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Senate

The Senate met at 10 a.m. and was called to order by the Honorable JEFF MERKLEY, a Senator from the State of Oregon.

PRAYER

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

Eternal Spirit, the fountain of all wisdom, we bring our fragmented lives into Your presence, seeking Your wholeness. We bring our restless spirits to You seeking Your calm strength. We bring You our transient thoughts, seeking the permanence of Your gracious providence.

Today, remind our lawmakers that only as we lose ourselves in something higher can we truly find ourselves. To this end, give them great causes to embrace and a great faith to energize their labors. Lord, lead them from doubt and disillusionment, from cynicism and frustration, to a confidence that in everything You work for the good of those who love You. Give them the light to see the way You desire them to take through today's perplexing circumstances.

We pray in Your Holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JEFF MERKLEY led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 9, 2009.

To the Senate:

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

ROBERT C. BYRD,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will be in a period of morning business for an hour, with Senators permitted to speak therein for up to 10 minutes each. The majority will control the first 30 minutes and the Republicans will control the second 30 minutes. Following morning business, the Senate will resume consideration of S. 1023, the Travel Promotion Act. The Senate will recess from 12:30 to 2:15 to allow for the weekly caucus luncheons to meet. We hope to reach an agreement to yield back some of the debate time on the travel promotion legislation prior to 4:30 p.m. Senators will be notified when that vote is scheduled. Upon disposition of the travel bill, the Senate will proceed to a cloture vote on the executive nomination of Cass Sunstein to be Administrator of the Office of Information and Regulatory Affairs at the Office of Management and Budget. This week, we are also going to go to the Transportation appropriations bill, and we will continue to work through the important appropriations process.

HEALTH CARE REFORM

Mr. REID. Mr. President, I wish to take a few minutes this morning to bring to the attention of the Senate an article in the September 7 Newsweek magazine. This is the language from Newsweek. I am not using the words; these are their words. There are two pages. "The Five Biggest Lies in the Health Care Debate." Remember, it is the five biggest, but there are a lot of them that have been going on. These are the five biggest lies, in the estimation of the publishers of this multi-million-dollar distributed magazine:

To the credit of opponents of health-care reform, the lies and exaggeration they're spreading are not made up out of whole cloth—which makes the misinformation that much more credible. Instead, because opponents demand that everyone within earshot (or e-mail range) look, say, "at page 425 of the House bill," the lies take on a patina of credibility. Take the claim in one chain e-mail that the government will have electronic access to everyone's bank account, implying that the Feds will rob you blind.

That is a falsehood. It is not in any bill, on any page, or anyplace. It is just made up, and it is carried on talk radio, blogs, and cable TV all over America. It is false, not true.

One of the things I found in going home is that people are concerned—old people, because we get sick when we get old—they won't be able to get any chemotherapy. In this magazine, No. 1, it says that "the threat that Medicare will give cancer patients over 70 only end-of-life counseling and not chemotherapy" is a lie. It is not me saying that, it is Newsweek.

Another one is that illegal immigrants will get free health insurance.

The House bill doesn't give anyone free health care.

So illegal immigrants getting free health insurance is a lie. That is one of the five biggest lies.

Another one is that death panels will decide who lives. This is a dandy that started and got legs because of the resigned Governor of Alaska.

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



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On July 16, Betsy McCaughey, a former lieutenant governor of New York and darling of the right, said on Fred Thompson's radio show that "On page 425"—

They talk about page 425, but it doesn't exist there or anywhere else. But that gives them credibility.

"On page 425, Congress would make it mandatory . . . that every five years, people in Medicare have a required counseling session that will tell them how to end their life sooner, how to decline nutrition." Sarah Palin coined "death panels" in an August 7 Facebook post.

Mr. President, that is a lie.

Next is that the government will set doctors' wages. This is the socialized medicine thing we hear so much about, that all this health care debate is about is socialized medicine. This is in the magazine.

I have told people in Nevada and everywhere I went during the break that the only person I have ever heard in many years who spoke about a single-payer system was Paul Wellstone. He did it proudly. He believed in it and he talked about it. But he is the only person I have heard talk about it since I have been in Congress. But the government setting doctors' wages is a lie. Socialized medicine is not part of the plan that is being talked about. That is simply not true.

I hope people will come back to reality and understand that what we are trying to do is fix a system that is bankrupting our country. Insurance companies are making huge amounts of money. They are not subject to the antitrust laws. They are taking advantage of the American people. Their No. 1 goal is to see how much money they can make, and that is not a lie. We are trying to change the curve.

Right now, in America, one-sixth of every dollar spent by everyone—it doesn't matter where you are—is for health care. If we don't change that, by 2020, which is close, 35 percent of every dollar spent will be for health care. We are not trying to take away benefits from old people. We are doing our very best to have a fair system and one that stops the insurance companies from taking advantage of everyone.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees. The majority will control the first half and the Republicans will control the second half.

The Senator from Illinois is recognized.

REMEMBERING SENATOR EDWARD M. KENNEDY

Mr. DURBIN. Mr. President, we knew it was coming. Yet the sight of Senator Edward Kennedy's desk draped in the black velvet of mourning is painfully sad.

America and the world have lost a great champion of civil rights, human rights, and fairness. As President Obama said so well, Senator Kennedy was not only historic, he was heroic.

We will have more time later this week to talk about his extraordinary life and the honor those of us who served with him enjoyed during his life. Today, I wish to say what a great honor it was to have worked alongside Ted Kennedy.

On his desk today is a copy of one of his favorite poems, "The Road Less Traveled" by Robert Frost.

There is another Frost poem that is identified with the Kennedys that Ted Kennedy loved as well. It is called "Stopping by Woods on a Snowy Evening." It is the story of a man who pauses to admire the simple serene beauty of a New England woods filling softly with snow and wishes he could stay longer. It reads:

But I have promises to keep,
And miles to go before I sleep,
And miles to go before I sleep.

Unlike his beloved brothers, Senator Kennedy's life was not one of promise cut short but a life of promises kept. He loved America, and his life's work made us a better and more just nation.

If Ted Kennedy were here today, I feel absolutely certain that he would be on the floor at this moment talking about health care. It really was the hallmark of his public career. From the beginning, he understood this was one of the most fundamental things when it came to justice and fairness in America.

The fact that 47 million Americans have no health insurance is at least embarrassing, if not shameful, in this great and prosperous Nation. Who are these people, these 47 million? Are they lazy or just unlucky? Well, they are not the poorest in America because we provide for the poorest. We have Medicaid, which provides basic health care for those who are out of work and have no source of income or savings. They are not the fortunate few or the fortunate majority, because they don't enjoy health insurance, as most of us do, where they work. They are people who get up and go to work every single day, without the assurance that they are going to have protection if they run into medical bills.

This morning, in the State Journal Register, which is published in my hometown of Springfield, IL, there is a story of one person, Terry Broida. He is a fellow who is down on his luck. He is 62 years old, and he says:

"I couldn't get a credit card to buy a postage stamp," said Broida, 62, who estimated he owes \$80,000 to Springfield doctors and hospitals, money he doesn't think he will be able to pay.

Is he out of work? No. He is a small businessman who operates an air-filter maintenance company, and he is one of more than 45 million Americans who have no health insurance.

It says:

He wants to see Congress and the Obama administration cover all Americans through a universal, government-controlled system. And he's not scared of what some would call "socialized medicine."

He said this Tuesday:

We have socialized medicine already—it's called Medicare, and it works.

This says:

America's health-care costs total more than \$2.2 trillion a year, accounting for 16.2 percent of the gross domestic product in 2007.

That is \$1 out of every \$6 spent in America.

And yet, the latest statistics indicate that 15 percent of Americans [like Terry Broida] were uninsured in 2007.

Health care costs are crippling the ability of many companies to compete, and many companies are dropping coverage.

Broida, the father of six, hasn't had health insurance [in 40 years] since 1969, when he was 22 and sold life insurance [at a local agency]. When he left that job, he operated furniture stores for more than 30 years.

He said, "I was young, stupid and thought I could handle anything."

He said he never could afford health insurance but always seemed to scrape together enough money for doctor visits for himself, his kids and his now-ex-wife—until 1980, when he broke his right leg playing softball.

To pay for the \$3,000 surgery to fix his leg, he agreed to reupholster the surgeon's furniture.

"It was a pretty good swap," Broida said. But that doctor died a few months later, leaving Broida with no one willing to accept a similar swap to remove the metal rod [the doctor put] in his leg.

The rod is still there today, 29 years later.

A 17-foot fall through a roof while working in early 1990s left him with another \$3,000 hospital bill he couldn't pay, and a heart attack in 1995 generated a \$25,000 bill to St. John's Hospital [in Springfield, IL].

He thinks the hospital forgave most of the bill.

Fearing another big bill, [Terry] decided not to seek medical care in 1996, when he fell off another roof. "I just laid in bed until the pain went away, and I went back to work," Broida said.

Spinal stenosis almost crippled him until his primary care doctor at [a local community health center] referred him for emergency surgery in 2007.

The surgery worked, but the surgeon was from a local clinic which did not offer discounted rates to patients, such as they offer to major health insurance companies. The doctor bill alone for his emergency surgery was \$40,000. Broida said, "There's no way in hell I can pay \$40,000."

At one time, he said, he earned \$50,000 a year. He said he now makes about \$18,000 while recovering from surgery.

He went on to talk about the fact that he had heart problems that may have been complicated by dental problems. He cannot afford regular dental

care, obviously. He basically said he is for a universal system of health care. He would like the Federal Government to establish a public option to compete against private insurance companies so people like him could afford insurance.

He said in this article:

"Businesses exist to make a profit," he said. "Government exists to provide a service."

Asked whether the debate about reform makes him hopeful, he said powerful lobbying interests will be a barrier to major decisions by congressional lawmakers.

"I'm not holding my breath," he said. "It's all about the Benjamins. If they listen to the money we're screwed."

Terry Broida, Springfield, IL, one of 47 million uninsured Americans who are all over our country. They got up and went to work this morning at their small businesses and working for other people. They made the bed in your motel room last night. They are going to take the dishes off the table when you finish with your breakfast. They are the folks who are watching your kids at daycare. They are the ones who are watching your mom in the nursing home. And they are the ones who do not have health insurance.

What kind of a country are we if we can ignore the obvious—47 million uninsured Americans. When people come to the floor and rail about health care reform and talk about socialism, they are talking about whether we as a nation can reach out and provide for those who go to work and do not have the protection and security of health insurance. I do not call that socialism. It is fundamental Americanism and fairness. It is what has defined us as a country for so long.

It has been almost 80 or 90 years now since we decided that if you make more money in America, you will pay more in taxes than someone who makes less. Socialism? I don't think so. I think it is fairness, and that is what we are getting down to in this debate.

Tonight the President of the United States will speak to us, not far from here, across the Rotunda. I am not sure exactly what he is going to say, but I know one thing for sure, he is not giving up on his promise to America to make a difference when it comes to health care. This President understands it is once in a political lifetime that you can change this country for the better.

He also understands there are powerful forces against him, people who are making a fortune off the current system who do not want anyone to rock the boat. Oh, they are not going to say that. They are going to come up with some of the things Senator REID referred to earlier—the great lies about death panels and cutting off people when they need chemotherapy late in their life. They are going to peddle those lies and try to mislead and distort the debate. But I don't think they will succeed because I believe the American people understand that the best thing for us to do is not go through shoving and shouting at town

meetings but sit down and have an honest debate and answer questions honestly, not the kind of distortion and lies we have seen.

For Terry Broida, \$80,000 in debt to the hospitals and doctors in my hometown, he will go to work tomorrow in his little business and try to keep it going. He will see his own medical condition deteriorate. I wonder if, on the floor of the Senate and the House of Representatives, there will be anybody listening to his story and deciding that America can do better.

We are the fortunate few on the floor of the Senate. We have the best health insurance in America. Every American deserves that kind of health insurance. We have an opportunity once every year to pick from private health insurance plans, the ones that are right for our family. If we pick a big plan, we pay more out of our payroll deduction. If we pick a smaller plan, we pay less. But we have that right, that choice, that security, and peace of mind to know our families are going to be protected.

Many of the same Senators who come to the floor and to their town meetings to rail about public options and public-administered health care plans happen to belong to one right here in the Senate. Interesting, isn't it? Terrible for everybody else but perfect for them and their families.

I think the American people can see through that. They understand that, at the end of the day, we can improve this system and make it better and fair. They understand if they have health insurance they want to keep, it is going to be their right under any change of the law. If they have a doctor they trust, they can stay with that doctor. That is going to be protected.

But if they are similar to Terry and have no health insurance or they have health insurance which is terrible, we want to give them the same choice Members of Congress have: to pick the health insurance that is right for them, and for those in lower income categories, to give them a helping hand to pay for that health insurance premium. That is only right, and it is only fair.

We want to make sure these health insurance companies do not continue to rip off people. Two out of three people who file for bankruptcy in America today do so because of medical bills they cannot pay, just like Terry. Two out of three file for bankruptcy because of medical bills. You know what, 78 percent of them, more than three-fourths of those filing for bankruptcy because of medical bills have health insurance. It is no good. It wasn't there when they needed it. The company denied their benefits. The company refused to pay, and they were stuck, losing everything—their life savings, things they had saved for the future, gone.

We cannot allow this to continue. We cannot allow the radical voice we have heard over the last several weeks distorting the facts about this debate to

prevail. This is a time for us to stand and do the right thing for this country and bring coverage to those today in America who do not have the most basic security we all need—the security of knowing that when you wake up in the morning, you are not one accident or one diagnosis away from being wiped out financially.

For 47 million people, that is the reality of life in America. The President tonight will challenge us to change it. We have to have the political courage to do it.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Ohio.

Mr. BROWN. Mr. President, I applaud the remarks of my friend from Illinois and his leadership on health care issues. He is one of the people in this institution—and I wish there were more—who went home and listened to people and came to the floor of the Senate to talk about the stories of people because that is why we are here. He represents them very well. That is why he supports this health care plan by the President. That is why he supports the public option and coverage for all—prevention and wellness and all that is in this legislation—insurance company reform that matters.

I thank my friend from Illinois.

Mr. President, tonight President Obama addresses the Nation, just down the hall, in a joint session of Congress, an historic night. A President has not addressed a joint session of Congress, other than a State of the Union Address which comes at the beginning of every year, since President Bush did it right after September 11. We know how important this is.

President Obama is stepping up and going to be more specific and more forceful and help to set aside and answer all the distortions the Senator from Oregon, the Presiding Officer, and I and others heard at our meetings in our States in August, when we were home talking to people about this health care legislation.

I went to the most conservative part of my State, Cincinnati, and did my first large townhall meeting. Mr. President, 1,500 people showed up; 1,000 of them generally were supportive of this health care bill with a public option. About 500 were opposed.

Several people stood and some argued that they did not like it. They called it socialism. They talked about death panels, and they talked about illegal immigrants, none of which are in the bill, of course. They have been misled, in large part, by insurance company interests in this city that have done all they could to propagate this misinformation all over the country.

The CEO of Aetna was paid \$24 million last year. The CEO of CIGNA and so many of these other companies makes tens of millions of dollars a year. That is just their top executives. Obviously, other executives make millions of dollars a year, while too often they deny a person coverage because of

a preexisting condition or they put an annual or lifetime cap on an insurance policy that makes you understand that if you get really sick, your policy was not nearly as good as you thought it was because they canceled your insurance or plans tend to discriminate on gender, geography, disability, and age, in many cases.

This legislation we will bring to the floor that was passed out of the committee on which the Presiding Officer sits, the Health, Education, Labor, and Pensions Committee, and passed three committees in the House of Representatives, will say you can keep the insurance you have, but we will build consumer protections around that insurance so insurance companies cannot cut you off, cannot deny you care, cannot cancel your insurance policy, cannot do—the technical term they use is “rescission”—when they find all kinds of reasons to cancel you.

I wish to talk a little bit about this townhall meeting in Cincinnati in the most conservative part of the State where people said: Are you sure you want to go there? Because there is all kinds of misinformation, all kinds of anger and disagreement with the bill. I found that was true only in a minority of people who showed up.

It was a huge crowd we had at the University of Cincinnati. One woman particularly got my attention, a young woman named Rachel, 17 years old. There were three high schools—Wyoming High School, which is in a suburb of Cincinnati, and another couple schools that were also there. This 17-year-old girl said—her name is Rachel—she said: My father's side of the family has the breast cancer gene, the gene that often indicates a high likelihood of breast cancer in the next generation of women. She said: My mother has had some autoimmune diseases in her family.

She said: I go to the doctor every year. I am very healthy. She looked great. She was outspoken and friendly. She said: I go in once a year. I have a physical. I am fine. I have never had any illness of any consequence. My parents' insurance company told me because of my parents' illnesses or just my parents' condition—not even illness at this point—I was told by my parents' insurance company that I would not be able to get insurance because I have a preexisting condition. She has never been sick, but she has been told by the insurance company that she would not get any insurance.

What kind of behavior is this? Insurance companies are going to do what they are going to do. Their bottom line is to try to figure out how they can bring in the most revenue possible and how to pay out the fewest dollars as possible. The way you do that is to deny care. I understand that is their business model. I don't blame them for that. I don't hate the insurance companies. I understand we need rules that insurance companies cannot do that. There is no reason the law should allow

this insurance company to deny Rachel, from Wyoming High School in a suburb of Cincinnati, her care.

Then I did other meetings around Ohio in Cambridge, in eastern Ohio, a small town. Mark, from Cambridge, discussed how businesses are struggling with crushing premiums and copays that take money away from company earnings and employee salaries. He learned, as a small business owner, health insurance reform—our bill—will provide tax credits to buy coverage for employees and, as we talked earlier, will prevent insurers from dramatically increasing premiums if an employee gets sick.

Imagine you have a business in Eugene, OR, or there is a business in my State in Akron or Zanesville or Lima. It is a small company that has 25 employees, and two of these employees get a serious form of cancer which costs them—they all have insurance through their employer—tens of thousands, maybe hundreds of thousands of dollars. The insurance company will do one of two things. They will either jack up premiums so high that the small business may not be able to afford the premiums and will have to lay off people or cancel the insurance or the insurance company will cancel their insurance. Either way, that will not work for their employees who did nothing wrong.

One of the things this legislation does is give those small businesses a tax credit so they, in fact, can insure their employees and make a financial go of it. It allows the small businessperson to take his whole business and all his employees into this exchange where they will get a choice of insurance companies. They could go with Aetna, CIGNA or United Health. They could go with a not-for-profit mutual company called Ohio Mutual. They could go with a public option. They have a choice. That is the point of a public option—to give a whole array of choices and at the same time have insurance reform so those companies can no longer cut off people because of a preexisting condition or deny care for a whole host of reasons. And the public option will help us enforce that by giving people that option where they simply would not cheat and would not deny coverage like that.

Another young man at one of our meetings in Columbus—Brenton, a recent college graduate—talked about how the excitement of graduating turned into anxiety knowing that he is one illness away from towering medical bills and even unemployment. Brenton, like millions of other recent college graduates and young adults, will benefit from low-cost plans and longer periods to stay on their parents' plans. I can't count the number of young people—21, 22, and 23 years old—who don't have insurance because when they graduated college, left home, or whatever, in their early twenties, their coverage was canceled. They could no longer be part of their parents' insur-

ance plan. Under this legislation, every person is allowed to stay—if the parents want them and the children want to—on their parents' plan until the age of 26, an age when young people begin to get better employment that can also lead to coverage.

Jane from Cambridge—eastern Ohio—discussed how her retirement security is being shattered by ballooning out-of-pocket costs and outrageous premium hikes. She will benefit from health insurance reform that roots out waste, fraud, and abuse to preserve the long-term sustainability of Medicare. She will also get assistance under our core medical bill, closing the doughnut hole, if she had the Medicaid prescription drug coverage. This doughnut hole has swallowed up so many people who have been buried in huge costs for their prescription drugs because of the way the Medicare bill was written 5 years ago.

