID J. ESKELUND
MATTHEW D. FERINGA
JAMES G. FLYNN
ALLEN S. FORD

TIMOTHY C. FRANTZ
MICHAEL J. GANN II
BRADFORD J. GERING
JOHN R. GILTZ
JAMES F. GLYNN
ROBERTO J. GOMEZ
JEFFERY O. GOODES
MICHAEL J. GOUGH
CHARLES S. GRAY
DUDLEY R. GRIGGS
JIMMIE G. GRUNY
ROBERT M. HAGAN
STEPHEN W. HALL
JAMES B. HANLON
HUNTER H. HOBSON
ADAM P. HOLMES
SCOTT S. JENSEN
MATTHEW L. JONES
ROBERT W. JONES
RONALD F. JONES
CHRISTOPHER A. KEANE
KURT A. KEMPSTER
JAMES R. KENNEDY
JEFFREY S. KOJAC
DAVID A. KREBS
GERRY W. LEONARD, JR.
WILLIAM R. LIEBLEIN
WILLIAM S. LUCAS
WILLIAM J. MACKEY
ROBERT L. MANION, JR.
JOSEPH A. MATOS III
BRENDAN B. MCBREEN
ROGER J. MCFADDEN
FRANK N. MCKENZIE
ANDRE L. MERCIER
PAUL D. MONTANUS
JAMES M. MORRISROE
NATHAN I. NASTASE
DWIGHT C. NEELEY
RONALD D. NEFF
MARK W. NELSON
KYLE J. NICKEL
SEAN P. ODOHERTY
DANIEL P. OHORA
TIMOTHY J. OLIVER
RICHARD T. OSTERMEYER
JOHN A. OSTROWSKI
DAVID M. OWEN
MICHAEL S. PALERMO, JR.
CHRISTOPHER J. PARKHURST
ALEX G. PETERSON
NEAL F. PUGLIESE
ROBERT L. RAUENHORST
JAMES P. RETHWISCH
DOMINIC E. ROBERTS
MICHAEL D. ROBINSON
PAUL P. RYAN
NEIL C. SCHUEHLE
SUSAN B. SEAMAN
WILLIAM H. SEELY III
ROBERT C. SHERRILL
OLIVER B. SPENCER
NICHOLAS A. SPIGNESI
MATTHEW G. STCLAIR
KRIS J. STILLINGS
JAMES B. STOPA
VICTOR S. STOVER
ROBERT L. TANZOLA III
CHRISTOPHER D. TAYLOR
WILLIAM R. TIBBS
TERENCE D. TRENCHARD
ROGER B. TURNER, JR.
RICK A. URIBE
HAROLD R. VANOPDORP, JR.
JOHN C. VARA
PATRICK L. WALL
MARK M. WALTER
ANNE M. WEINBERG
CLIFFORD J. WEINSTEIN
FRANK E. WENDLING
CHARLES A. WESTERN
JOSEPH S. WHITAKER
CURTIS L. WILLIAMSON III
KENNETH M. WOODARD