You may remember back in those days—and we don't operate that way anymore—the drug and insurance companies sat down with President Bush and wrote the Medicare privatization bill. It was written for the drug companies; written for the insurance companies. They benefitted most from it. It created this huge doughnut hole where senior citizens have huge out-of-pocket costs they have to bear. This legislation begins to close that doughnut hole so that would not be the case.

Mr. President, it is clear that as many of us—the Senator from Illinois and the Presiding Officer from Colorado—went around our States in the last month and listened to people—such as the young college student who lost insurance; or Rachel, the young woman in Cincinnati who might have a preexisting condition, even though she had not been sick a day in her life or been diagnosed with any preexisting condition; or the small businessperson and fellow named Mr. Fisher in Cincinnati who told us how he has covered his employees for 26 years and how every year it gets harder and harder, to the point now where he has had some serious illnesses in his company of 40 or 50 or 60 people, if I can recall, and he simply can't continue to cover all of them—every one of these individuals has a specific problem. Many of them are happy with the insurance they have, if they have it, but many of them know the anxiety of what might happen with a preexisting condition or what might happen to them or their employees. Insurance is good only when it always works. That is what this bill does.

Insurance companies will have to do what they promise, not in the fine print but what they promise. This legislation goes in that direction.

We look forward to hearing the President tonight as he leads us on this very important issue. This will be perhaps the most important vote in the next couple of months that any of us cast, at least on a domestic issue—or maybe the most important vote in our lives

outside of voting on the Iraq war 6 or 7 years ago. But this is probably the most important vote we will cast in our careers.

We have moved intelligently. I think we have moved cautiously. We are ready to move this bill forward, get it to the President's desk by the end of the year. It is going to make a difference in the lives of tens of millions of people in the country.

I yield the floor.

The PRESIDING OFFICER (Mr. BENNET). The Senator from Illinois.

Mr. DURBIN. Mr. President, I see the Senator from Florida is on the Senate floor, so at this point I ask unanimous consent to reserve the remainder of the time on the majority side and yield to the Senator from Florida who will be recognized in morning business on the other side.

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

The Senator from Florida.

FAREWELL TO THE SENATE

Mr. MARTINEZ. I thank the Senator from Illinois for his kindness and appreciate the opportunity to proceed with my final speech on the floor of the Senate, which is a unique moment in time for sure.

The opportunity to serve in the Senate is really the culmination of what has to be an unlikely journey from the place of my birth in a small city in Cuba to having journeyed to the United States and having had the incredible opportunity to be in the Halls of the most cherished institution of democracy anywhere in the world. It has been, indeed, a privilege and an unlikely journey, as I say.

I am really very grateful to the people of Florida for having given me the opportunity to represent them in the Senate, and I think of my time in the Senate as a culmination of my time in public service, the close of a fulfilling chapter in my own version of the American dream.

Having lived through the onset of tyranny in one country and played a part in the proud democratic traditions of another, I leave here today with a tremendous sense of gratitude for the opportunity to give back to the Nation I love—the Nation not of my birth but the Nation of my choice, which is a significant difference. It is a great nation with a proud tradition throughout its history of welcoming immigrants to this country and, in addition to welcoming, it has given us the opportunity to do great things for all who are a part of this country.

So that is why I consider serving my community, my State, and our Nation for the past 12 years a great privilege. It was a desire to give back, to make a contribution to this Nation that propelled me to enter a life of public service. As a mayor and Cabinet Secretary, and as a Senator, preserving opportunities for others to receive their own claim to the American dream has always been a mission for me.

I have worked during all phases of my public life with a sincere desire to make a difference, and today I prepare to return home knowing that I have done my best to advance the things that make our Nation great, prosperous, and free. We truly live in the greatest Nation in the history of the world, and throughout my life in public service I have been humbled to play a proud role in this democratic history of our Nation.

As mayor of Orange County, it was a real pleasure and privilege to lead the community that had done so much for me and for my family when we first arrived in this country. Then to have the opportunity to lead them as mayor was indeed a rare treat and a wonderful opportunity. We carried out an aggressive agenda and tried to do the that which would better the lives of everybody who lived in Orange County, and I am proud of some of the many things we accomplished there.

Upon my service as mayor, I received a call from then-President-elect George W. Bush to serve my adopted Nation as the first Cuban American to serve in the Cabinet of a President, which was, again, a rare privilege and a wonderful opportunity. The call to serve as HUD Secretary was unexpected and not only a source of pride for me and my family but especially for the entirety of the Cuban American community. I will always be grateful to President Bush for giving me such a historic opportunity.

My time of serving on the Cabinet was punctuated by the terrorist attacks of September 11, 2001. These were sobering events. These were events that turned the focus of the Nation from a fairly carefree time dealing largely with domestic issues to a focus on the reality of what had occurred in New York and Pennsylvania and right here not far from this Capitol. It was part of my job as HUD Secretary to work on the reconstruction of Lower Manhattan. That and a number of other things were added as responsibilities for those of us in the administration at that time. Forevermore I will remember those days as having been a very significant part of my life in public service.

There is no question that it was a privilege to serve the President, but there is no greater honor than to have the people of Florida send me to Washington to serve them as a Member of the Senate. Aside from the debates and the speeches and all the work that goes into turning ideas into law, one of the most rewarding experiences has been helping Floridians resolve issues they have in their everyday lives.

In the short time I have been here, my office has assisted more than 36,000 Florida families through casework and written correspondence and countless more efforts. We made tremendous progress on many of the issues that face our State, including efforts to develop our natural energy resources while protecting the environment, seeking to modernize our military

through increased shipbuilding and ensuring we meet the Navy's goal of strategic dispersal—very important to our country but also to Florida—and working to protect our Nation's home buyers from bad loans, bad investments, and predatory lending practices.

It has also been rewarding to know our work can often impact the lives of those living outside our borders fighting for freedom and those things which we hold dear. I brought to my work a belief that it is always necessary to provide a voice for those who are silenced for attempting to advance the cause of freedom.

Having lived under Cuba's repressive dictatorship, I have always recognized the struggle of those who fight for freedom. That has always been, and will continue to be, a lifelong passion. I have taken every opportunity to recognize those engaged in Cuba's peaceful civic struggle for democratic change and those who stand up for their human rights. There are names such as Dr. Oscar Elias Biscet, Antunez, the Damas de Blanco—the “Ladies in White”—and also the victims of the Black Spring government crackdowns. It is my fervent hope that one day in the not too distant future the people in Cuba will live in freedom with dignity and hope for a better tomorrow. Freedom is their God-given right.

Even though I will no longer hold public office, I will devote myself to seeing the day when the people of Cuba can live in freedom. The preservation of all freedoms, whether they be in Cuba or around the world, call us to stand up wherever and whenever it is threatened.

One series of events will stand out in my mind as evidence of the power of an individual. A constituent of mine—a woman by the name of Cuc Foshee was falsely imprisoned in Ho Chi Minh's prison while she was visiting her family in Vietnam. This was a lady who fled Vietnam and who lived in Florida. She went back to Vietnam for a family wedding, and while she was there her views about the government of Vietnam were clear and well-known, so she was, for no particular reason, thrown in jail in Vietnam. When this matter came to my attention, she had been in detention for over a year. She was denied any of the basic rights that we understand and know. She had no opportunity to have contact with home, and she had no real hearing and no fair trial. Yet she was still in prison.

One of the wonderful opportunities I have had in my time here was to work for her release. It so happened that, working with President Bush and then-Secretary of State Rice, we had before the Senate the Vietnamese Free Trade Agreement. President Bush was planning a visit to Vietnam upon the completion of that agreement. So utilizing the resources all of us have in the Senate to ensure the consideration of that free-trade agreement was somehow connected to the freedom of this innocent woman, I was able to work with

Secretary Rice, leading our State Department at that time, as well as our President, to ensure that Cuc Foshee was freed.

I have never been more proud than the day we were able to get a phone call that she was on her way to San Francisco, and then have a wonderful reunion with her and her family in Orlando, FL. It is something I will never forget.

We did also strive mightily in this body to seek a solution to immigration reform, something I felt very strongly about. And being the only immigrant in this body, I believed I was dutybound to try to advance that cause. I am proud to say our efforts for immigration reform gave me the opportunity to work very closely with Senator Ted Kennedy, whom we are also honoring today, with nearly a half century of service in the Senate.

I can recall reminiscing with him one day near his desk. He came to the Senate in 1962. That was the same year I came here from Cuba. It was also immediately after we had a very serious confrontation involving Cuba—the Cuban missile crisis. I remember discussing with him how his family will be tied to that period of time, to the history of Cuba, and how deeply that had touched my life as well. In addition to the many opportunities to reminisce about things such as that with him, I hold dear the opportunity to have sat at a table and negotiated with him what I thought would have been a very good immigration reform package—a bill which I believed would be good for our country and good for many people in our country.

We didn't always agree. We didn't always have the same point of view. But we always found a way to get along and be very civil about our differences, and I admired greatly his ability to put differences aside and his desire to find consensus. What was most telling about working with Senator Kennedy is that he was committed to reaching an outcome. He wanted a solution, which then meant—and this might be a lesson for current issues today—that he could put aside the whole banana in order to get what he could.

I believe in working with him and then some other colleagues who have become such good and dear friends, such as Senator GRAHAM and Senator MCCAIN and many others; Senator KYL, who made an effort to get this legislation done—I must say I leave with a sense of regret that is not completed, but I do know that is an issue that will have to be addressed at some point in the future.

I would also quote from President Reagan on that issue. He talked about the idea that America remains a beacon of freedom to the world, when he spoke about the “shining city on the hill.”

In his farewell address to our Nation, he touched on the idea that the contributions of all individuals are what make our Nation great. He said:

If there had to be city walls, the walls had doors, and the doors were open to anyone with the will and the heart to get here.

I believe those words to be as true today as the day he said them. I do hope, in the not too distant future, this Congress will address itself to that very important issue.

Whether it is immigration, budgets or Supreme Court Justices, I will also miss the debates. I thank my fellow Senators for their collegiality and their friendship. I know these friendships are going to be the hardest thing to leave here—on both sides of the aisle. I must say I have been very touched by the warm and gracious phone calls and other expressions I have received from my colleagues, as I say, on both sides of the aisle. It makes me feel good about my relationship with all of you, and I hope it will be a relationship that will continue.

I wish to especially take a moment to thank Senator MCCONNELL, Senator KYL, Senator ALEXANDER and the other members of our leadership team for their kindness and willingness to work with me and give me opportunities to participate in our great debates. I also wish to thank Senator REID and Senator DURBIN for their friendship and their willingness to work with me as well.

I have had a very special and close working relationship with my colleague from Florida, Senator BILL NELSON. We have known each other for long time, long before we came to the Senate. It has been a real privilege and pleasure to work with him. We worked together well enough to give Florida an excellent team here, and I am pleased to not only have had this fine working relationship with him but also that our staffs have worked together well. I thank his Chief of Staff, Pete Mitchell, and others in his office for the wonderful way in which they worked with us.

All of you have extended great kindness to Kitty and to me. I hope we will have an opportunity to see you in Florida, where we will continue to make our home. I wish to especially recognize some people in my staff who have made my office go. As all of you know, we rely on these folks to make us look good at times and always be dedicated to us. My State director has been Kevin Doyle, who has done a magnificent job; senior director Kate Bush; my communications director, Ken Lundberg; legislative director, Michael Zehr; my executive assistant, Terry Couch, who has been bouncing with me from mayor to Secretary to Senator, and I daresay may even continue to hang around with me in some way; my chief of staff and longtime friend Tom Weinberg. I thank him very especially. He worked with me as county administrator and then came to join me here.

There are a few folks who were on my staff initially but have now moved on: my first chief of staff, John Little; Kerry Feehery; and my former State director, Matthew Hunter, were also

very important in my work, and I appreciate them very much.

I have to say one of the most singular honors I have had in my service has been to work with the men and women who serve in our Armed Forces and to get to know them—whether it is people in their leadership such as General Petraeus, who now is a Floridian in the Central Command in Tampa, or some Floridians serving in the National Guard, having lunch with them in Kabul or Baghdad or other places and here in Washington or around the world. They are an amazing group of people. They have my respect and my deep-felt gratitude for the work they do as they serve our Nation in foreign, distant places—and their families who, with them, are part of serving as well.

While saying thank-yous, I also would like to say a thank you to my wife Kitty, who has been a wonderful partner and friend in my life of public service, as she has been in all phases of my life. I promise you, if it were not for Kitty, I would not have done half of what I have done in life so I am eternally grateful to the good Lord for the blessing of having a wonderful life companion.

I wish to tell you all in George LeMieux you will have a very fine person. I hope you will give him the same warm welcome you gave to me and will be willing to work with him. I think he will serve the people of Florida well. I wish to extend a warm welcome to George LeMieux as he joins this wonderful body.

I am humbled by the trust the people in Florida placed in me. It has not been easy to make a decision to move on, but it is a decision I have made and I do it with a heavy heart.

I also particularly wish to address myself to the Cuban-American community throughout our country but especially in Florida, who have had such great pride in me, who have put so much of their faith and hopes in my public life. I simply wish to say to them: me hicieron suyos y creyeron en mi. Compartimos el orgullo en lo que somos y lo que hemos logrado. Su apoyo entusiasta ha tocado mi corazón, y atesoraré estas memorias para siempre, which means simply that I am appreciative of the pride we share together and what we have accomplished. Your enthusiastic support has touched my heart and I will always carry that with me.

My time of service is only a fraction of the nearly two and a half centuries that have passed since our Founders charted our course as a free people, but the opportunity for someone such as me to serve speaks volumes about the promise they made and one our Nation continues to keep, even to this day.

I wish to close with a quote from Jose Marti, a Cuban patriot, a hero of mine and to all those who strive to further the cause of freedom. He said:

Liberty is the essence of life. Whatever is done without it is imperfect.

With that, I think I have tried to enjoy the fruits of this liberty that this

country has to offer, but I have also tried to extend it to others in every way that I could. I am immensely grateful for the opportunity to have served in this body. I am humbled by this moment, and I am grateful to my colleagues for your friendship and support.

I yield the floor.

Mr. KYL. Mr. President, as Senator MARTINEZ knows, the minority leader of the Senate could not be here this morning. I made some brief remarks yesterday, but let me say, just kicking off some comments I know others of my colleagues want to make, that in addition to the other attributes that Senator MARTINEZ has brought to the Senate representing the people Florida, his personality, his engaging wit, and his love of people, his spirit, his friendliness, and his genuineness, all have been appreciated by all of us, I know, very much. So it is even more difficult for us to see him leave because, in addition to being a good colleague and a great Senator, he has been a wonderful friend.

I think all of us appreciate that quality of genuineness, which is not always the order of the day when it comes to people in politics. With Kitty and MEL MARTINEZ, it is. We appreciate and love them very much and we will miss them.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

TRIBUTE TO SENATOR MEL MARTINEZ

Mr. DURBIN. Mr. President, I wish to say a few words about my friendship and my admiration for the retiring Senator from the State of Florida. I didn't know Senator MARTINEZ before he came to the Senate. I think the first time I had an insight into who he was and what he brought to the Senate was at a Prayer Breakfast, when Senator MARTINEZ explained to a number of us how he happened to be an American. He was one of the fortunate few who escaped from Cuba under the tyranny of the Castro regime and was given a chance to come to Florida. He told me and others how difficult it was, struggling with a language he didn't know. He explained that one of the real saviors for him was the fact that he was a good athlete so he was able to play many sports, make many friends, and learn English in the process. He became not only an integral part of that community in Florida but an integral part of America's political future.

In his story of growing up in Florida, his family—his wife Kitty and his children—mean the world to him. When I heard he was retiring, I called from Illinois to reach him and wish him the best. I asked, as everyone would: Why? He said: It is all about my family.

I wish to tell the Senator I salute him for that. It takes an extraordinary amount of courage for a person to give up the adulation and the heady atmosphere of the Senate, to remember what is most important in their lives.

I also thank him for his extraordinary courage and helpfulness on so many issues, particularly when it came to issues of immigration. I know Senator MARTINEZ feels this personally. This is something that he has been through himself and he knows so many others alike who are looking for that chance to prove to America that they can make a contribution.

Senator MARTINEZ has been an outspoken supporter of the DREAM Act, which was an opportunity for younger people to have their chance in America. I thank the Senator for that. I know it was not easy because there are many critics, as the Senator you told me, who would come forward and tell him what a bad idea it was. But the Senator's courage in standing for that is an indication of the kind of person he is.

Florida is going to lose a great Senator in MEL MARTINEZ. America is going to lose an important voice in the Senate. But I don't think we have heard the last of MEL MARTINEZ. I think his contribution, whether as a citizen or some other walk of life in public service, is in the future.

I am honored to count you as a friend and colleague in the Senate. I wish you and your family the very best.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. ALEXANDER. Mr. President, I often think how the best stories in the Senate are not the political stories. We can all recount them—Senator INOUE's bravery in World War II, leading to a Congressional Medal of Honor; the former majority leader, Bill Frist, performing open heart surgery on General Petraeus when he was accidentally shot in Fort Campbell; Ben Nighthorse Campbell on the Olympic judo team; JIM BUNNING in the Hall of Fame; JIM INHOFE circling the world in an airplane the way Wiley Post did; Ted Stevens flying the first cargo plane into Beijing in 1944 at the end of World War II; and then after the elections of 2004, we had Ken Salazar from Colorado, 15th-generation American, whose family came to this country so early; we had Barack Obama with his incredible story; and then we had MEL MARTINEZ in the same year.

Despite the emotion of all those stories, the story of MEL MARTINEZ stands out to me. As the Senator from Illinois said, imagine growing up in Cuba—a good life. Not a rich life, but a good life—so well recounted in this book, "A Sense Of Belonging," that Senator MARTINEZ wrote. Suddenly the Castro regime comes, it is 1958, and one day your parents put you on an airplane and send you to Miami, not knowing whether they will ever see you again. Then foster homes, then bringing your parents over, going to Florida State, meeting Kitty, becoming the first Hispanic lawyer, I guess, in Orange County, and then the mayor and then a Cabinet member, then Senator, then Republican National Committee chairman—what a terrific story, so well told in this book.

One thing about our country that is unique is we believe anything is possible. The rest of the world looks at us and thinks that we Americans are very naive, but constantly we prove that anything is possible, over and over again—often with the election of a President from unusual circumstances, as we just had. But the story of MEL MARTINEZ, his escape from Cuba's communism, his coming from that, speaking no English, to what he has already accomplished, and now moving on to yet another career, this one in private life, is an inspiration for our country. He has enriched this body. He says in his book:

My journey has taught me that it is not an empty cliché that this country is a land where dreams can and do come true.

His life shows that. We have enjoyed his friendship. We appreciate his example for the country, and we wish him and Kitty well for the next chapter in their lives.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. Mr. President, I join my colleagues in congratulating my friend from Florida for his service to our country. He has served in so many different ways as has already been noted. But he is truly an example of the American success story, someone who came here, established himself, and has risen to the very highest, I guess you would call it, echelons of this country in terms of public service and his contributions to the private economy in this country. So it is with great regret that we say goodbye to him as a Senator but continue to maintain the strong friendships we have built and developed during his service here.

They say that someone is measured not by the days in their life but by the life in their days. While Senator MARTINEZ has maybe not served here as long as some other Senators—he and I came into this Senate together back in 2005—he may not be measured by his days of life in the Senate, but he is certainly measured by the life of his days in the Senate because he has added vitally to the debate here. He is an incredibly thoughtful Senator, someone from whom I have to say I have learned a lot—not just in our personal friendship but professionally—because he brings so many insights and such a thoughtful way in the way he looks at issues—domestic issues, foreign policy issues. I have learned a lot about Cuba. I have learned a lot about Latin America.

I have learned a lot about the Hispanic community in this country. And those are insights and contributions that he has made that no one else could make. It is very rare, indeed, to have someone of his experience and life experience and his quality to serve in the Senate and be able to rub shoulders and learn every single day from those experiences.

I congratulate Senator MARTINEZ and his family. As he said, like myself and many others of us, MEL married over

his head. He has a wonderful wife and family. And I hope that now, when he is not a Member of the Senate, we will get to see a little bit more of him in the State of South Dakota, because his son John married a South Dakota girl. I have been trying to hunt pheasants. He has made trips up there, but it is always a little bit later in the season when that time of the year comes around, and the climate tends to change in South Dakota. But I hope that now that he has a little bit more time to enjoy those types of things, we will get that chance.

I want to express my great appreciation to the Senator from Florida for an extraordinary run here in the Senate. He truly is the kind of person where what you see is what you get. That is rare in politics today—genuine, thoughtful, sincere, kind, generous, the kind of person who serves whom I want to see more of in public life.

It has been a pleasure and an honor to have had the opportunity to serve with him in the Senate and to call him a colleague. But it is even a greater privilege and honor and opportunity to have been able to call him my friend.

So, MEL, best wishes. Whatever you do, you are going to do well. We are proud of you. And thank you for your great contributions to our country. God bless you.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. GRAHAM. This is the time in a person's career you are supposed to lay it on thick. But there is no need to do that in MEL's case. I think everybody here speaking on both sides of the aisle is trying to say thank you for your friendship, and there are a million ways to say it. To Kitty, again, thank you for being part of our lives here. We are going to continue this relationship.

I think all of us have got stories about MEL. I first heard about MEL by reputation. He was a Republican trial lawyer. That intrigued me. There are not many of us. We can meet in a phone booth. I got to know MEL during his campaign and did some events for him. I think that experience of representing people in court made him a good Senator because he understands that there are two sides of every story, and sometimes a person needs the best advocate they can get, even though their cause may not be so popular at the moment.

But I got to know MEL during the immigration debate. That is a hell of a way to meet someone. You will learn quickly when you are talking about politics at that level, that emotional, and MEL was going to be part of that debate whether he wanted to or not because of who he was. You could not talk about immigration and not think about MEL MARTINEZ. He was the first one to show up and he was the last one to leave, and we will get that bill passed one day. It will be a tribute to MEL and Senator Kennedy that the guts of the bill will be the solution that will be embraced down the road.

That was tough politics. We would reminisce at night. And SAXBY was involved. We would meet every morning in the room over there, the President's Room, with Senator Kennedy and Senator McCain, trying to figure out where we were based on what happened the night before. Usually we had lost ground, but we kept plugging. But a lot of stories were told about what was going on in MEL's life.

There is a lot of hatred out there, quite frankly. There are a lot of people who should be upset about the immigration system not working and broken borders and legitimately concerned about the solution we were offering. But there were some people who were, quite frankly, hateful. I think MEL took the brunt of that more than anyone else. It did not get a lot of publicity, and probably it should not. But I know what he and Kitty went through to try to fix a broken immigration system. I will be forever grateful for their effort, because it was personally very difficult.

When MEL left a repressive place, he came to a hopeful country, and during that debate he never lost sight of what America is all about. America will never be defined by the people who hate. America will always be defined by people who love and care. I have never met two people who love and care more than Kitty and MEL. You will be missed.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. BROWNBACK. Mr. President, I too join my colleagues in recognizing MEL MARTINEZ and his great contribution to this body and his friendship. I think most of those things have been said.

One of the things I learned from a leader in the Senator's State was a saying that he gave to me that: We get into trouble when we look at people as problems and not as people. I have thought about that for a long time, because you can go back in our history, and generally when we have looked at people as problems and not people, that is when we have gotten into trouble. When you look at various situations we have had, and even the immigration debate would be one: Well, this is a problem. No, this is a person. Or you can look at our debate on abortion in this country and say: Well, we have got a problem here. No, we have a person here.

The consistency of what I have seen in MEL's policy position has been very much, no, this is a person. It is not just a person, this is a great person, and not just a great person, this is an unusual individual. He celebrates that with everyone. That is a beautiful thing to do and it is a beautiful thing to have, and it is a beautiful thing to see, because then that carries over into his friendships, so whenever he is talking with someone else, it may be a colleague or another individual, normally you are sitting there and you are going: Okay, I need to get something done through

this person. But I do not usually find that in a conversation with MEL. Normally what I find is: Well, yes, I need to get something done, but what I am interested in is you and what you are thinking and who you are. And this is not an opportunity for me to get something, this is an opportunity for me to celebrate another beautiful soul who is standing right there and staring at me and talking to me, and I have this unique opportunity to engage them.

How much better we all are when we look at people as people and not as problems or as opportunities or as obstacles to get through. That is where I find what he embodies does in this way he works. I am going to miss you, MEL. We are going to miss you an awful lot. We appreciate you. I appreciate the lessons you have taught me by the way you live and by the way you serve. God bless you.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. Mr. President, I speak with a good degree of regret, because he knows the heartfelt sentiments I am going to express, because I have tried for now the better part of 3 months to talk him out of this particular day. I did not want him to resign.

It has been good for Florida the way the two of us have worked together professionally, because it is built on a personal friendship that goes back over 30 years. There was not a day we were in session here that MEL and I did not talk.

Of course, this floor of the Senate is the place that you can get away from the other distractions, and, in fact, can come together and have those conversations you want. And that was so important in us looking out for the interests of Florida.

So it is with a great deal of regret that this day has come. I think it is important that the two Senators from a State get along, and that is particularly true of two Senators who happen to be from different parties.

It is my hope that the kind of relationship that we had both privately and publicly as the two Senators from Florida sends a message to our people that you can transcend partisan differences in order to get things done. I believe that is the relationship we have had now going on in the Senate for a little over 4½ years. I only wish that relationship were going to continue for another year and a half, to the remainder of Senator MARTINEZ's term. But for personal reasons he has made this decision.

It is incumbent upon me as the senior Senator of Florida and the newly appointed Senator to have the same kind of relationship for the good of our country, for the good of our State, to transcend political differences, to have a good personal relationship so we can get work done in a bipartisan way. I intend to do that. I assume that the new Senator will do likewise. Let me say that a lot of you do not know, with regard to Senator MARTINEZ, that 30—

now going on 31, 32 years ago when we were a lot younger, he was already back then a very prominent trial lawyer. I was a pup State legislator trying to run in a congressional district that included the east coast of Florida and the interior, including Orlando. MEL was one of those high profile, very respected attorneys in Central Florida. And lo and behold, MEL and his wife Kitty, as I campaigned for that congressional seat in 1978, went out and went door to door for me. We have kept up that relationship over the years.

So it has been my privilege to have had that personal relationship turn into the professional relationship as colleagues in the Senate.

I say to MEL MARTINEZ and to Kitty, God speed.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, this is one of those times that none of us in the Senate looks particularly forward to—when we have to come and speak about a dear friend who is leaving the Senate. But I am excited for MEL and Kitty in a number of ways and very appreciative of the great relationship, No. 1, that we have made from a personal and collegial standpoint.

I am very appreciative of the great work MEL MARTINEZ has provided to our country over the last several years. Our friend LAMAR ALEXANDER, who spoke a little bit earlier, often talks and has got me talking back home, particularly to young people, about what it means to be an American.

MEL MARTINEZ has a greater appreciation about what it means to be an American than anyone in this body because of the fact that he is the only immigrant who is a Member of the Senate. I know how hard he worked to become a citizen, and that he has a great appreciation for what it means to be an American.

What a great story it is, MEL, of you dodging bullets in Cuba, escaping communism and ultimately coming to the United States, being separated from your parents, being somewhat lost in a strange land you knew something about but did not know any people.

As a 16-year-old young man, thrust into that situation, most of us would panic to some extent. MEL never did. And through the raising in orphanages and foster homes, and ultimately being reunited with his parents after his brother Ralph came over here, and being reunited with him before he was reunited with his parents, it is such a great personal story, and such a touching story, No. 1.

But all of that served to develop a foundation in MEL MARTINEZ that America has been the beneficiary of, and certainly those of us in this body who have come to know MEL and Kitty are the beneficiaries of. I guess the ironic thing is when you read MEL's book, "A Sense of Belonging"—which I would commend to everybody who is listening out there today; what a great book; it is a short read, but you will

have a lot of fun reading it and it will be of great interest to you—what you realize is when MEL got here, there were several things that allowed him to transition into American society.

First of all, he was a bright young man. He did not know the English language when he came here, but he committed to learn it, and he did learn it. Secondly, he was a very affable person back then, just as he is now. He made friends very easily, and that helped him make that transition. Thirdly, he was a good athlete, maybe even a great athlete. In fact, if he could have hit the curve ball he might be representing the Florida Marlins today instead of the State of Florida. But it is a great way to look at the history of America when we look at the history of MEL MARTINEZ and his transition all the way from rural Cuba to the Senate.

But I guess the most important thing I could say about him is what has already been alluded to by the assistant majority leader; that is, MEL came to the Senate for all the right reasons. He came into public service for all the right reasons. He is leaving for all the right reasons. I know because of the many conversations he and I have had about our families what a dedicated husband he is, what a dedicated father he is. He has seen his two older children, Lauren and Jack, come up and become very successful in their own right. Now he has Andrew. Andrew is a 15-year-old young man who is growing up in Orlando and is doing the things all young men do. Unfortunately, his dad is gone during the week and is home during the weekends, and that is the time when young men like to be with their friends. MEL is missing a lot of that. That is the reason he is going back home, and that is the reason all of us can stand here and say: Wow, I wish I had the courage to do that.

I had a very similar experience during my days in the House. When I ran for the House in 1994, my son was a senior in high school. He played football on what ultimately became the State championship football team. There was no question from my campaign staff as to where I was going to be on Friday night. I was there to see my son. MEL is missing the experience of seeing Andrew play on Thursday nights because he is here doing what he was elected to do; that is, serve the people of Florida. He is going to now have the opportunity to experience with Andrew the same sorts of things he did with Lauren and Jack. For that, we can say great things about his service to our country, his service as mayor of Orlando or as Secretary of HUD, or his service in the Senate. But his service to his family is ultimately what is important, and, wow, what a public servant he is to his family.

So to him and his wife Kitty we say we thank you for the great service you have provided. We thank you for the great friendships you have provided to all of us as Members of this body. Whatever road you ultimately travel

down in the days ahead, we know you are going to continue to be a success. We know you are going to continue to serve our country in your own special way. But, most importantly, you are going to serve our God and you are going to serve your family.

So, MEL, thanks for everything you have done. Thanks for your friendship. God be with you and Godspeed.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. CORKER. Mr. President, I think you know I spend very little time talking on the Senate floor, and I plan to keep it that way. But I do want to spend a moment paying tribute to my great friend, MEL MARTINEZ. I have had the privilege of sitting beside him on the Banking Committee. We commiserate about many things that happen in this body.

I love working with MEL MARTINEZ, and I am going to miss him. I consider MEL to be the epitome of decency in this body. I think he is a person who truly wants to do what is best for this country. I have seen him many times tormented over decisions we all make, which are very difficult to decide from time to time: What is best for our country over the long term? I value that in him so much.

I think this body will be diminished with him leaving. Having people like MEL, who, again, have such a sense of decency—which is, as Senator CHAMBLISS mentioned, one of the reasons he will be departing soon—will be a loss for this body.

I have not met anybody here who I think is a finer individual, nor anybody who I will miss more than Senator MEL MARTINEZ. So I am happy for Kitty. I am happy for his family. I am sorry for us. But I am glad I have served in the Senate with somebody I consider to be such an outstanding person as MEL.

So, MEL, thank you. Thank you for the many confidential conversations we have had through the years, the frankness with which we have been able to talk about so many things.

Each of us brings something to this body that is unique. I think that is why it functions the way it does. I think your insights into our relationships with the countries of Latin America, to many of the things that were happening there from the inside because of so many of the relationships you have helped all of us make decisions that are more sound.

So that peace will go with you as you leave. Surely somebody else over time will help fill in that vacuum, but I value the many things you have shared with me that have helped me to think in a more thoughtful manner, and I look forward to talking to you in the years ahead about what is happening in your life. I thank you for what you have done in mine.

I thank the Chair.

Mr. HATCH. Mr. President, I rise today to give tribute to my colleague and friend, Senator MEL MARTINEZ. During his time in the Senate, MEL has

served the State of Florida and our country well.

Overcoming great odds, MEL and his life's journey is an inspiration to all. At age 15, he fled his native Cuba as part of a Catholic humanitarian effort. Alone, and speaking virtually no English, MEL was placed in temporary youth facilities. Later, he lived with two foster families, for whom he has great appreciation and affection. In 1966, he was happily reunited with his own family members in Florida.

These experiences strengthened MEL and shaped his views. He went on to earn graduate and law degrees from Florida State University and practice law for 25 years before serving as Secretary of Housing and Urban Development and then joining us here in the United States Senate.

During his tenure, I appreciated MEL's leadership, particularly working on the U.S. Senate Republican Conference Task Force on Hispanic Affairs—a task force I formed in 1987. I have long felt that we should not try to put this vital and growing segment of our population in a box because they care about the same things we all do—having a safe nation, strong families, a good education for all our children, and good jobs that provide well. At the same time, I recognized that Hispanics and Latinos bring unique and important perspectives to the issues we face in Congress.

MEL worked to advance the mission of the task force to promote greater participation in the democratic process, to create more job opportunities, ensure better access to health care, and educate our children.

While there is much talk on both sides of the aisle of strategy and outreach to try to “woo” Hispanics and Latinos, we should actively listen to their concerns and encourage their participation. That is true of all segments of our population. That is what I have tried to do and that is what MEL has done, too. I understand we have MEL's firm commitment to continue this important work.

Our colleague from Florida has taken strong positions on a number of issues that have come before this body. MEL has supported prodemocracy movements in Cuba while urging that its dictatorship of abuse and misery is not legitimized by our government.

As a member of the Armed Services Committee, MEL has been a strong supporter of our war on terror, especially as our brave troops combat terrorism overseas for the safety of our Nation.

MEL has supported a reasonable and rational approach to ensuring our Nation's energy security. He has helped to highlight our Nation's lack of action to increase our production of nuclear energy—our Nation's largest sources of green, clean electricity. He recognizes that our domestic electricity supply must be based upon a major source of green baseload power, and that nuclear power holds the most potential to ensure that the American economy is

fueled by an abundant, cheap, and clean source of energy.

MEL has worked with us on health care reform. This is not a Republican or Democrat issue—it is an American issue which needs to be addressed in a bipartisan and fiscally responsible manner.

Our colleague has worked to defeat card check because it reduces employees' right to a free and private election to choose if they want to unionize.

MEL has sought workable reforms to our system of immigration. He spoke out against the negative rhetoric that divided and polarized. He will be missed in this body as the immigration debate moves forward.

I know my friend is looking forward to writing the new chapter in the book of his life. I thank him for his service to our country and wish him well.

Mr. MCCONNELL. Mr. President, we have had a chance today to recognize our colleague, Senator MEL MARTINEZ, who, sadly for most of us, is leaving the Senate. Today will be his last day. He had an opportunity to address the Senate this morning and give some final thoughts. I would like to take a few moments to give my final thoughts about Senator MARTINEZ. I expect to see him many times in the future as a private citizen, but my thoughts about him and his contribution here and his life story.

Obviously, all of us have a story to tell, the story of a journey to this place. But in the case of Senator MARTINEZ, the journey certainly has more twists and turns than most.

MEL MARTINEZ first came to this country when he was 15. A political exile, he spoke no English, and did not know when—or if—he would ever see his family again. His journey from that point to now is proof of the boundless promise that exists in America.

More than 50 years ago in a small town in Cuba, an 11-year-old MEL MARTINEZ comforted his little brother as they lay on the bedroom floor while gunfire erupted in the streets. It was Fidel Castro's takeover, and life changed very quickly for the Martinez family and every Cuban.

When MEL's parents overheard Cuban militiamen threatening to kill their son for wearing a religious symbol, they had had enough. Through a humanitarian effort sponsored by the Catholic Church, MEL was sent to America to find a better life.

Eagerly embracing his adopted hometown of Orlando, Florida, soon MEL came to feel part of America. He mastered English and earned both his bachelor's and law degrees from Florida State University.

And four long years after leaving Cuba, he was reunited with his parents in Florida after they too escaped Castro's regime—and they were so proud to see the brave young man their boy had become.

Because of this long separation from his parents, I can understand now when MEL says it is the tug of family ties

that calls him back home to Florida. But those of us who had the pleasure of working with him in Washington are sorry to see him go.

In the Senate, MEL made his mark as a leading voice for greater democratic freedoms in Cuba. He has fought to strengthen Social Security and to eliminate fraud in Medicare and Medicaid.

He has given hope to millions of families by working to increase funding for research to cure Alzheimer's. And he has stood for America's defense in a dangerous world, and for the troops that so bravely take up the fight to defend us.

For 3 years as the Secretary of Housing and Urban Development, Senator MARTINEZ worked to increase home ownership. After the terrorist attacks of 9/11, his agency was charged with directing funds to rebuild lower Manhattan. He fulfilled his duties even as he, along with all of us, reeled at the senseless deaths of 3,000 innocents.

And as the cochair of the President's Commission for the Assistance to a Free Cuba, he played a leading role in the administration's efforts to bring freedom to the land of his birth.

While in Washington, MEL forged many friendships as well. I first got to know MEL during his days as a Cabinet secretary. Elaine and I certainly enjoyed the company of MEL and Kitty.

My wife Elaine and MEL had one thing in common. I used to pose the following quiz to people: Who were the only Cabinet Secretaries who never missed a State of the Union? As everyone knows, it is typically somebody in the line of succession who misses the Cabinet meeting because the entire government is up here on one night. MEL and Elaine never missed a Cabinet meeting because they were the only two members of the Cabinet who were not born in the United States and therefore were not eligible to assume the Presidency if an emergency required that.

We came to understand MEL's connection to his adopted hometown of Orlando, where for 25 years he worked as a successful lawyer. We learned how his election as chairman of Orange County—a job analogous to a mayor, and in one of Florida's largest counties—started a second career in public service to the country that had given him so much.

Now MEL will return to Florida, and I don't know what his future may hold. But I do know that he'll accomplish anything he sets his mind to. The incredible journey he has taken, ever since he flew on a DC-6 from Havana to Miami, is proof of that. MEL's life shows us that in America, any dream is possible.

MEL, it has been an honor serving with you, and it has been a pleasure for Elaine and I to get to know you and Kitty through the years. Whenever you may return to Washington next, please remember you will always have plenty of friends in the U.S. Senate.

Ms. COLLINS. Mr. President, I rise today to bid farewell and to express my gratitude to Senator MEL MARTINEZ as he retires from service in the U.S. Senate. During his time here, he established an admirable reputation for hard work, dedication to his State and our Nation, and a commitment to principles.

I have had the privilege of working with Senator MARTINEZ as a member of the Armed Services Committee and its Seapower Subcommittee. In addition, we worked together on the Special Committee on Aging, where he has served as ranking member.

Working with Senator MARTINEZ has always been rewarding. This has been especially true on the Armed Services Committee, where he brings to bear on defense issues both detailed knowledge and long-range vision. On the Seapower Subcommittee, he has been a strong ally in keeping our Navy pre-eminent and has been a highly effective advocate for continuing the DDG-1000 program, the next generation of destroyers.

Senator MARTINEZ's work on the Special Committee on Aging continued his long record of shaping policies important to seniors in Florida and throughout America. From local government to his service as Secretary of Housing and Urban Development and in the Senate, he has been a strong voice for ensuring that all Americans live longer, healthier, and more productive lives.