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

To be lieutenant colonel

STEPHEN J. ACOSTA
AARON W. ADAMS
BRAD J. AIELLO
DAVID M. ANGERSBACH
MIGUEL A. AVILA
RAYMOND P. AYRES III
BRANDEN G. BAILEY
ROBERT O. BAILEY
TIMOTHY M. BAIRSTOW
DANIEL J. BAKER
HEZEKIAH BARGE, JR.
WILLIAM J. BARTOLOMEA
CHARLES J. BASHAM
DANIEL L. BATES
ARTHUR R. BEHNKE, JR.
ROBERT H. BELKNAP II
CLAY A. BERARDI
GUY G. BERRY
CEDRIC C. BEVIS, JR.
ETHAN C. BISHOP
PETER D. BLADES, JR.
JEFFREY M. BOLDUC
DANIEL J. BRADLEY
PHILLIP M. BRAGG
HENRY J. BREZILLAC
NGAIO I. BROWN
STEPHEN C. BRZOSTOWSKI
MICHAEL S. BURKS
ALBERT S. CALAMUG
TOMAS CARLOS
JANO R. CARLSON
CHARLES R. CASSIDY
MICHAEL S. CASTELLANO
THOMAS H. CHALKLEY
ANDREW G. CHAPMAN
MICHAEL M. CHO
KEVIN E. CLARK
CRAIG C. CLEMANS
BRIAN CLEMENS
DEVIN L. CLEPPER
KEVIN G. COLLINS
CHAD J. COMUNALE
JAMES B. COOKSEY
AARON M. CUNNINGHAM
ALISON L. DALY
EDWARD J. DANIELSON
VALERIE C. DANYLUK
JEFFREY L. DAVIS
WILLIAM R. DELORENZO
DOUGLAS S. DEWOLFE
STEPHEN M. DICKERSON
JASON P. DOIRON
MARK T. DONAR
DARRYL W. DOTSON
DOUGLAS D. DOWNEY
DARREN E. DOYLE
ERIC R. DROWN
KEVIN M. DUFFY
MATTHEW A. DUMENIGO
WADE J. DUNFORD
THOMAS J. DUNN III
JUSTIN S. DUNNE
PETER C. DUNNING
JOHN R. DUPREE
BRIAN M. DWYER
BRIAN W. ECARIUS
BRIAN D. EHRLICH
JERRY J. ESTELL
BRIAN W. EVANS
DAVID R. EVERLY
HOWARD C. EYTH III
ROBERT B. FANNING
SEAN B. FILSON
ROBERT B. FINNERAN
PATRICK L. FITZGERALD
SHAUN T. FITZPATRICK
JOHN D. FLEMING
JEFFREY M. GAGNON
KELVIN W. GALLMAN
PATRICK C. GALLAGHY
RAYMUNDO R. GAMBOL
HARRY L. GARDNER
ROBERT J. GEORGE
HIETH D. GIBLER
CLIFFORD W. GILMORE
BRETT A. GORDAN
MICHAEL D. GONZALEZ
CHRISTEON C. GRIFFIN
JEFFREY D. GROHARING
DARBY W. GROSSNICKLE
JASON S. GUELLO
TREVOR HALL
ERIC J. HAMSTRA
EDDY I. HANSEN III
BRIAN J. HARDY
ROGER A. HARDY
BRADLEY J. HARMS
BRENDON G. HARPER
TIFFANY N. HARRIS
DANIEL P. HARVEY
GREGORY R. HAUCK
RICHARD HAWKINS
EDWARD J. HEALEY, JR.
KEVIN M. HEARTWELL
SHAWN R. HERMLEY
MANLEE J. HERRINGTON
GLEN R. HINES, JR.
SHANNON V. HOLLOWAY
DANNY L. HOWARD, JR.
DARYL S. HURST
KEVIN H. HUTCHISON
JAMES M. ISAACS
ERIC S. JAKUBOWSKI
THOMAS F. JASPER, JR.
SHANNON L. JOHNSON
WILLIAM W. JOHNSON
GREGG M. JOHNSTON
GILBERT D. JUAREZ
JASON W. JULIAN
HENRY JUNE, JR.
IVAN J. KANAPATHY
TRAVIS S. KELLEY
JESSE A. KEMP
MICHAEL G. KERKHOVE
CHRISTOPHER A. KRAJACICH
MICHAEL R. KROEMER
ROBERT M. KUDELKO, JR.
DWAINE D. LAMIGO
KRISTEN A. LASICKAHANER
JON M. LAUDER
RICHARD B. LAWSON
WILBUR LEE
DOUGLAS LEMOTT, JR.
DANIEL J. LEVASSEUR
JASON A. LEVY
JOHN C. LEWIS
DEVIN O. LICKLIDER
MATTHEW E. LIMBERT
GLEN P. LINDSTROM
JOSE M. LOPEZ II
CHRISTOPHER C. LYNCH
PAUL D. MACKENZIE
GIAN F. MACONE
VICTOR I. MADUKA