But the greatest legacy MEL MARTINEZ leaves the Senate is his inspiring life story. Born in Cuba, he arrived in America at age 15. He earned his undergraduate and law degrees from Florida State University, and went on to practice law for 25 years. He demonstrates the highest qualities of our nation of immigrants, of the opportunities America provides, and of the character and determination of those who come to our shores. His desire to continue to work for expanded freedoms to the people of Cuba exemplifies his character and principles. I join my colleagues in wishing him and his family well, and in looking forward to many more contributions to the public good from this man of many gifts and accomplishments.

Mr. McCAIN. Mr. President, today I rise to recognize and thank my colleague and friend from Florida, MEL MARTINEZ, for his service to this country and to wish him luck in the years to come. I am proud and humbled to have had the chance to work with MEL over the last few years on some of the most difficult and trying issues of our time and I will miss his honesty, heart and dedication when he leaves the Senate this week.

While many of my Senate colleagues are familiar with MEL's inspiring personal story I feel that it is important for the American people to know that MEL MARTINEZ's life has personified the American dream and teaches us what we can all accomplish through

hard work, a love of God and country and true dedication to a higher cause. MEL came to the U.S. in the 1960s as a young Cuban immigrant and became the first Cuban-American to serve in a Presidential Cabinet, as Secretary of Housing and Urban Development, and then the first Cuban-American U.S. Senator.

As a freshman Senator, MEL didn't shy away from the tough issues—he did not sit back and let others tackle the tough, controversial tasks—he dove in head first. Personally, the most memorable example of MEL's courageous work is his support of comprehensive immigration reform.

The 2006 and 2007 immigration debates were difficult times in the U.S. Senate. We had both political parties and an American public divided on an issue that I still believe will define the future of our country for generations to come. For many, it would have been tempting to sit on the sidelines, take the safe votes, keep your head down and just wait for this one to pass, but not MEL MARTINEZ. He took his strong personal convictions and put them in to action. We spent many hours together, working in a bipartisan fashion to try to reach an agreement that could be acceptable to both sides of the aisle and ensure the security of our Nation. Every day, MEL MARTINEZ was in the trenches, on the floor, working to improve the bill, working to reach a bipartisan compromise and working for a better future for our country and our children.

I also had the pleasure of traveling with MEL to the Republic of Georgia where he met with Georgian leaders and spoke openly about the importance of United States support for freedom in all countries, both those distant and close to our shores. MEL spoke with conviction due to his early childhood spent in a country controlled by a repressive dictator.

Many in this Chamber will fondly recall MEL's leadership in the Senate and his work for the State of Florida. I will remember my friend, his courageous leadership on the tough issues and his willingness to put the future of our Nation before his own self interest.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

TRAVEL PROMOTION ACT OF 2009

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 1023, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1023) to establish a nonprofit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States.

Pending:

Reid (for Dorgan/Rockefeller) amendment No. 1347, of a perfecting nature.

Reid amendment No. 1348 (to amendment No. 1347), to change the enactment date.

Reid amendment No. 1349 (to the language proposed to be stricken by amendment No. 1347), to change the enactment date.

Reid amendment No. 1350 (to amendment No. 1349), of a perfecting nature.

The PRESIDING OFFICER (Mr. CASEY). The Senator from North Dakota.

Mr. DORGAN. Mr. President, this legislation is now in the 30 hours postcloture period. We had a cloture vote late yesterday afternoon, and I believe the 30 hours postcloture will expire sometime later this afternoon, at 4 o'clock or 4:30 or so.

Let me again explain what we are trying to do in this legislation. This is reasonably simple. In all of the partisan dust that is created in this country, I think this is one of the few pieces of legislation that has broad bipartisan support. We have, I believe, 53 cosponsors for this bill—Republicans and Democrats—and the proposition is very simple.

First of all, we have lost a lot of jobs in this country. We are in the deepest recession since the Great Depression, and a whole lot of folks have lost their jobs. This is a bill to try to create more jobs. But it is a bill that especially addresses a problem that has been created in the last 8 or 9 years.

Since the year 2000, here are a couple numbers. Since the year 2000, there are 56 million more people living on this planet who are taking international trips. Let me say that again. This is a big planet with billions of people living on it. By the way, half of them have never made a phone call. Half live on less than \$2 a day. But on this big planet there are people who travel internationally, and there are 56 million more international travelers right now than there were 9 years ago. But there are 633,000 fewer international travelers visiting the United States than visited our country 9 years ago.

Why is that the case? And why is it important? Well, it is important for a number of reasons. It is important because international travelers—I am talking about overseas travelers—on average spend about \$4,500 per person per trip. Their travel supports a lot of jobs in the tourism industry. It supports jobs in every State in our country. So it is important for that reason—it creates jobs.

But it is important for another reason as well. When people come here from other parts of the world and see America and experience the culture and the character of our country, they leave, almost inevitably, with a very positive impression of this country of ours.

So for two reasons this is important. We have fewer international visitors—633,000 fewer—per year than we had 9 years ago, even at a time when 56 million more people are traveling around the globe for overseas visits.

I described yesterday what other countries are doing. Other countries

are saying: We understand that international travel and tourism creates jobs. So other countries are reaching out with promotions. Japan, Italy, France, India, England—you name it—they all have aggressive promotions around the world, to say: Come to our country. Come see the Eiffel Tower. See the wonders of France. See the beauty of Ireland. Come to India and experience the interesting culture of India. All of these countries are doing very aggressive international promotion for the international traveler, to say: Come to our country.

Something happened in the year 2001. Obviously, on 9/11 we had a terrorist attack—a devastating terrorist attack. As a result of that, our country tightened up on visas. We made it more difficult to come to our country. At the same time as we tightened up on visas, those who did want to come often had to wait for long periods of time, and they waited in long lines in order to get a visa. Then with respect to the Iraq war and other policies, people became upset with our country. So the result has been a substantial decrease in international travelers coming to our country.

The purpose of this legislation is very simple. It is called the Travel Promotion Act of 2009, but it establishes a public sector/private sector partnership to begin promoting international travel again to the United States of America.

This is one of the few pieces of legislation that actually saves the government money. The Congressional Budget Office scores it as a \$425 million in reduction in the Federal budget deficit over the coming 10 years. So this is not something that expands the deficit. This reduces the Federal budget deficit—that's No. 1. No. 2, it is bipartisan. A fairly large number of Democrats and Republicans have joined together to say: We want to do this. The vote on the cloture motion yesterday was 80–19. No. 3, organizations such as the U.S. Chamber of Commerce and others have weighed in saying this is very important for us to do. Other countries are engaged in this kind of promotion for their countries and we need to do it for ours.

So I, along with my colleagues, have authored this legislation. In the previous Congress, as chairman of the subcommittee that deals with these tourism issues, I authored the legislation. My colleagues, Senator ENSIGN, Senator KLOBUCHAR, Senator REID, and many others, Republicans and Democrats, have joined in the legislation that would create an opportunity for this country to compete internationally for international tourism and travel.

Mr. President, we will, I think, for the next 5 or 6 hours, stand at parade rest listening to people talk about what they want to talk about on the floor of the Senate, and it is a procedure that is a bit Byzantine. Most people would not understand the procedure.

On something as noncontroversial as this, as widely supported by Republicans and Democrats, something that actually reduces the Federal budget deficit and extends our ability to create jobs in this country, we got 80 Senators to vote for cloture, which meant we had to file a cloture motion. That meant 2 days intervened because it takes 2 days to have a cloture motion ripen. Then we got cloture with 80 votes. Now we stand at parade rest until sometime around 4:30 this afternoon because 30 hours—if the minority insists—30 hours has to expire. At the end of 30 hours postcloture, then we will, presumably, have a vote on the legislation.

I am pleased to work with my colleagues, Republicans and Democrats. This legislation is the right thing to do right now. At a time when this is an increasingly smaller planet, an increasingly smaller world in which we live, I think it is important for our country to reach out to the rest of the world. Doing so is in our self-interest because it creates jobs and expands our economy. But it is also in our self-interest because what we have created in this country is quite extraordinary.

This is not a circumstance where we would promote travel to America for one destination. It is travel to America to see all of this great country in its grandeur. There is so much to see and experience here, and we know from polls that have been done with international travelers that when people come to this country and travel here and experience what exists in our country and understand the character and the culture of our country, they leave with an unbelievably positive attitude about the United States. That is an awfully good thing, it seems to me.

So, again, this is a bipartisan bill that will save the Federal Government money; reduce the Federal budget deficit; combine the best ideas of Republicans and Democrats; and had 80 votes for cloture. I hope we have at least that on final passage. And perhaps we will start off this work period of September and October on a pretty positive note, stepping forward together to say, Let's do something that strengthens our country.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, the United States is a very popular tourist destination. According to the Department of Commerce, foreign travel here reached record highs in the year 2008—an increase of 16 percent over the previous record set in 2007. So our tourism industry is booming. People from all over the world want to visit our cities and see our sights. Almost every State and community has tourism promotion programs that are very robust which help to accommodate that desire for foreign travelers to come here. So I am a bit baffled by the legislation that is pending before us.

The Tourism Protection Act, in my view, is both unnecessary and the

wrong approach to attracting visitors from abroad. The bill would create yet another government-affiliated office of tourism. Why do we need that? The Department of Commerce already has a tourism office and private sector businesses and other entities already have the demonstrated capability to promote tourism. According to the companies and lobbyists who are pushing this bill, they already are. So why spend almost \$100 million a year for a new and unnecessary Federal entity to market and research travel and tourism? Research tourism? What is there to research? I wonder if this is one of the reasons why the American people have a lot of questions about the capability of their representatives here in Washington to do the right thing.

The bill would impose a new \$10 fee on foreign visitors. Now there is a way to attract more visitors: Charge them for coming here. Maybe we need that research after all. Of course, imposing a new user fee or tax on nearly every foreign visitor is hardly a route to promoting new tourism. Obviously, we should avoid creating impediments to tourism if your first goal is to attract more tourists. The tax actually could hinder visits by families. For those families who do visit, every dollar they have to spend paying the Federal Government is one less dollar they can spend on American businesses, on our local communities, on the restaurants and shops and hotels and cab rides, and so on. The \$10 fee may not sound like much, but for a family of five, that is fifty bucks to promote tourism.

We all agree that tourism boosts our economy in numerous ways and is vital to our economic recovery. Nobody has to lecture me about tourism. My State of Arizona relies a great deal on tourism for our economy, and it is a wonderful destination place for folks to visit. I don't think we need—the Federal Government—to take another bite out of our tourism dollars.

I am also concerned about the inevitable retaliatory effect of this legislation. Senator DEMINT wrote an op-ed in the Washington Post on Monday and pointed out that the European Union and other governments have said that if we impose a tax on foreign visitors, they will follow suit and impose a reciprocal tax on American visitors to their countries. That is not a very good idea either, is it? Do we want to pass legislation that will lead to new travel fees on Americans?

Instead of creating an additional government tourism office, I think we should work to fund the actual Federal responsibilities we have that relate to visitors coming to our country such as upgrading or adding infrastructure at our ports and making visa service improvements. There are always improvements we can make in this regard. The easier we can make it for tourists to come here, the more likely they will come.

So if we want to spend \$100 million, for example, to make it more attractive for tourists to enter the United

States, there are plenty of ways to do it that relate directly to our responsibilities. We don't have to create another redundant office of tourism and charge the tourists to fund it.

At a time when much of the world is experiencing economic hardship, we should support policies that make tourism in the United States more attractive, not more costly. That is why I believe this legislation is misguided, unnecessary and, in the end, harmful.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, perhaps while my colleague is on the floor, I think it would be useful to at least discuss a couple of things that are apparently in disagreement.

The issue of a \$10 fee that could be used in a public and private sector partnership, again, supported by the Chamber of Commerce and all of the organizations that want to support this country as a destination for international tourism—let me put on the board a chart that shows the fees our U.S. travelers currently pay to visit the visa waiver countries. They charge us fees. We are talking about a \$10 fee to people from these countries—\$10. Here is what we are charged if we go to France: a \$51 fee, Americans going to France. We don't propose that here. We can see that in Spain, \$14; the Czech Republic, \$27. They are going to retaliate? They already charge the American traveler a fee when we come and go, and we are talking about a \$10 fee that would allow our country to promote our country as a destination just as their countries are doing. We are not even in the competition.

The thing I wanted to ask my colleague about is, he talked about international tourism. I wonder if we disagree on this: There is a very big difference between the classification of international tourists and overseas travelers, travelers from foreign countries abroad. International tourists include Mexico and Canada—and by the way, the research that the Senator seems to diminish tells us a lot about this information. On average, a visitor from Mexico and Canada to the United States on a trip is going to spend around \$900. On average, a visitor to this country from a foreign country overseas is going to spend about \$4,500, a pretty big difference in terms of visiting Arizona or North Dakota and spending that kind of money.

But I wonder if we have a disagreement with this: All of the data tells us that in the last 9 years, global travel has increased by 56 million more people moving around the globe doing international tourism travel, and that during the same time, the United States has actually had 633,000 fewer overseas visitors than 9 years ago. Do we disagree on that? Because my colleague from Arizona seemed to suggest that everything is at a record high. That is not the case. It is not the case. Overseas travel from people coming to this country is down. It is down at a time

when overseas travel is booming all around the rest of the world and we have over a half a million people a year fewer coming to this country. Do we disagree on that?

Mr. KYL. Mr. President, I say to my colleague two things. First, the statistics I quoted were for the last 2 years, 2007 and 2008. I don't have the statistics for I believe he said 10 years ago.

Mr. DORGAN. I am also talking about a different classification. I am talking about overseas travel. The statistics my colleague quoted I believe are statistics that include Mexican and Canadian travel to the United States. Obviously those are contiguous countries. We have a lot of people moving in and out. But I am talking about overseas travel. The official numbers on overseas travel I believe are that we have 633,000 fewer people coming to this country from overseas for tourism than existed 9 years ago. Do you subscribe to that?

Mr. KYL. Mr. President, I say to my colleague I was not specifically referring to Canada and Mexico. I didn't even mention those two countries by name. I would be happy to get the source of the statistical information I presented, provide that to my colleague so we can make a comparison.

The other point I would make with regard to fees, I am not doing anything except reporting the news, which is that countries abroad say if we propose this fee, they will reciprocate. The fact that some of them already impose a fee may mean they are going to increase their fee, and that is obviously not a good thing. It seems to me any fee that any of the countries imposes gets us into a little bit of a bidding war. Are we going to try to attract tourism from other countries by raising fees on the tourists who come here? I don't think that is a very good policy. If those countries want to have a fee, I don't think it is very smart for them to have it, but I can't affect that, except by trying to ensure that they don't have a reason to reciprocate against the United States if we impose a fee.

Mr. DORGAN. Mr. President, I would simply say, it is not a matter of reciprocating against us; they already impose these fees on American travelers. Our determination to impose a minor fee—\$10 for an international traveler from a visa waiver country when they use the ESTA system once every two years, not every visit—it seems to me to suggest is much less than other countries charge US travelers. And the Senator described an op-ed piece by my colleague Senator DE MINT which, in my judgment, is full of misinformation, full of it.

By the way, I am sending the Washington Post a response to it today. But, look: International travel. My friend from Arizona talked about research. The Commerce Department research shows that in the first quarter of this year, there was a 10-percent decrease in international travel to this country. That is the official data from the Com-

merce Department. So it is not the case that tourism is at a record high, that we are setting all of these records; and it is the case, in my judgment, based on empirical data and research, that we have far fewer overseas visitors coming to this country now than we did 9 years ago.

I am telling my colleague something that relates, in my judgment, to substantial lost opportunity for a number of reasons: jobs we should have that we don't have; and second, an awfully good impression about this great country of ours by people who come here and visit it.

I think my colleague will agree with me that post 9/11, there were a lot of things done that suggested to people around the world that it is going to take you a while to get to the United States because you are not very welcome there. It is going to take a long time to get a visa. You are going to wait a long time.

By the way, I have something I wanted to show my colleague. This is all 2008 material, by the way, but there were headlines such as these: The Sydney Morning Herald, Sydney, Australia: "Coming to America Isn't Easy." The Guardian, United Kingdom: "America: More Hassle Than It's Worth?" The Sunday Times in London: "Travel to America? No Thanks."

There is something missing here that we ought to be concerned about because my friend from Arizona represents a State that has a lot of tourism and a lot of jobs related to tourism. Virtually every State in this country will benefit from being able to promote America's grandeur and opportunity for people to come here and travel here, and we are not even in the game.

Mr. KYL. Mr. President, if I could interrupt my colleague for 1 moment to make a quick point and then I will have to leave the floor. I think the headlines my colleague reads are an important part of this debate. That is why I made the point that if we are going to concentrate on trying to attract more people to our shores, there are a lot of things we can do to take the hassle out of traveling that do directly relate to our responsibilities at our ports of entry, our visa system, and other things we can do to take that hassle out of traveling to the United States that are our responsibility and that we should do. I would put those responsibilities ahead of fancy brochures and advertising campaigns to try to tell people it could be nice to come to the United States when there are other ways we can make our shores more attractive to them.

So as I promised my colleague, I will get the source of the information I quoted with regard to the statistical information demonstrating more travel in the last few years and then we can have a further conversation about that.

Mr. DORGAN. Mr. President, I respect my colleague's views. I would only say this: The evidence is clear and

it is not debatable that fewer people are coming to this country from overseas than did 9 years ago. In my judgment, we ought to be concerned about that and do something about that by encouraging them. Yes, let's deal with the wait times on visas. We are working on that and we have made some progress on that. But it is also the case that if while India and France and Japan and China and others are engaged in very substantial promotional campaigns that say "come to our country; come and see what we have," and if while they are doing that with aggressive promotion we are sitting back and saying, "Well, we are not going to say anything much; we don't have a promotional campaign encouraging people to come to America," in my judgment, we lose that opportunity.

Advertising works; I don't care whether it is a television commercial or a promotion. All I am saying is don't diminish that, because promoting travel to the United States can work, but deciding we are not going to promote anything I know does not work. In fact, in this past decade, we have been in a circumstance where after 9/11, it was pretty clear that we were going to make it much more difficult for people to come to this country, and did. Then we went through a period of the Iraq war and other things when a lot of people were pretty upset, so we saw a very substantial reduction in the amount of tourism coming to this country from overseas.

Again, I am knowledgeable about the op-ed piece that was written in the Washington Post described by my colleague.

I am just telling you that there will be a response to that because much of that had no basis in fact. So all I hope is that the 80 Senators who supported this yesterday will continue to support the notion of creating jobs in this country, on a bipartisan basis, with a piece of legislation that actually reduces the Federal budget deficit. What a novel thing that is.

Again, I have respect for those who disagree, but I don't want there to be disagreement about the facts. We do research in the Commerce Department on who is coming to our country and how many. That is valuable research. Let's take advantage of that and understand what it says.

Overseas travel across the planet is up, up, up, way up, and to this country, it is down. There is something wrong with that, something unhealthy about it. We can change that. That is what this legislation is. It is an attempt to change it.

Let me quote Mark Twain. I probably should do this every time I speak on the floor because I am always trying to sell something. In this case, it is bipartisan legislation that I think advantages this country.

I will say this again. Mark Twain was asked once if he would engage in a debate being scheduled. He answered, "Yes, as long as I can take the nega-

tive side." When asked why would he take the negative side when he didn't even know the subject matter, he said, "The negative side will take no preparation."

I understand it is easier to write a big-old op-ed whacking away at things than it is to construct something that has merit and will advance this country's interests. I believe this bill has merit, and so do the 79 other Senators who supported this legislation yesterday. Later this afternoon, I look forward to passing this legislation through the full Senate.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BURRIS. 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. BURRIS. Mr. President, I wish to speak on the issue of travel that is before the Senate this morning.

We live in a world divided. International tension, mistrust, even wars too often separate nation from nation. But every 2 years, 10,000 athletes from more than 200 countries come together to celebrate the human spirit. They meet in competition, arriving on the world stage from all five inhabited continents.

Each of these five continents is represented by a single color circle, a ring entwined with four others to form the familiar symbol worn by every Olympic athlete.

The Olympic and Paralympic Games are a powerful force for world unity and a boon to any city that hosts them. In 2016, the summer games will bring millions of dollars and international spotlight to one of four world cities. Selected by the U.S. Olympic Committee from a broad field of candidate cities, Chicago is one of only four finalists for the 2016 Olympics, along with Madrid, Rio de Janeiro, and Tokyo. The International Olympic Committee will make their final selection in October. That is in the coming month. We must work hard to bring the Olympics back to the United States of America.

There is no greater honor than representing your country on the world stage. I am convinced there is no greater world city than Chicago.

As President Obama and I both can attest, Chicago is a diverse and inclusive city. Situated on the banks of beautiful Lake Michigan, it is the jewel of the Midwest. Chicago has always been a global leader in culture, architecture, commerce, sports, and even cuisine, if you like a good meal.

The Olympic spirit is alive and well in Chicago. The Chicago 2016 Committee recognized the importance of the games and renewing old friendships around the world, as well as establishing new ones. This ideal—and the value of "friendship through sport"—is

at the heart of the city's Olympic bid. It is a beautiful city, and I am proud to call it home. It showcases much of what makes this country so great. That is why it is an ideal site for the Olympic and Paralympic Games.

For athletes, world-class training facilities and event locations would be very close together, allowing for convenience and ease.

For visitors, outstanding public transportation and modern infrastructure would make all events readily accessible and easy to attend.

For residents of the city and people across the United States, Chicago would shine on the world stage and millions of dollars would pour in from across the globe.

Especially if we pass S. 1023, promoting travel to the United States and relaying better information to visitors, Chicago will be the clear choice of the International Olympic Committee in October.

This important legislation, known as the Travel Promotion Act of 2009, would create a not-for-profit corporation, as well as a government Office of Travel Promotion. These organizations would work together to encourage business, leisure, and scholarly travel to the United States, restoring important components of our struggling economy.

Travel and tourism, which generates as much as \$1.3 trillion in the United States every year, have been on the decline since 2001, although those same industries have grown in many other countries. We must act swiftly to protect the 8.3 million American jobs that are directly related to travel and tourism. This means welcoming more overseas visitors each year—visitors who already pour \$142 billion into the United States on an annual basis. An increase in international tourism would increase the profile of Chicago's Olympic bid.

The 2016 Olympics, in turn, would generate even more international tourism in Illinois and across the country. S. 1023 would help this massive influx of visitors travel to the United States with ease. This would create jobs, increase tax revenue, and build stronger relationships across the globe.

There are few international spectacles as singular and as inspiring as the Olympic and Paralympic Games. There are very few of those. A force for unity in a world divided, these competitions have the power to bring us together as one people, celebrating the human spirit with one voice.

I urge my colleagues to join Senator DORGAN and Senator ENSIGN in supporting S. 1023. I thank Leader REID for his leadership on this important issue.

This legislation would help to bring visitors from all over the world to the United States, and it would help bring the 2016 Olympic games to Chicago, IL.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ENSIGN. 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. ENSIGN. Mr. President, I rise today to talk about the bill Senator DORGAN and I have sponsored, the Travel Promotion Act of 2009, an important piece of legislation to create jobs in the United States.

My home State of Nevada is No. 2 now in unemployment. Clark County, which is where Las Vegas is located, has one of the highest unemployment rates of any county in the United States, over 14 percent now.

Jobs are something we desperately need in my home State of Nevada and obviously across the United States. Tourism, when you package it all together, is the No. 1 industry in the United States. We are one of the countries in the world that does not sell itself to the rest of the world for people to come. It seems to make sense to me that if a company advertises to bring people in, if convention authorities around this country advertise for people to come in, it would make sense for the United States of America, as a country, to advertise to bring people to the United States. As a benefit to that, everywhere in the United States can benefit.

If we are advertising to come see Yosemite or the Grand Canyon or the incredible beaches we have on our east and west coasts, or the incredible changes we see in the Northeast, or places such as Lake Tahoe in my home State that we share with California, or Hawaii or the vastness of Alaska, wherever we are advertising, the incredible cities we have such as New York, Las Vegas, with culture, cuisine, and entertainment, or the history we have in Washington, DC, or the fabulous places in cities such as Chicago, when we advertise those cities, if somebody comes from overseas to visit the United States, there are many other places they will visit along the way within the United States. It will not be just one location where foreign travelers will come here to visit. There will be a ripple effect.

For instance, if you are visiting the Grand Canyon, my home city of Las Vegas is the gateway to the Grand Canyon. Even though it is located in Arizona, most people go through the Grand Canyon to go to Las Vegas. If you go to Yosemite, you can go through San Francisco and the whole wine country and take a trip up through there.

The one thing we know about overseas travelers is when they come to the United States, they spend about \$4,500. Mr. President, \$4,500 is a lot of money to kick into our economy. That money creates jobs. Those jobs that are created have a ripple effect with other jobs being created. Somebody who is employed in the tourism industry,

whether it is a theme park, a restaurant, or a hotel, has to buy other products. They have to visit the dentist. A lot of them have animals and visit their local veterinarians. They buy houses which supports the construction industry. There are ripple effects. So when we are creating a job in the tourism industry, we are creating other jobs outside the tourism industry.

The nice thing about the Travel Promotion Act Senator DORGAN and I have proposed is that this bill will create jobs without adding to the deficit. In fact, it will raise money for the Treasury. It will actually have a positive effect on the deficit. Of the concerns I heard when I was home over August, that is one of the biggest concerns people have—the amount of government spending.

The way we do this is two things are taken into account. Right now countries that have a visa waiver program, we will charge those visitors, instead of \$131 that it takes on average to have a visa, we are only going to charge them \$10. But that \$10 fee will go into paying for this Travel Promotion Act for us to be able to advertize. That money will be matched by the private sector. This will be run by the private sector, not by the government. So we will have experts who understand marketing who will be able to sell our country.

Mr. President, this is a job-producing bill. It is going to be something that benefits all across America, and it is going to do it without hurting the deficit. It is exactly the kind of legislation we need right now. Oh, by the way, Americans are calling for us to be bipartisan, and this is a bipartisan bill.

Senator DORGAN and I and many other people have worked on this legislation. I thank the majority leader, Senator REID, from my home State, for bringing this legislation to the floor and really pushing for it. Obviously, it is important to our State because we have a tourism-driven economy in our State, but it is important to the entire country. It is not just a Nevada-specific bill; this is important to the entire country.

I have a few charts here to show some of what we have seen from other countries.

After 9/11, we made some changes in our immigration laws and things like that, and these are some of the headlines from around the world. This one says: "Coming to America isn't easy." Another one: "America—more hassle than it's worth?" In London: "Travel to America? No thanks." There is a perception out there that folks aren't welcome from overseas ever since 9/11. Part of the money that is going to be spent in this bill is going to say that America has the welcome mat out. We want folks to come and experience America. We want not only their tourist dollars, but we want them to come to experience America because we know from studies that anyone who comes to America has a more positive

view of America, and America needs friends in the world today. We need more people thinking good things about America instead of bad things. Instead of those who want to create harm, we want to create good will, and the more visitors we get coming to the United States, the more good will we can create in the world.

What this next chart shows is that there have been 58 million new visitors—international or overseas travelers. Unfortunately, we haven't gotten our share of those since the year 2000. That means there was \$182 billion in lost visitor spending and almost \$30 billion in tax revenues for the United States. That is not local tax revenue, that is just Federal tax revenues. Almost 250,000 fewer jobs have been created because we lost these visitors. So there is a travel gap between 2001 and 2008. This is the actual arrivals. This is what would have happened if we could have captured a small percentage of the new international travelers who are out there.

Some have argued that the European Union will counter if we put a fee on travelers coming to the United States, that they will put a fee on folks going to their countries. Well, guess what, they already have those fees, as a matter of fact, everything from the Czech Republic charging \$27, to Denmark, \$61, up to the UK charging \$100.

By the way, this is the amount of money they spend on advertising in their countries—anywhere from \$8 million to \$89 million—and they get a return on their investment. They get a return because they know if they advertise folks will actually come.

Folks have talked about this being a cost to the government. There is no cost to this bill. It actually raises money. It actually is not a cost to the taxpayer. There is \$425 million in deficit reduction over the next 10 years, with as much as \$4 billion minimum in new economic stimulus per year. Next, there is \$321 million in new Federal tax revenue per year and about 40,000 new U.S. jobs in the first year alone. Those are jobs we can definitely use in the United States.

This chart shows the return on investment. Entry/departure fee from Spain, \$14. They spent \$120 million in 2005. They had an increase in international arrivals by 20 percent going into their country. The UK spent \$90 million and had an increase of 26 percent. You can see down the line that there is a return on investment. That is what we are saying here in using a public-private partnership. Let's have a return. Let's actually attract people to the United States.

I would make the argument that the United States has more incredible places to see than any other country in the world. We have a great product to sell, we just have to sell it. We actually have to tell people why to come to the United States, show them the incredible places.

These are just a few of the ads we have seen around the world.

This is one from India. "One special reason to visit India in 2009," it says. "Any time is a good time to visit the Land of Taj, but there is no time like now."

This is one of the many from Australia. I think all of us have seen ads about Australia. "Arrived with a thousand things on our minds; departed without a care in the world." Another from Australia which obviously features the great diving they have. Just the visual image makes you say: I think I would like to go there. I think I would like to experience that on my next vacation.

This is Ireland, a nice simple map of Ireland talking about all the various things they have, from golf and the St. Patrick's center to other places to visit in Ireland. It gives a nice visual image.

Well, there are not only brochures but television advertising, the Internet, and all kinds of ways to get into a person's mind about why they would want to come and visit someplace, and all we are saying is we need to do this for the United States. There are so many incredible places we have here to visit that selling is not going to be the problem, it is just going to be making the effort.

So, Mr. President, I believe this is legislation that is worth doing. Some folks have come down here to say we don't need to do this because we already have a lot of travelers coming to the United States as it is. International travel to the United States, they say, is up. Well, the problem is, when you measure international travel coming from Mexico and Canada, that may be up, but they only spend about \$900 each visit when they come here. Overseas travelers spend about \$4,500 each visit when they come here, and that travel is down in the United States. It is down significantly compared to the rest of the world. So this is legislation that we need to go after those overseas travelers who have money to spend. This is something that can benefit States all across America. It will benefit the Federal Treasury, and it will create jobs.

There are a lot of good things about this legislation, and I think that is why you will see a good, strong bipartisan vote when the final vote tally is taken about 4:30 today.

So I would encourage people to take a good, hard look at this. At a time when we need jobs—jobs, jobs, jobs—this is a bill that can help deliver some of those jobs.

RECESS

Mr. ENSIGN. Mr. President, I ask unanimous consent that we recess until 2:15 p.m. as under the previous order.

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:24 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CARDIN).

The PRESIDING OFFICER. The Senator from Arkansas.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Oklahoma is recognized.

TRAVEL PROMOTIONS ACT OF 2009—Continued

Mr. COBURN. Mr. President, we are going through a travel and tourism bill. I know my leader is coming to say some words on the Senate floor, but I had a couple questions the authors of the bill have not answered satisfactorily. One is they create a new corporation for travel promotion and they create a new travel and advisory board, but there is already a travel and advisory board within the Commerce Department. There is nothing in this bill that eliminates this duplicative function that is already there. If, in fact, the intent of the bill is to promote, as they say it is, travel and tourism, one of the things we do not want to do is have duplicative agencies doing exactly the same thing, wasting the taxpayers' money. It is about \$67 million that will go down the drain if, in fact, we do not eliminate the duplicative section of this bill.

The second point I would make is you are going to spend \$12 million a year just on this one advisory board. The third point I will make refers to a letter from the European Union noticing that the visa fees we plan on placing with this bill will cause a negative reaction from them and a reciprocal institution of visa fees through the European Union.

I make those points and hope the authors of the bill will answer, for the American people, the \$67 million waste in this bill that is going to occur if they do not eliminate programs that are already out there for which they are creating duplicate agencies.

I yield the floor and ask unanimous consent to have the letter printed in the RECORD.

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

JUNE 18, 2009.

Hon. HILLARY RODHAM CLINTON,
Secretary of State, Department of State, Washington, DC.

DEAR MADAM SECRETARY, As you are most certainly aware, the U.S. Travel Promotion Act is currently under consideration in Congress (S.1023). On 16 June 2009, the Senate voted 90:3 for the bill to proceed and a final vote is expected any day now. If this bill were to enter into force, DHS would be required to ask travellers to the U.S. upon their application for an Electronic (System for) Travel Authorization (ESTA) to pay at least \$10 which would be used to finance a

Travel Promotion Fund as well as the operational costs of ESTA.

We are concerned that this draft legislation is not compatible with our common goal to facilitate transatlantic trade and travel. We believe it would constitute a step backwards in our joint endeavour to ease transatlantic mobility. This fee is likely to discourage the use of ESTA well in advance of travel, thereby undermining the security objectives of the system. Moreover, it risks being perceived as a visa fee in disguise and would lead to calls for the European Commission to re-examine the issue of whether the ESTA is tantamount to a visa or not, with potentially negative implications on reciprocal visa-free travel between the EU and the U.S. Besides, taxing foreign travellers to promote tourism seems peculiar and public perceptions might lead to less, not more travel to the U.S.

We understand that the Administration also has concerns with this bill. We would therefore urge you to make your formal position known to Congress, so as to avoid the passing of legislation which may unnecessarily deter legitimate transatlantic travel for business and tourism.

We thank you for your consideration and look forward to further strengthening transatlantic relations in the years to come.

Sincerely,

PETR KOLÁŘ,
Ambassador, Czech Republic.

JOHN BRUTON,
Ambassador, European Commission.

PONTUS F JÄRBOG,
Chargé d'Affaires a.i., Sweden.

Mr. COBURN. I suggest the absence of a quorum.

The PRESIDING OFFICER. Will the Senator withhold his suggestion?

Mr. COBURN. I will.

The PRESIDING OFFICER. The Republican leader is recognized.

PRESIDENTIAL ADDRESS

Mr. McCONNELL. Mr. President, as we all know, the President will be here tonight, and he will get a warm reception, as Presidents always do when they address the Nation from the Capitol. It is a short trip from 1600 Pennsylvania Avenue, but it is always meaningful whenever a President from either political party speaks to a joint session. So we welcome him.

He picked a good topic. Americans are extremely skeptical about the health care proposals the administration and Democrats in Congress have been talking about over the past several months. And they are understandably baffled by some of the arguments that have been used to promote them.

Americans don't understand how a massive expansion of government will lower costs, as the administration claims. They don't understand how \$500 billion in cuts to Medicare won't affect the millions of seniors who depend on it. Americans don't understand how they'll be able to keep the health plans they have if government is allowed to undermine the private market. And they don't understand why the administration doesn't seem to be listening to these and many other concerns.

Americans want specifics. They want solid assurances about what health care reform would mean for themselves and for their families and, just as importantly, what it won't mean. Americans have been clear about what they don't want to see in health care reform. Now they want the administration to be clear with them.

One thing that is already apparent in this debate is that the problem isn't the administration's sales pitch. The problem is what they are selling. Americans are rightly concerned about a rush to hike taxes on small businesses, cut seniors' Medicare benefits, and add trillions of dollars in more government spending and debt. For months, the President and Democrats in Congress have been describing their plans for reform. The status quo is unacceptable. But if August showed us anything, it is that so are the alternatives that the administration and Democrats in Congress have proposed.

Tonight, the President has an opportunity to reframe the debate, but only if he recognizes that the Democrats' original plan for health care reform doesn't wash with the American people. When it comes to health care, Americans don't want government to tear down the house we have. They want it to repair the one we have. That means sensible, step-by-step reforms, not more trillion dollar grand schemes. It means preserving what people like about our health care system, not destroying it all at once or starving it over time.

A government takeover on the installment plan—or a “trigger” as some are calling it—is still a government takeover. It is a bad idea now. It will be a bad idea whenever the trigger kicks in. Proponents of a trigger say that it might not be needed. But you can be sure of this: if Democrats are in charge, they will pull the trigger at some point. Let's be honest. Letting Democrats decide whether to pull the trigger on government-run health care is like asking the pitcher, not the umpire, to call the balls and strikes.

Proponents of a trigger also say that Republicans approved one for the Medicare drug benefit. What they don't say is that ours was designed to ensure competition, not to stifle it. That trigger would have prohibited the government from being a fallback plan. This trigger would make the government the regulator, the payer, and a competitor, and put the taxpayer on the hook for its cost. Don't be fooled: proponents of government-run health care realized last month that “government plan” had become a dirty word, so they latched onto a new way to describe the same thing: a trigger. Americans aren't confused by the Democrats' reform proposal. They are not asking for a new sales pitch. How many ways do they need to say it: Americans oppose a government takeover of health care, regardless of what it is called.

Over the past several weeks, I have visited with doctors, nurses, seniors,

hospital workers, small businessmen and women, and countless others citizens across Kentucky and throughout the country—none of whom would call our current health care system perfect. But all of them are worried about so-called reforms that would undermine the things they like about the American health care system.

People are concerned about a proposal that would raid Medicare rather than strengthening and preserving it. Most of the Democratic proposals we have seen would increase taxes on small businesses. People don't understand why the administration would even entertain the idea of raising taxes on the businesses that create jobs in a country that has already lost millions of jobs since January.

Every Democratic proposal we have seen expands Medicaid, a program that is administered by the Federal Government but largely paid for by the States. Republican and Democratic Governors cannot believe the administration is proposing a massive new expenditure at a moment when many of these States cannot even pay the bills they already have.

Many of these States are struggling just to survive in the current economy, and yet Democratic lawmakers in Washington want to spend billions to expand Medicaid and then send the bill to the States. No wonder so many Americans think lawmakers in Washington are totally and completely out of touch.

Most States are constitutionally required to have a balanced budget. This means if the Federal Government forces them to increase spending on Medicaid, they will have no choice but to either cut services or raise taxes. That means Americans would be hit twice, first by the taxes on small business, then by the higher taxes from State government, all from massive overhauls they do not want.

People do not want risky, sweeping changes that increase the national debt and do not solve the problems we have. That is why I have been calling instead for commonsense reforms that build on the current system, for things such as ending junk lawsuits on doctors and hospitals that drive up health care costs, lowering the costs for individual consumers by equalizing the tax treatment for individuals and businesses, and incentivizing healthy living to prevent diseases and to treat problems early.

For years, Republicans have sought reforms that would increase access to care, reforms that had the strong support of the American people, whether it was proposing to let small businesses pool their resources together to get the same competitive rates as big businesses or by establishing health savings accounts that give people greater control over their care and their dollars. For years, we have pushed for medical liability reform and called on Congress to strengthen Medicare and Medicaid by fixing these necessary but financially strapped programs.

Most Democrats have resisted most of these incremental changes, hoping the day would come when they could create a whole new dramatic scheme from the ground up under government control. This summer they actually tried to do that, and the American people told them to try again. Their message has been loud and it has been clear: No more spending money we do not have on programs we do not need. No more debt. No more government expansion. And no government takeover of health care.

Americans do not want us to walk off the field. They want us to recommit ourselves to the reforms they want. If Democrats agree, we will be their partners. If they resist the pleas of the American people to start over, we will not. All of us have heard a lot from the American people last month. Now is the time to show we were listening.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Florida is recognized.

TRAVEL PROMOTION ACT OF 2009— Continued

Mr. MARTINEZ. I feel appreciative for all of the kind comments on the floor today, especially the latest from the Republican leader.

I want to take a moment to speak about the item we will be voting on this afternoon. It may be my last vote, and one which is an issue I have been working on since I was mayor in Orange County, FL, a tourism destination in this tourism and travel promotion bill.