BRADLEY M. MAGRATH
 PETER J. MAHONEY
 AIMEE G. MARES
 RICHARD E. MARIGLIANO
 FRANK Q. MARILAO
 ROBERTO J. MARTINEZ
 JOHN J. MAZZARELLA
 PATRICK W. MCCUEN
 SCOTT D. MCDONALD
 MATTHEW R. MCGATH
 HEIDI J. MCKENNA
 JAMES A. MCCLAUGHLIN
 ROBERT T. MEADE
 PAUL F. MEAGHER
 SCOTT O. MEREDITH
 NATHAN M. MILLER
 ODELL MILLER III
 TODD M. MILLER
 SCOTT C. MITCHELL
 DARON M. MIZELL
 MARTA J. MOELLENDICK
 ROSS A. MONTA
 KEVIN L. MOODY
 BILLY R. MOORE, JR.
 DAVID E. MOORE
 JAY E. MOORMAN
 COBY M. MORAN
 PATRICK C. MORAN
 NICHOLAS A. MORRIS
 MATTHEW T. MORRISSEY
 DAVID C. MORZENTI
 JEFFREY V. MUNOZ
 KEVIN F. MURRAY
 KYLE D. MURRAY
 MICHAEL D. MYERS
 MATTHEW R. NATION
 SCOTT A. NICHOLSEN
 PAUL D. NOYES
 GEORGE NUNEZ
 DOUGLAS B. OGDEN
 MATTHEW J. PALMA
 JEFFREY B. PALMER
 ROBERT G. PALMER
 KEITH A. PARRELLA
 BREVEN C. PARSONS
 TROY M. PEHRSON
 BRADLEY S. PENNELLA

JASON S. PERRY
 KRISTIAN D. PFEIFFER
 MARK A. PICKETT
 TIM B. POCHOP
 MICHAEL D. PORTER
 ANDREW T. PRIDDY
 STEPHEN PRITCHARD
 EDWARD L. QUINN, JR.
 CHRISTOPHER K. RAIBLE
 WILLIAM A. RASGORSHEK
 HUGH J. REDMAN
 JACKSON L. REESE
 MATTHEW A. REILEY
 MICHAEL D. REILLY
 RYAN W. REILLY
 ROBERT F. REVOIR
 STEPHEN C. RIFFER
 JAMES A. RIGHTER
 MATTHEW B. ROBBINS
 GEORGE M. ROBINSON
 CESAR RODRIGUEZ
 JAMES A. RYANS II
 MATTHEW R. SALE
 TODD B. SANDERS
 MATTHEW R. SASSE
 BRIAN S. SCHENK
 SCOTT D. SCHOEMAN
 WILLIAM A. SCHUTZ II
 HECTOR SHEPPARD, JR.
 BRAD J. SHERMAN
 ROBERT W. SHERWOOD
 JOHN R. SIARY
 CORY G. SIMMONS
 CHARLES E. SMITH
 JASON E. SMITH
 JOHN E. SMITH
 PHILIP B. SMITH
 PAUL F. SPANGENBERGER
 DEMETRY P. SPIROPOULOS
 DAMIAN L. SPOONER
 DAVID M. STEELE
 KYLE M. STODDARD
 KARL J. STOETZER
 MATTHEW W. STOVER
 CHAD M. SUND
 CHRISTOPHER J. TEAGUE
 JAMES J. TOTH

JAMES R. TRAVER
 PHILIP J. TREGLIA
 STEVEN R. TURNER
 MICHAEL S. TYSON
 MARK E. VANSKIKE
 VERNON T. VEGGEBERG
 SCOTT A. VOIGTS
 ROBERT S. VOLKERT
 KIPP A. WAHLGREN
 JORDAN D. WALZER
 ANDREW B. WARREN
 LAWRENCE A. WASHINGTON
 DEREK J. WASTILA
 PATRICK D. WAUGH
 BRENT A. WEATHERS
 DAVID A. WEINSTEIN
 BENJAMIN D. WILD
 MICHAEL F. WILONSKY
 ANDREW R. WINTHROP
 DANIEL J. WITTNAM
 THOMAS D. WOOD
 MATTHEW A. WOODHEAD
 HAROLD C. YOUNG
 LUIS R. ZAMARRIPA

CONFIRMATIONS

Executive nominations confirmed by
 the Senate, Thursday, February 4, 2010:

GENERAL SERVICES ADMINISTRATION

MARTHA N. JOHNSON, OF MARYLAND, TO BE ADMINIS-
 TRATOR OF GENERAL SERVICES.

DEPARTMENT OF LABOR

M. PATRICIA SMITH, OF NEW YORK, TO BE SOLICITOR
 FOR THE DEPARTMENT OF LABOR.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT
 TO THE NOMINEES' COMMITMENT TO RESPOND TO RE-
 QUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY
 CONSTITUTED COMMITTEE OF THE SENATE.