Florida is a global tourist destination, as we all know, and tourism in Florida has suffered as so many other sectors of our economy have, including a 10-percent drop in the first quarter of 2009 in travelers to Florida.

Florida continues to have 10.7 percent unemployment. Tourism bookings at places such as Walt Disney World are down 7 percent over the last year, all of which suggests that in order for us to move beyond this recessionary period and the 10.7 unemployment we see in Florida, it is incumbent upon us to do two things: No. 1 is quit black-listing destinations such as Florida, Orlando, Miami, Las Vegas, by the government and others. It ought to be okay to travel to these great destinations.

But the second would be to move and pass this travel and tourism bill, the Trade Promotion Act, which would establish an independent nonprofit corporation for U.S. travel promotion, governed by an 11-member board of individuals appointed by the Secretary of Commerce.

It would be funded not by taxpayers but instead through the user fees paid by foreign tourists and in-kind contributions by corporate partners. It is something that is absolutely needed. Foreign tourism is a huge source of revenues to States such as Florida and the leader's State of Nevada. It is something that I think is long overdue. So passing this bill today will be a great accomplishment for our Nation, and it will be a tremendous boon to a tourism economy that is reeling in these recessionary times. It will make me awfully happy that this will be something I can sort of button up my Senate career with, a good bill for Florida and a good bill for the people of Florida today unemployed in the tourism industry.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

TRIBUTE TO SENATOR MEL MARTINEZ

Mr. REID. Before my friend leaves the floor, I was planning to come later with some prepared remarks, but let me speak from my heart about the Senator from Florida.

I have some affinity for the Senator from Florida because we were both trial lawyers. We have been to court, we have voir dired juries, we have argued cases to juries. We were both trial lawyers. I feel that as a badge of honor. Some people denigrate trial lawyers. But I feel that the people whom I have tried to help over the years were people who deserved to be helped.

My friend from Florida was the president of the State trial lawyers in Florida. He has a tremendously sound reputation as a trial lawyer, somebody who took good cases, worked them hard, judges liked him, and his opponents liked him, which speaks well of this man.

But my feelings about Senator MARTINEZ go deeper than that. I have had the good fortune of being able to attend our prayer breakfasts on occasion here. I try to get to them as often as I can, every Wednesday morning when we are in session, at 8 o'clock.

I have heard my friend from Florida talk about his upbringing, his faith. He is a devout Catholic. He is proud of that. He is very proud of his heritage, Cuban American, versus the difficulties that have been caused by the tyrannical government of Fidel Castro.

I also am impressed with Senator MARTINEZ as a result of his family ties. He speaks so highly of his relationship with his lovely wife. I have had the opportunity to know his family. On rare occasions he came and asked me if there was a way I could help him with a family member, recognizing the kind of person he is and the family associations that he has.

The people of the State of Florida are losing a good Senator, a good man. I will miss MEL MARTINEZ.

ORDER FOR RECESS

Mr. REID. Mr. President, I ask unanimous consent that today the Senate recess from 3 to 4 p.m. in order for Members to participate in the 9/11 remembrance ceremony in Statuary Hall.

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

ORDER OF PROCEDURE

Mr. REID. Mr. President, I ask unanimous consent that the time from 4 to 4:45 p.m. today be divided as follows: 22½ minutes to be divided equally between Senators DORGAN and the Republican leader or his designee, for debate with the respect to S. 1023, and that upon the use of that time, the Senate proceed to executive session to consider the nomination of Cass Sunstein, and that the remaining 22½ minutes until 4:45 be equally divided and controlled between Senator LIEBERMAN and the Republican leader or his designee; that at 4:45 p.m. the Senate resume legislative session and all postcloture time having expired, all amendments be withdrawn except the Dorgan amendment No. 1347, and that amendment No. 1347 then be agreed to and the motion to reconsider be considered made and laid on the table; that the bill, as amended, be read a third time and the Senate then proceed to vote on passage of S. 1023, as amended; that upon passage of S. 1023, as amended, the Senate then resume executive session and vote on the motion to invoke cloture on the nomination of Cass Sunstein.

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

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

The PRESIDING OFFICER. The clerk will call the roll of the Senate.

The assistant bill clerk proceeded to call the roll.

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

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

TRAVEL PROMOTION ACT OF 2009—Continued

Mr. KYL. Mr. President, I hoped that my colleague from North Dakota might be here, and perhaps we will still get together before the debate concludes on the tourism bill. But I think we were two ships passing in the night earlier today. He was quoting statistics that had to do with individual people. I was quoting statistics that had to do with monetary receipts. We were both getting at the problem of whether tourism was up or down, and I told him I would get the source of my statistics and we could reengage in that debate.

The primary point the Senator from North Dakota was making was that from his statistics, relating to the number of people, tourism was down. I had asserted that based upon Com-

merce Department statistics tourism receipts were very much up. So let me quote the statistics from the Office of Travel and Tourism Industries at the Commerce Department for 2008. I quote:

Total travel receipts reached unprecedented levels in 2008, with a record-breaking \$142.1 billion on travel to, and tourism-related activities, within the United States—an increase of 16 percent over the previous record set in 2007.

That is what I had quoted earlier today.

The Senator from North Dakota said: Well, my statistics show that tourism is down. I think he was quoting numbers of tourists. I do not know whether that discrepancy is real. I do not question his statistics, but I did want to verify mine come from the Department of Commerce. Presumably they are valid.

He had also raised a question as to whether that includes travel from Mexico and Canada. My understanding is, yes, this statistic does include receipts for travel and tourism for all travelers to the United States, which would include Mexico and Canada.

Also, according to a press release and information that was gathered by the Senate Republican policy committee, the Commerce Department's Office of Travel and Tourism Industries also issued a travel forecast in May of 2009 that foreign travel will reach a record high of 64 million travelers to the United States by the year 2013. Again, that includes travel from all countries, which would include Mexico and Canada.

The Commerce Department also estimates that travel to the United States by visitors from countries other than Mexico and Canada should rebound by 2012. The point is that through a series of situations, including, primarily economic conditions, there has been a lower level of travel after 2008 by overseas travelers.

This Commerce Department forecast also said, as I said earlier today, it is important to continue to work on those initiatives which will facilitate visits by overseas travelers, including adequate infrastructure of ports of entry, visa services, and funding to make the online registration requirements for foreign visitors truly easy and operational.

My point earlier today was that rather than charging \$10 a visa for foreign travelers to come here to encourage more foreign tourism, which seemed to me to be rather counterproductive, and since there is plenty of travel promotion activity by the Department of Commerce, by States, by localities—you can hardly turn on the TV without seeing some community or State advertising, promoting tourism within its area—that what we should be doing is devoting any resources we have available for this purpose to improving the infrastructure at our ports of entry, our visa requirements, and other travel accommodations for those visitors who

do come here so it is easier to come here.

I would note I just read a story in the Arizona papers today that talked about the passport requirements from Mexico and Canada. They have been in effect for Mexico, but they are newly instituted with respect to Canada. As a result, theme parks in New York State, for example, had noted their activity from Canada was down somewhat. They attributed it to soggy weather, the state of the economy, and the additional passport requirement. I am sure all of these are factors.

So I suspect the statistics my colleague from North Dakota was citing were accurate statistics, as were, obviously, the ones I cited from the Department of Commerce.

The bottom line point I was trying to make is that we have a lot of people who come to this country. We make a lot of money from them. We want to encourage that, to be sure. But I did not think we were encouraging it when we put a \$10 fee on every visa for foreign tourists, and that we might want to—if we had that money available, or if we wanted to attract more visitors, the better way to do it would be to make our ports of entry and the other facilities by which people access entry to the United States more accommodating to them. Those were reasons I believed made this legislation unnecessary and unwise.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

RECESS

Mr. KYL. Mr. President, we can proceed to the recess.

The PRESIDING OFFICER. Without objection, the Senate will stand in recess until 4 p.m., pursuant to the previous order.

Thereupon, the Senate, at 2:59 p.m., recessed until 4 p.m. and reassembled when called to order by the Presiding Officer (Mr. BURRIS).

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. LIEBERMAN. Mr. President, I suggest the absence of a quorum and ask that the time that expires be equally charged to both sides.

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

Mr. LIEBERMAN. I thank the Chair.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

TRAVEL PROMOTION ACT OF 2009— Continued

Mr. DORGAN. Mr. President, my understanding is that there is some time divided on the issue of the vote on the Travel Promotion Act, and let me take as much time as I may consume of that time.

Earlier today, Senator KYL and I had a discussion on the floor about some statistics and numbers about tourism and travel. I don't want him to try to win a debate we are not having because there ought not to be a difference with respect to a set of facts. So let me just recite the facts.

I said this morning that on this big-old planet of ours, people are traveling more. That is a fact. Tens of millions of people are traveling around the world for international tourism purposes, and that is very beneficial to the areas where they arrive and do their touring. On average, an overseas traveler who comes to the United States spends \$4,500. It is a very lucrative market to try to attract tourists from overseas to come to our country.

The dilemma is this: While more people are traveling all around the globe, and while Japan and Europe, while India and South America and many other countries and continents are aggressively advertising, asking people to come to their country, promoting their country's interests—I have mentioned France, Italy, Germany, India, China, and so on—all of them engaged in travel promotion saying: Come to our country, enjoy our country, come and see our country, travel to our country. It is a relentless bit of promotion by other countries, and they are very successful.

The fact is, more people have been traveling around the globe in international tourism, but we have had a reduction of 633,000 people coming to this country as compared to 9 years ago. Go back to the year 2000 and take a look at how many overseas travelers came to this country to see America and then fast forward to 2009. There are over half a million fewer people coming to our country.

This legislation we are going to vote on is very simple. It says: Let's have a private-public sector partnership that promotes America as a destination for international tourism.

In our earlier discussion, Senator KYL said we should be dealing with the entry process that many have complained about. The fact is, we are dealing with that. I have held hearings on that. We have substantially changed the waiting time for trying to get a visa to come to the United States. Yes, there were long lines, long waits, and much of that has been solved and reduced substantially. In fact, the State Department says that 90 percent of the consular posts have visa wait times of less than 30 days for students and business travelers, just as an example. We are making progress in those areas.

But we should not, in my judgment, allow this issue of promotion of foreign

and international travel be the province of other countries and not us. We ought to be involved. We ought to say to people: You are welcome to come to this country. I showed some of the newspaper reports in recent years that suggest to people: You are not welcome in America. Travel to America? No thanks. Too much of a hassle. In fact, after the terrible tragedy of 9/11/2001, we were not encouraging people to come to this country at all. In fact, we were suggesting that we were worried about people coming into this country. We wanted to make sure we were not allowing terrorists in, so we didn't exactly have the welcome mat out.

This legislation now, 8 years later, says: Let's put the welcome mat out to say, you know what, you want to compete for international tourism? So do we. You want to go see the Eiffel Tower? Well, that is fine. How about coming to see the Empire State Building, Theodore Roosevelt National Park, Old Faithful, Yellowstone, Las Vegas, the Pembina Gorge. How about coming to America to understand the culture of America, the values, the character of America.

One of the things we understand is that when people come here to travel across the United States, they leave, having traveled in this country, with an unbelievably good impression about what America is. We know that because there has been a great deal of polling to understand it. So in addition to creating a very substantial number of jobs at a time when people have lost their jobs—and by the way, tourism and promotion of tourism, especially with overseas travelers who spend a lot of money when they come to this country, promotes a substantial number of jobs. In addition to that, it promotes dramatic good will all around the world about this country of ours.

So this legislation is very simple. It is bipartisan at a time when not very much is bipartisan. It actually saves money. At a time when there is concern about spending money, this reduces the budget deficit. It doesn't increase it; this actually reduces the budget deficit. At the same time, it will create hundreds of thousands of new jobs. So how about that—a piece of legislation that is bipartisan, with Republicans and Democrats cosponsoring it and bringing it to the floor, it saves money rather than adds to the budget deficit, and it produces hundreds of thousands of jobs going forward. It seems to me this makes good sense for this Congress.

I am expecting this afternoon—with the help of my colleagues Senator ENSIGN, Senator KLOBUCHAR, Senator REID, and so many others who have worked on this legislation, I am hoping we will get a very strong vote, get it to the House of Representatives, and get it signed by the President so we can put a lot of people to work in this country as well as incentivize people to come to this country to see what it is about, and that is an awfully good thing, in my judgment.

Let me yield the floor and reserve the remainder of the time. I think the Senator from Nevada wishes to speak.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. ENSIGN. Mr. President, I wish to make a few concluding remarks on the Travel Promotion Act.

First, I thank my colleague from North Dakota, Senator DORGAN. He and I have worked very closely, along with our staffs, who have put a lot of work into this piece of legislation that we believe is a very good for our country. It does several things. First of all, by its very nature, it is a bipartisan bill, which doesn't happen around here very often anymore. The second thing is it creates jobs. The most important thing we need to do in this country right now is to create jobs. My home State of Nevada is No. 2 in unemployment rate in the United States. We desperately need jobs. We are very dependent on tourism. This bill will help create tourism-type jobs. It will create tourism-type job for States throughout the United States. When people come to our country to visit, they may come to one State primarily, but they usually stop in several other States along the way.

We are in a situation where the No. 1 industry in America, the tourism industry, has been dramatically impacted by the downturn in the economy. Tourism not only affects the people in that industry, but it affects people in all kinds of other industries that are related to it. So when you create a tourism job, you are creating jobs down the line. You are creating construction jobs, you are creating jobs when they have to go see the dentist or the local health care provider or go to the grocery store or wherever else they are going and using the money they earn to spend in the economy.

Other countries around the world spend money to attract people to their countries. What we are saying with this bill is, let's advertise the United States and let's use those dollars in a way that creates jobs here in America. We know we have a great product to sell. When you have a great product to sell—the United States of America—it makes sense to sell it. It makes sense. The Presiding Officer is the Senator from Illinois, home to one of the great cities in America—Chicago. It is a great product to sell. I am from Las Vegas—a great product to sell. Our national parks are incredible products to sell. Our beaches; when the colors are changing in the Northeast—there are so many amazing places to see in America that it is a very easy product to sell. Right now, we are just not selling it.

All of the other countries are advertising. We think about the times we have seen Australia advertise or other countries advertise because they want Americans to go visit their country. We want other citizens to come to America. Not only does it create jobs, but it also creates a lot of good will around the world. As my colleague,

Senator DORGAN, pointed out, when people come here to the United States, they leave with a more favorable impression. Well, not a lot of people have a favorable impression of the United States these days, so we want more and more people coming here visiting, learning, seeing our sights, and interacting with our people. We are good people, and we like other people around the world. I believe this bill is going to improve the image of America around the world by the people who come visit here.

Let me just conclude with this: We have a bipartisan bill that creates jobs, that doesn't hurt the deficit. This is the kind of legislation we need to pass here in the U.S. Senate, especially in these economic times when people are worried about skyrocketing deficits and debt. We have other pieces of legislation that are important to work on, but right now there is no question but to take the time out we are taking to pass a piece of legislation that we know will create jobs. This is the right thing to do.

I am proud to be associated with this legislation, and I thank the majority leader, Senator REID, for bringing it to the floor. I thank all of those who have worked on it but primarily my cosponsor and coauthor of the bill, Senator DORGAN, for his great work and great leadership on this bill.

Mr. President, I yield the floor.

Mr. DORGAN. Mr. President, how much time remains?

The PRESIDING OFFICER. There is 14 minutes 25 seconds remaining.

Mr. DORGAN. Mr. President, let me just observe, my colleague from Nevada probably knows there are some who have raised the question of a \$10 fee that will be assessed travelers who are coming into this country, and they have said: What an awful thing to do. They say that a \$10 fee could be onerous, burdensome, and other countries may retaliate.

This is a fee with respect to people who are coming to this country from countries participating in the Visa Waiver Program. I showed this morning that virtually all of the countries in the Visa Waiver Program charge a much higher fee to an American traveler who goes to their country. We are not suggesting a fee that should in any way deter somebody from coming to our country.

Mr. President, \$10 is not a significant amount of money for somebody engaged in international travel. And it's a one time fee on the use of the Electronic System for Travel Authorization—ESTA—program, which lasts for two years. This isn't even \$10 each trip—someone could travel many times in those two years. And what we are doing with that fee is raising the funds to engage in a promotion program to promote America, our country.

My colleague from Nevada, Senator ENSIGN, this morning said that advertising works, but most advertising with respect to travel and tourism and

promotion in this country is in promotion of a specific company, or perhaps a town. But there is no advertising or promotion on the part of this country to say to people around the world that you are welcome to come to this country. We want you to come to America. Experience the culture and character of this great country of ours.

That is what this travel promotion program is about. It is a public sector, but mostly private sector program, the funding from which will come in part from a \$10 fee from people coming from countries that impose a much higher assessment on Americans when we go to those countries, and in part on contributions from the private sector.

I also make the point that the U.S. Chamber of Commerce has issued a letter of very strong support, believing this is a very pro-business proposal that will create jobs in our country. My hope is we will get a very strong vote on it today.

I yield the floor.

UNDER SECRETARY FOR TRAVEL PROMOTION

Mrs. SHAHEEN. Mr. President, I appreciate Senator INOUE and Senator DORGAN's leadership on promoting tourism to the United States. Thanks to their commitment, the Senate is on the verge of passing legislation that is critical to our economy. Although it provides almost 8 million American jobs, travel and tourism have not received the prioritization in our government that they merit. I am pleased that we are creating an Office of Travel Promotion and hope in the future we will take a step further and elevate the role of tourism promotion at the Department of Commerce. Other governments around the world have tourism departments headed by Cabinet-level officials. This stature gives them the clout to advocate for pro-tourism, pro-economy policies, and cut through the redtape to implement those policies.

Tourism is vitally important to New Hampshire. Last year, tourism in New Hampshire supported approximately 67,000 direct full-time and part-time jobs. I know from my own experience that having a high-level travel promotion authority produces results. When I was Governor, I elevated our State's Office of Travel and Tourism within our State government because I recognized the importance of promoting the travel industry and ensuring that we have a strong advocate for traveler-friendly policies in our State government.

Under the guidance of this high-level division, the travel economy in New Hampshire has increased substantially since 2001. Despite a nationwide lull in tourism, spending by travelers to New Hampshire has increased over 33 percent, creating over a billion dollars more in economic growth. State revenues from travel have increased by over \$100 million, providing an important boost to our budget.

I believe we should replicate New Hampshire's success in promoting tourism at the national level. This is why I support the creation of an Under Secretary for Travel Promotion.

Mr. INOUE. I appreciate the Senator's kind words for me. I wish to express my agreement with her on the creation of an Under Secretary position in the Department of Commerce who oversees the tourism industry. I have advocated for the Under Secretary position in the past, and continue to support its creation for the reasons you described.

The State of Hawaii's economy relies heavily on travel and tourism, and welcomes visitors from across this great Nation and from around the world. International travelers to the United States generate a tremendous amount of economic activity. The Department of Commerce found that in 2008, total U.S. international travel receipts were \$142 billion. International tourism provided support for over 800,000 U.S. jobs, \$30 billion in payroll, and \$17 billion in tax revenue. The economic benefit of this industry should be represented, and requires policy-related coordination. An Under Secretary would provide that voice. This is especially true when the U.S. engages in international negotiations around travel and tourism policy. It is important that the United States is represented by an appropriately ranked official, with the same authority as his or her counterparts.

Mrs. SHAHEEN. My friend from Hawaii makes an excellent point. Although the bill does not include an Under Secretary, I believe it is important for the Secretaries of Departments of Commerce, State, and Homeland Security to ensure that the United States is represented internationally to discuss travel and tourism policy issues. In particular, these Departments should work to remove barriers to travel, expand market access for tourism industries, and promote tourism to the U.S. Does my colleague agree with me on this point?

Mr. INOUE. I do. I look forward to working with the Senator on this issue in the future, and with Senator BINGAMAN who has also been a strong advocate for this issue.

Mr. BINGAMAN. I thank Senators INOUE and SHAHEEN. I appreciate both of their support for having an Under Secretary of Commerce lead tourism policy for the United States. As it is for your States, and as it is for the Nation as whole, tourism is an important part of New Mexico's economy. Tourism-related businesses in my State make up eight percent of New Mexico's economy. These businesses employ over 80,000 New Mexicans. My State is fortunate to have a Cabinet-level official in charge of tourism, and has been well-served Secretary Cerletti, New Mexico's secretary of tourism.

I am pleased to support the bill before us today, for it begins to fill a longstanding void in our economic policy. I think we could do more, however.

Tourism, especially international tourism, is an underappreciated economic engine for our country. When international visitors come here, economists say that the United States is exporting tourism: it counts as an export because it generates revenue here in the United States. The \$142 billion that international visitors spent here in 2008 helped lower our trade deficit, which I know many people are concerned about. To put that \$142 billion in perspective, if we consider international visitors as a single export market, it would be the United States's third largest export market, behind Canada and Mexico, but ahead of China. Exports to China generated \$70 billion of revenue for American businesses last year, less than half of the revenue generated by international visitors to the United States. The more we can attract visitors to the United States, the less money we send abroad. The more we can promote tourism to the United States, the more jobs we will create here for Americans, jobs that by necessity cannot be relocated overseas.

To do this, we need the right personnel in place to lead our tourism policy, and I believe an Under Secretary of Commerce would be best suited to do so for the reasons my colleagues have mentioned. Pro-tourism, pro-economy policies can easily be forgotten in top-level discussions within the administration if there is not someone with the clout to effectively advocate for them. Likewise, in international negotiations over travel policies, just as in negotiations about other aspects of international trade, the United States needs to be represented by someone of equal rank to his or her counterparts.

I thank both of my colleagues and look forward to working on this issue with them in the future.

Mrs. SHAHEEN. I thank again Senators INOUE and BINGAMAN.

Mr. INOUE. Mr. President, I am pleased to be joined by my colleagues in support of S. 1023, the Travel Promotion Act of 2009, which is now being considered by the full Senate.

The Travel Promotion Act of 2009 will allow the United States to remain competitive as a welcoming destination for foreign travelers. Our ability to explain the processes and changes made by the United States to gain entry for travel will help to ease fears about the entry process. The proposed nonprofit, independent corporation charged with this responsibility will be able to conduct the necessary outreach and promote tourism in a way that the tourism industry cannot. In addition, an Office of Travel Promotion will be able to work with the Department of State and the Department of Homeland Security to improve the entry process.

Promoting the United States as an attractive tourist destination for both leisure and business with international visitors is of the utmost importance to the many States that house destination resorts. Consider the experience of my own home State of Hawaii. Ha-

waii's economy relies on tourism and travelers. Visitors from around the world come to see our islands' natural beauty and experience the spirit of "Aloha." Our Nation's hospitality industry suffered a severe setback following the events of September 11, 2001, and travel from abroad to the United States has fallen dramatically. The industry continues to struggle during these difficult economic times coupled with fears about a pandemic influenza.

Hawaii's experience is not unique. The hospitality industry nationwide has faced similar challenges, and the economic effects have rippled through the Nation to impact all of our citizens. The State of Hawaii's visitor statistics reflect the downward trend, which accelerated during last year's increase in the cost of oil. Compared to the first 7 months in 2008, visitors to the islands for the same period this year fell by 8.1 percent. Nationwide, the number of international visitors through the first two quarters of 2009 fell by 10.3 percent as compared to the same period during 2008.

Both developing countries and industrialized economies around the world have ministers and offices that promote travel to their respective countries. However, the United States does not have an office that promotes travel and tourism abroad. This legislation is an important first step in the right direction. Establishing an Office of Travel Promotion will help to attract foreign travelers to the United States. This will not only sustain our tourism based industries, it reinforces business relationships and promotes a better understanding between Americans and our friends abroad. Interacting with the American people is a valuable tool at our disposal to dispel international travelers of misconceptions they may have about our country. Approximately 74 percent of visitors have a more favorable opinion of the United States after visiting our country.

The economic activity generated by international travel and its promotion should be approached in the same manner we foster other industries equally important to jobs and the economy. The Travel Promotion Act of 2009 is vital to our travel and tourism industries' ability to compete globally and to restore confidence in the image of the United States as a country that is committed to welcoming our friends from abroad. I urge my colleagues to support this measure and help us ensure that international business and leisure travel to the United States is given all of the tools necessary to succeed.

Mr. AKAKA. Mr. President, I rise today in support of the Travel Promotion Act of 2009. I would like to commend Senator DORGAN for introducing this important legislation as well as Majority Leader REID, Senator INOUE and other colleagues who have helped craft this measure to promote foreign travel and tourism to the United States.

Tourism is crucial to the economy of our Nation. Many jobs are created in the retail and wholesale sectors as a direct result of the industry. These jobs are in addition to employment opportunities offered by hotel, travel, restaurant, and leisure businesses. My home State of Hawaii is especially dependent on tourism. It is Hawaii's No. 1 economic-growth asset.

Hawaii is severely vulnerable to international events and fluctuations in the global economy. After 9/11, in the last quarter of 2001 and the first quarter of 2002, Hawaii's international visitors decreased by 35.4 and 20.3 percent, respectively. Similarly, as the economy spiraled downward in September 2008, Hawaii's international visitors decreased by 4.6 and 5.1 percent in the last quarter of 2008 and the first quarter of 2009. Our State welcomes many visitors from Asia, in particular Japan, whose economy is projected to decline by 5.9 percent in 2009.

Waikiki, a destination for visitors from all across the globe, accounted for about 8 percent of Hawaii's gross State product, 10 percent of civilian jobs, and 12 percent of tax revenues in 2002, according to the Hawaii Department of Business, Economic Development, and Tourism, DBEDT. The department reported that for the month of July 2009, tourist expenditures decreased by 12.4 percent, or \$126.7 million, compared to the prior year.

Hawaii public and private sector leaders have been proactive in marketing Hawaii as the destination of choice for visitors throughout the world. The Hawaii State government commits millions of dollars of public funds to market, advertise, and promote Hawaii. However, this is not enough. We need to apply economies of scale and work to market the United States as a destination as other countries already do. While many governments have increased its international visitor market share by promoting their tourism industry, our country primarily relies on States to promote themselves. We have not realized the fullest potential of our promotional dollars. We need to maximize the effectiveness of our resources in an effort to attract more international visitors to enjoy the beauty and richness of our country.

The Travel Promotion Act of 2009 will help accomplish this goal. This bill would establish a Corporation for Travel Promotion as a nonprofit corporation, to create a nationally coordinated travel program. The program would be charged to encourage travel to the United States and will promote our Nation as a visitor destination. It will create jobs and stimulate the economy. I urge my colleagues to support the Travel Promotion Act of 2009.

Mr. LIEBERMAN. Mr. President, I rise today to raise some concerns that I have with the Travel Promotion Act and to suggest some modifications to it that I feel may be necessary to ensure our security at the Nation's ports of

entry. While I support the majority leader's efforts to promote travel to the United States, I believe that there are some security-related issues with the Travel Promotion Act that need to be addressed. I realize that, in order to move this bill, there won't be any amendments offered on the floor of the Senate. Nevertheless, I feel it is important to have a frank discussion about the potential unintended consequences that portions of this bill might have for our Nation's security. Because it is a good step forward, I plan to support this bill today. But I will continue to pursue legislative options to ensure that some of these peripheral issues are addressed.

Allow me to provide some background. In the 110th Congress, the Senate Committee on Homeland Security and Governmental Affairs created the Electronic System of Travel Authorization known as ESTA, within the Department of Homeland Security, DHS, as part of the Implementing the Recommendations of the 9/11 Commission Act of 2007. The electronic system was developed to address our main concerns about the Visa Waiver Program, VWP; namely, that the first time Customs and Border Protection, CBP, encounters many travelers from visa waiver countries is when they land at a U.S. airport—far too late to prevent a terrorist incident in flight.

The idea behind ESTA was to register travelers coming to America electronically before they leave their home countries. That way we would be able to detect potential terrorists attempting to enter the U.S. from VWP countries—like Richard Wright, “the shoe bomber”—before they actually board an airplane bound for the U.S.

The 9/11 Commission Act also authorizes, but does not require, the collection of a fee to pay for the administration of the system. To date, DHS has elected not to impose a fee because of concerns about the adverse reaction ESTA requirements have generated in Europe. Indeed, the lack of a fee was one of the key reasons that the European Union ruled that ESTA was not a visa, and decided not to impose a visa requirement on U.S. travelers.

The Travel Promotion Act, however, requires DHS to impose a minimum fee of \$10 per travel authorization to be used for a Travel Promotion Fund. We should expect the European Union—EU—and other VWP nations to impose a similar fee on U.S. travelers in the future. Additionally, because citizens of the EU do not use credit cards online as often as Americans, it will be challenging for DHS to set up the infrastructure to collect this fee in a way that facilitates travel.

Given these realities, I am concerned that the bill gives DHS no funding to set up the infrastructure that would be needed to collect this fee. DHS, therefore, would have to divert funds away from homeland security programs to pay for setting up and collecting this travel promotion fee. Promoting travel

to the United States is surely a worthy cause, but we should make sure that the Department has the resources to administer it, so that it does not come at the expense of other programs that keep Americans safe.

There is a simple way to address this problem. According to the Congressional Budget Office, the \$10 fee would generate \$180 million a year. The bill caps the funding that would be used for promoting travel at \$100 million. This means that the fee could generate excess funding of as much as \$80 million a year. The bill does not give any of this excess funding to DHS for implementing the ESTA system and the fee mandated by the legislation. Instead, it would actually require DHS to pay out of its own pocket the costs of implementing the fee. We should make sure that any excess funding is made available to DHS in order to ensure that funding is not diverted from important security programs to implement this fee.

S. 1023 also seeks to give the Director of Travel Promotion in the Department of Commerce authority over CBP functions by requiring that he “ensure that arriving international visitors are generally welcomed with accurate information and in an inviting manner” and that he “enhance the entry and departure experience for international visitors.” The CBP port of entry is a unique security environment over which DHS, not the Department of Commerce, has and should continue to have ultimate jurisdiction.

Prior to 9/11, consular officers often faced pressure to adjudicate visa applications more quickly even though some applications may have been incomplete. CBP Officers at ports of entry should not have to face similar pressures to speed up the processing of incoming travelers at the expense of security considerations. In order to ensure that there is no confusion, we should clarify that the role of the Director of Travel Promotion at the Nation's ports of entry is strictly advisory, and that the Secretary of Homeland Security shall have control over the processes through which travelers are admitted into the United States.

Lastly, S. 1023 would establish a Travel Promotion Corporation charged, in part, with disseminating information about our Nation's visa and entry requirements through a Web site and through promotional campaigns abroad.

This is a worthy endeavor, and these campaigns surely will help to educate foreign travelers about the steps they need to take before travelling to the United States. As, chairman of the Senate Committee on Homeland Security and Governmental Affairs, I understand that our visa and entry requirements can be very confusing. And the last thing we want is for a publicly funded entity to use taxpayer dollars to disseminate inaccurate information.

I believe that the Travel Promotion Corporation should be required to submit the information it plans to disseminate for a factual review by the Departments of Homeland Security and State. The Homeland Security and State Departments would have absolutely no editorial role in the types of campaigns the Corporation develops. To avoid unnecessary delays, DHS and State should then be required to return their comments to the Corporation within 10 business days.

I believe that the bill we are currently considering is important, and that its goal of promoting travel to the U.S. is laudable, especially when travel and tourism to our country are so important to our economy. I will vote for it today. Moving forward, however, I believe that we must ensure that the bill is implemented in a way that does not adversely impact the security of our Nation, by ensuring that it does not force DHS to rob Peter to pay Paul. I understand that, in order to get this bill passed today, amendments cannot be offered on the floor. I want to reiterate, however, that I plan on pursuing these objectives in future legislation. I think we can achieve the dual goals of promoting travel to our country and enhancing security—I look forward to working with the majority leader and other supporters of this legislation going forward.

Mr. LEVIN. Mr. President, I am proud to be a cosponsor of S. 1023, the Travel Promotion Act of 2009, and I will vote for the bill on final passage. At a time when we are facing a severe economic downturn and the worst recession in a generation we need to look for creative ways to create jobs and generate revenue that can provide benefits across our urban areas, cities, towns, and rural countryside.

It is therefore timely that the Senate is considering a bill aimed at promoting travel and tourism in the United States. Tourism is a multibillion-dollar industry, and promoting travel to the United States will help stimulate our economy. The people in my home State of Michigan understand the important economic contributions of tourism. In fact, tourism is one of the three largest industries in Michigan along with manufacturing and agriculture.

According to the U.S. Travel Association, in 2007 the travel industry supported 148,700 jobs with a payroll of \$3.5 billion in Michigan. Nationally the Senate Travel Promotion Act is expected to create 40,000 new jobs in the first year.

Tourism is a successful industry in Michigan because we have so much to offer visitors. In 1831, the great chronicler of early America and one of our Nation's first tourists, Alexis de Tocqueville, explored the Great Lakes. When he saw Lake Huron, he described it as "Not grand in poetry only; it's the most extraordinary spectacle that I have seen in my life."

Indeed, Michigan has the world's longest freshwater coastline. Michigan

has beautiful beaches and cherry orchards, maritime museums and shipwreck-diving preserves. We even have some of the world's highest freshwater sand dunes and the only national freshwater marine sanctuary, the Thunder Bay National Marine Sanctuary at Alpena.

There are over 11,000 inland lakes in Michigan, and we have the second highest number of recreational boats. Michigan also offers plentiful wilderness experiences at national parks and trails: Isle Royale National Park, Keweenaw National Historic Park, Sleeping Bear Dunes and Pictured Rocks National Lakeshore and the North Country Scenic Trail. Our State has nearly 4 million acres of State forest land, 2.7 million acres of national forest land and some 230 campgrounds. And Michigan has thousands of miles of hiking, biking, cross-country skiing and snowmobiling trails. With so many inviting tourist destinations in Michigan it is no wonder Michigan stands to benefit from the increased travel that will result from the enactment of the Travel Promotion Act.

This bipartisan legislation aims to reverse the decline in overseas visitors to the United States since 9/11 by establishing a nationally coordinated public-private partnership, similar to what exists in many other countries, to increase international travelers to the United States.

At no cost to the taxpayer the legislation would establish the Corporation for Travel Promotion, an independent, nonprofit corporation governed by an 11-member board of directors appointed by the Secretary of Commerce. It also would create an Office of Travel Promotion in the Department of Commerce to develop programs to increase the number of international visitors in the United States. It is paid for by a public-private matching program, the Travel Promotion Fund. Federal contributions will be financed by a required \$10 fee paid by foreign travelers from visa waiver countries and collected via the electronic system for travel authorization.

As the tourism season ramps up in Michigan, we must do everything we can to take advantage of our State's natural beauty and recreation opportunities to grow this critical sector of our economy.

Mr. CARDIN. Mr. President, I support S. 1023 and its objectives. Indeed, I am a cosponsor. I submit these comments regarding the bill's provisions to help our Nation's many small businesses. I filed an amendment, S. Amdt. 1320, to ensure that at least one member of the Travel Promotion Board would have appropriate expertise regarding small business concerns and the retail sector. I am joined in this effort by Senators LANDRIEU and SNOWE, the chairman and ranking member of the Small Business and Entrepreneurship Committee, who have cosponsored the amendment.

I am disappointed that we are unable to get consent to lay the pending

amendment aside for the purpose of considering other amendments, such as the one I have filed. This amendment would not change the number of board members; it would only require that one person have appropriate expertise and experience with small business and in the retail sector. This will ensure that at least one member will represent the interests of small business concerns as that term is defined by the Small Business Act, 15 U.S.C. 632, and generally used by the Small Business Administration.

When I entered the Senate in 2007, I asked to serve on the Small Business Committee because I fully appreciate how critical small businesses are to our economic recovery and strength, to building America's future, and to helping the United States compete in today's global marketplace. I think that promoting the United States as a tourist destination to foreigners increases our economic viability and the image of the United States abroad. Visitors to our country get a better picture of the United States, which shapes their perception of our country and its people. It is vital that the perspectives of small business owners be represented because they employ more than half of all private sector employees and make up 99 percent of the Nation's 29 million businesses.

While I regret that we are unable to consider my amendment, I hope that my recommendations will be considered as the legislative process continues.

Mr. DORGAN. 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. DORGAN. 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. DORGAN. Mr. President, I ask unanimous consent that the time during the quorum call be divided equally between both sides.

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

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

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

Mr. DURBIN. Mr. President, pending before the Senate is the Travel Promotion Act of 2009, which we have worked on for a long time. Travel and tourism are critical to the economic health of America, as well as our home State of Illinois. It is the sixth most popular State in the Nation among overseas tourists. Tourism adds \$2.1 billion to our State and local tax coffers and supports more than 300,000 jobs

EXECUTIVE SESSION

each year in the State. That is why we need this bill. Promoting tourism, bringing in travelers to visit Illinois and the Nation creates job opportunities, tax revenues and, frankly, gives us a chance to show off a great nation.

I could go through the long list of wonderful things to see in Illinois—and it is long—but trust me, it is a story that can be told in virtually every State in the Nation, and certainly here in our capital.

There are those who argue about the \$10 promotion fee, which is a small price to pay to promote people coming from overseas, who will spend much more than that to visit our country and join in the wonderful opportunities we have to offer.

As we come to a conclusion on the bill, I want to spend a moment to acknowledge the work of the majority leader, HARRY REID, who worked tirelessly with Senators DORGAN and ENSIGN. He was an early and strong supporter of the Travel Promotion Act, recognizing how important travel is to the United States and to our economy. He worked hard to make sure there was a place on the crowded legislative calendar for us to take up this bill.

Travel and tourism are a major industry in Senator REID's home State of Nevada, and enacting this legislation will save and create thousands of jobs in Nevada and help generate millions of dollars in revenue and tax receipts. Senator REID has been committed to this legislation since it was introduced, and he will shepherd this legislation to the President's desk. With his leadership, we have another chance to move this bill on the floor of the Senate. We failed to reach cloture in June, and some people gave up, but HARRY REID never gave up. He worked with the sponsors to move this forward. He recognizes that the travel sector is a major driver in economic growth in Nevada and across America. He found a way to rescue this bill, bring it back to life, and bring it up for today's vote. For his vision, his tenacity, and his leadership, we all owe a great debt of gratitude to Senator HARRY REID of Nevada.

This Travel Promotion Act is a major part of his work in the Senate, not only to help America, but his home State of Nevada.

I yield the floor, suggest the absence of a quorum, and I ask that the time 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. LIEBERMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

NOMINATION OF CASS R. SUNSTEIN TO BE ADMINISTRATOR OF THE OFFICE OF INFORMATION AND REGULATORY AFFAIRS, OFFICE OF MANAGEMENT AND BUDGET

The PRESIDING OFFICER. Under the previous order, the Senator from Connecticut is recognized.

Mr. LIEBERMAN. Mr. President, as chairman of the Committee on Homeland Security and Governmental Affairs, I am pleased to both express my unqualified support for the nomination of Cass Sunstein to lead the Office of Information and Regulatory Affairs, which is known in government circles as OIRA, and also to favorably report the nomination out from our Homeland Security Committee.

This nomination was considered and reported out by the committee on May 20. That was almost 3½ months ago. But unfortunately, Professor Sunstein's nomination has been the subject of unnecessary holds and delays. This is an important position that needs to be filled.

I thank Majority Leader REID for bringing this important nomination to a vote. Obviously, there was a filibuster, and we will now need to invoke cloture so Professor Sunstein can get on with the important job that President Obama has nominated him to do for our country and each one of us.

OIRA is one of those governmental agencies that has a low public profile but exerts high influence over the workings of government and therefore the daily lives of most Americans.

In Congress, we pass laws that express our values, that draw lines between what is right and wrong, what is desirable and undesirable for our society. But because we cannot ever foresee every permutation of the law or its effect, we must leave many of the details to the executive branch and its regulatory actions or implementation of the laws we pass.

For over a quarter of a century now, Presidents of the United States have asked OIRA to help oversee and coordinate this critical regulatory process. Thus, OIRA has a huge impact on the widest range of problems, as wide as the purview of our government itself, including the health and safety of every American and the health and stability of the American economy.

In Professor Cass Sunstein, the President has found someone with exceptional qualifications and talent, capable of leading OIRA in a positive direction to fulfill Congress's intention in the adoption of laws.

When he began teaching at Harvard Law School in 2008, after a distinguished career teaching and residing in the city of Chicago, which is ably represented by the occupant of the chair, his new employers at Harvard announced that they had secured for their faculty "the preeminent legal

scholar of our time, the most wide-ranging, the most prolific, the most cited, and the most influential." As a graduate of Yale Law School, I was initially quite suspect of those superlatives. The truth is that those words of Elena Kagan, then dean of Harvard, now Solicitor General of the United States, are validated by the extraordinary record of Professor Cass Sunstein. He has taught and written about many subjects, including particularly regulation, the management of risk, and, in fact, OIRA itself.

Our committee conducted a thorough review of Professor Sunstein's writings and his background, and he has met individually with me, Senator COLLINS, our ranking member, and most other members of the committee. We held a confirmation hearing on this nomination on May 12 of this year, at which the members of our committee thoroughly questioned Professor Sunstein about his views on several important matters. And I believe he responded directly, sincerely, and addressed each of the members' concerns.

For example, I wanted to be sure his previous advocacy for a rigorous implementation of cost-benefit analysis to regulations did not mean that OIRA under his leadership would interfere with the agency's issuing of regulations necessary to protect public health and safety. Professor Sunstein convinced me in his answer that he would diligently support the purposes of laws to protect public health and safety as adopted by Congress and signed by the President.

Because Professor Sunstein is brilliant, creative, and prolific, he has written some things that are unconventional and, for some, controversial. I believe when asked about each of those matters he answered sincerely and fully and reassuringly.

For example, hunters were concerned about Professor Sunstein's views on gun rights. He made very clear he believes the second amendment creates an individual right to possess guns for hunting and self-defense. To farmers and others concerned with his previous writings and comments on cruelty to animals, Professor Sunstein has said he would take no steps to promote litigation on behalf of animals, which some concluded was his position based on a provocative article he wrote, and that he has no plans, certainly, to regulate animal husbandry.

So this is a bright, thoughtful, creative man who, as a professor, has written some provocative, unconventional ideas. I suppose if one wanted to take advantage of them for one's own purposes, to politicize, in some sense, or ideologize, in some sense, this nomination, one might seize on those. But at bottom, this is a person extraordinarily well qualified for this position.

I will say he has been endorsed by the American Farm Bureau Federation, insofar as concerns of the agricultural community are concerned. He met with them, and he answered their questions. They said:

... we hope the Senate can take up this nomination in the near future and all Senators will vote to confirm him in this post.

Professor Sunstein has also won the public endorsement of a variety of groups, including the U.S. Chamber of Commerce and the National Association of Manufacturers which has concluded, based on his writings and their meetings with him, that he will be fair and not antibusiness, anti-economic growth in this important position.

As for myself, after meeting with this distinguished, thoughtful, and very gentlemanly individual, listening to him at our hearings, seeing how he has responded thoroughly and forthrightly to those who have approached him with their concerns, I am convinced Professor Sunstein has superior qualifications for this office and a strong commitment, if concerned, to guide OIRA in conformity with the law and the public interest above all. That is why I urge my colleagues to support cloture and to support this nomination.

Mr. President, I am pleased to see the senior Senator from Minnesota. I yield to her at this time.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I rise today to talk about Cass Sunstein and his qualifications to be Administrator of the Office of Information and Regulatory Affairs. I thank Senator LIEBERMAN for his leadership. I am going to try not to say the word "OIRA" in my remarks because it is a very difficult agency, and no one is quite sure what it does. But I can tell you it does something very important, which is to cut through the redtape for citizens and to try to get some sensible rules for this country.

How do I know Cass Sunstein? Back in the 1980s I was privileged to have him as my law professor at the University of Chicago. I took his administrative law class, and he was also my adviser on the law review.

His career as a legal scholar was just beginning to take off, but he was already making a very strong impression as a teacher. I think many of my fellow classmates believed he was, in fact, their favorite teacher.

When we first saw Cass Sunstein in class, he looked like a boy in a man's suit. He was so thin but with such enthusiasm. These were the days before white boards, and he would always get a lot of white chalk on his black suits, which he seemed oblivious to, but he was far from an absent-minded professor. He would race along a mile a minute in his lecture, a fountain with a never-ending stream of ideas. He was never boring, which is a tough standard for law students.

Today Professor Sunstein is one of the Nation's most thoughtful and respected legal scholars with a distinguished record of accomplishments. He is a graduate of Harvard Law School, a law clerk to Supreme Court Justice Thurgood Marshall, a professor at the

University of Chicago for 27 years, the author and coauthor of more than 15 books and hundreds of scholarly articles.

By a large margin, Cass Sunstein is the most cited scholar on any law faculty in the United States of America. One envious observer said:

If you look at what he's written and done, he should be 900 years old.

What are the concerns of his academic work? The overriding concern is we have smart, science-based, cost-effective policies to protect public health and safety, to promote energy security, and to strengthen our economy and financial system.

In a recent book Professor Sunstein coauthored called "Nudge," he wrote that by knowing how people think, we can design rules and policies that make it easier for Americans to choose what is best for themselves and their families. In other words, Cass Sunstein believes the best types of rules and regulations are the ones that encourage American consumers and businesses to make good decisions without demanding that they do so.

I thought a lot about his work when Congress debated the first-time home buyers tax credit which helped spur home sales after months of decline again. Again, if you shape policies and programs that are easy to understand, that provide incentives, that give Americans control over their fate, you get the right results.

That is why it is so important we confirm Cass Sunstein to this critical post. His pragmatic, sensible approach to policy and regulation will help make our Federal agencies work smarter and ensure that our government works better for our citizens and for our businesses.

It is no surprise to me, as Senator LIEBERMAN just discussed, the kind of support that Cass Sunstein has gathered. The Wall Street Journal editorial board has been positive about his nomination. You have heard the support from the U.S. Chamber of Commerce, the National Association of Manufacturers, the American Farm Bureau Federation, 13 Nobel Prize winners, and C. Boyden Gray, who served as White House Counsel under both Presidents Bush.

While all these individuals and organizations are supportive, what they say about Cass Sunstein is what I have always known about him. He is a pragmatist. He cares about ideas, but ultimately he cares about the right results.

I have heard time and time again from the people in my State office about the redtape and regulations citizens run into on an everyday basis with the U.S. Government. It is time to put someone in this job who actually sees that connection, is able to connect human behavior with what those rules are, and make those rules make some sense. He has the intellect, the ability, and the force to get this done, and I am proud to support his nomination.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, first, I thank Senator KLOBUCHAR for those very thoughtful and, I thought, compelling words in support of Professor Sunstein's nomination. They were both thoughtful and personal, and that matters a lot. I thank her for taking the time to come and speak on this important nomination.

I thought it might be helpful if I read from a few of the letters of endorsement of Professor Sunstein because this is one of those nominations that I think has become unnecessarily controversial. A rule I have always tried to apply—I think I have done it pretty well over the years, playing it uniformly—is when, as a Senator, we exercise our authority to advise and consent, the judgment for us to make is not whether we would have nominated that person to that office but whether on due consideration we conclude that nominee is within an acceptable range and capable of fulfilling that job. That is quite a different situation.

One might agree or disagree, let's put it that way, with Professor Sunstein on one or another thing he has written in a remarkably productive, prolific career, but one would have to decide if he is unqualified for this position, not just that he wouldn't be your first choice but seems to be he is unqualified or there is a level of risk in fulfilling it that even if he was qualified, one would vote against it.

I want to reassure my colleagues. I mentioned the American Farm Bureau Federation because there had been concern in the Agriculture Committee. I read a letter from Bob Stallman, president of the American Farm Bureau Federation:

Like others in the agriculture community, we were concerned about reports related to Mr. Sunstein's views on animal rights and the impact that could occur should such views be reflected in Federal regulations. We have, however, had the opportunity to discuss this subject in person with Mr. Sunstein. He has been candid, forthright and very open about how he views his role in OIRA. He has shared his perspective on the issues in question and stressed that he would not use his position to undermine further law or further policies inconsistent with congressional directives.

I quoted in my opening statement of the president of the American Farm Bureau Federation:

... we hope the Senate can take up this nomination in the near future and that all Senators will vote to confirm him in this post.

Second, a very different association and important one in our country is the Chamber of Commerce of the United States of America, and in a letter from R. Bruce Josten, the first paragraph says:

The U.S. Chamber of Commerce, the world's largest business federation representing more than three million businesses and organizations—

He says about the nominee—

Over the course of an impressive career as a legal academic, Professor Sunstein has made important contributions in such diverse areas as environmental law, behavioral economics, and consumer safety. Through his work, he has improved our understanding of the law and public policy in a continuing effort to improve the ability of government to beneficially impact the lives of its citizens.

As OIRA Administrator, Professor Sunstein is almost certain to apply a thoughtful approach to regulatory oversight and review. His extensive writings and teachings provide a useful blueprint of his pragmatic approach to regulation, including his continued defense of cost-benefit analysis as a tool for developing rational regulation. His approach is not influenced by an ideological predisposition.

I repeat, from Bruce Josten, executive VP of the Chamber of Commerce:

His approach is not influenced by an ideological predisposition—to the contrary, his writings show a strong commitment to a balanced review that is biased neither in favor of nor against regulation.

By all accounts, Professor Sunstein is a man of personal integrity and formidable intellectual prowess, and the Chamber applauds his willingness to suspend an exceptional academic career in order to serve his country.

Mr. Josten concludes by saying:

The Chamber urges you to expeditiously confirm Professor Sunstein as Administrator of OIRA.

I need not tell my colleagues in the Senate that the Chamber of Commerce is a probusiness group, and if they believed Cass Sunstein as OIRA Administrator would harm business entrepreneurship, economic growth, and the free market in our country, they would say so, loudly and clearly. But they did not say so. They did not just remain silent. The Chamber of Commerce of the United States said Cass Sunstein is qualified by his writings, he is fair, and they urge us to confirm this nomination.

I have a similar letter from the National Association of Manufacturers, Rosario Palmieri, vice president of NAM, writing to Senator COLLINS and me:

... I am writing to offer our support for the confirmation of Cass Sunstein to be Administrator of the Office of Information & Regulatory Affairs in the Office of Management & Budget. . . .

The NAM [National Association of Manufacturers] has supported nominees to OIRA under both Republican and Democratic presidents. The office plays a crucial role in agency prioritization, paperwork reduction, and regulatory review. Cass Sunstein, in particular, is deserving of confirmation because of his keen intellect, expertise in the fields—

The PRESIDING OFFICER. The Senator's time has expired.

Mr. LIEBERMAN. I thank the Chair.

The bottom line is that Professor Sunstein is supported by many groups, including those who some might think would have opposed him. I hope my colleagues will support this nomination in the vote to come and on final passage.

I thank the Chair, and I yield the floor.

Ms. COLLINS. Mr. President, I rise to discuss the nomination of Professor Cass Sunstein to be Administrator of the Office of Information and Regulatory Affairs, OIRA.

Professor Sunstein's nomination has been endorsed by a number of groups, including the Farm Bureau, the Chamber of Commerce, and the National Association of Manufacturers.

I will ask consent to have letters of support from these organizations printed in the RECORD following my remarks.

While many people outside of Washington have never heard of this office, it can have an enormous influence on our everyday lives. Through the process of regulatory review, OIRA—as it is known in Washington—plays an integral role in the rulemaking process. The office advises agencies as rules are developed and then reviews the methodologies used to develop and justify these rules.

Professor Sunstein has extensively studied government regulation and the various methods that can be used to evaluate regulatory effectiveness. During his confirmation hearings, I noted several core principles that seem to underpin Professor Sunstein's work.

He advocates greater transparency in the regulatory process. One of his recommendations is that agencies be required to better justify decisions to regulate, particularly when the costs of regulations appear to exceed the benefits. That makes sense to me.

Professor Sunstein strongly supports the use of cost-benefit analysis as a tool for evaluating regulation. At the same time, he recognizes that such analysis has limitations when it comes to considering intangible costs and benefits.

Recently, Professor Sunstein has proposed an alternative to more draconian "command-and-control" regulation. In his book "Nudge," he makes a compelling case for regulation that does not dictate actions but instead encourages certain behavior without limiting personal freedoms. This "nudging" can promote societal goals without depriving individuals or organizations of other choices.

As with many nominees who make the transition from academia to government service, Professor Sunstein will find that as he steps from the world of theory into the realm of practice, not every idea discussed in the classroom can be easily converted into government policy—nor should it be. During his confirmation hearing, Professor Sunstein and I discussed several provocative statements he has made in the course of his career, statements that are troubling on their face.

I was deeply concerned, for example, by his past comment that hunting

should be banned. When I questioned Professor Sunstein on this statement, he responded as follows:

Hunters are among the strongest environmentalists and conservationists in the United States. And it would be preposterous for anyone in a position like mine to take steps to affect their rights or their interests.

In a July 14, 2009, letter to Senator CHAMBLISS, Professor Sunstein promised to respect second amendment rights if confirmed as OIRA Administrator. Professor Sunstein explained:

I strongly believe that the Second Amendment creates an individual right to possess and use guns for purposes of both hunting and self-defense. I agree with the Supreme Court's decision in the Heller case, clearly recognizing the individual right to have guns for hunting and self-defense. If confirmed, I would respect the Second Amendment and the individual right that it recognizes.

I was also concerned by several law review articles in which Professor Sunstein made the bizarre statement that animals be given standing to sue in court—allowing "representatives" to sue on an animal's behalf. In response to questions on this subject during his confirmation hearing, Professor Sunstein clarified that he was suggesting this as a means by which existing animal cruelty laws could be enforced by civil suits. In a letter to me on this issue, Professor Sunstein further stated:

I have no personal plans to regulate farm animal husbandry in any way. If confirmed, and if the Department of Agriculture were to propose any regulations in that domain, I would work with the Department to ensure that any proposed regulations follow the law and fit with the priorities of the President—and that they take full account of the pressing needs of America's farmers and ranchers and the countless consumers who benefit, every day, from their remarkable efforts.

I will consent to have Professor Sunstein's letter printed in the RECORD following my remarks.

I know that a number of my colleagues have shared these concerns or raised other concerns based on Professor Sunstein's extensive bibliography. I understand that Professor Sunstein has made himself available to meet with Senators to discuss those concerns and has in some cases provided written clarifications of his positions. I expect that when confirmed as OIRA Administrator, he will continue to be as accessible and responsive to this Congress.

On balance, I support Professor Cass Sunstein as Administrator of the Office of Information and Regulatory Affairs.

Mr. President, I ask unanimous consent to have letters of support and Professor Sunstein's letter, to which I referred, printed in the RECORD.

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

CHAMBER OF COMMERCE
OF THE UNITED STATES OF AMERICA,
Washington, DC, June 23, 2009.

Hon. HARRY REID,
Majority Leader, U.S. Senate,
Washington, DC.

Hon. MITCH MCCONNELL,
Republican Leader, U.S. Senate,
Washington, DC.

Hon. JOSEPH LIEBERMAN,
Chairman, Committee on Homeland Security
and Government Affairs, U.S. Senate,
Washington, DC.

Hon. SUSAN COLLINS,
Ranking Member, Committee on Homeland Security
and Government Affairs, U.S. Senate,
Washington, DC.

DEAR LEADERS REID AND MCCONNELL,
CHAIRMAN LIEBERMAN AND RANKING MEMBER
COLLINS: The U.S. Chamber of Commerce,
the world's largest business federation representing
more than three million businesses and
organizations of every size, sector, and
region, urges you to confirm Professor Cass
Sunstein as Administrator of the Office of
Information and Regulatory Affairs (OIRA)
within the Office of Management and Budget.

Over the course of an impressive career as
a legal academic, Professor Sunstein has
made important contributions in such diverse
areas as environmental law, behavioral
economics, and consumer safety. Through
his work, he has improved our understanding
of the law and public policy in a continuing
effort to improve the ability of government
to beneficially impact the lives of its citizens.

As OIRA Administrator, Professor
Sunstein is almost certain to apply a
thoughtful approach to regulatory oversight
and review. His extensive writings and teachings
provide a useful blueprint of his pragmatic
approach to regulation, including his
continued defense of cost-benefit analysis as
a tool for developing rational regulation. His
approach is not influenced by an ideological
predisposition—to the contrary, his writings
show a strong commitment to a balanced review
that is biased neither in favor of nor
against regulation.

By all accounts, Professor Sunstein is a
man of personal integrity and formidable intellectual
prowess, and the Chamber applauds his
willingness to suspend an exceptional
academic career in order to serve his
country. The Chamber urges you to expeditiously
confirm Professor Sunstein as Administrator
of OIRA.

Sincerely,

R. BRUCE JOSTEN,
Executive Vice President,
Government Affairs.

NATIONAL ASSOCIATION
OF MANUFACTURERS,
Washington, DC, June 22, 2009.

Hon. JOSEPH LIEBERMAN,
Chairman, Senate Committee on Homeland Security
and Government Affairs, Dirksen
Building, Washington, DC.

Hon. SUSAN COLLINS,
Ranking Member, Senate Committee on Homeland
Security and Government Affairs,
Dirksen Building, Washington, DC.

DEAR CHAIRMAN LIEBERMAN AND RANKING
MEMBER COLLINS: On behalf of the National
Association of Manufacturers (NAM) and the
millions of Americans our members employ,
I am writing to offer our support for the
confirmation of Cass Sunstein to be Administrator
of the Office of Information & Regulatory
Affairs (OIRA) in the Office of Management
& Budget. Thank you for the swift
work of your Committee to report Professor
Sunstein favorably to the full Senate.

The NAM has supported nominees to OIRA
under both Republican and Democratic presi-

dents. The office plays a crucial role in agency
prioritization, paperwork reduction, and
regulatory review. President Obama said
that the office offers a "dispassionate and
analytical 'second opinion' on agency actions."
We believe that function is especially
crucial during the economic crisis we face
and to preserve high wage jobs from being
lost due to unnecessary or thoughtless government
action.

Cass Sunstein, in particular, is deserving
of confirmation because of his keen intellect,
expertise in the fields of administrative and
environmental law, and his commitment to
fair and reasoned deliberation of issues that
will come before him. Under an Administrator
Sunstein, all sides will be given a fair
hearing and a real opportunity to impact the
final analysis of an issue.

We stand ready to assist in ensuring confirmation
by the full Senate of Cass Sunstein.

Sincerely,

ROSARIO PALMIERI,
Vice President,
Infrastructure, Legal & Regulatory Policy.

AMERICAN FARM
BUREAU FEDERATION,
Washington, DC, September 1, 2009.

TO ALL U.S. SENATORS

DEAR SENATOR: Earlier this year, the Senate
received the nomination of Cass Sunstein
to serve as administrator of the Office of Information
and Regulatory Affairs (OIRA) within the Office
of Management and Budget. This office plays a
vital role in determining the final disposition
of regulations, in particular environmental and
natural resource proposals that have a direct
impact on the agricultural community. Accordingly,
Farm Bureau has a strong interest in the individual
that will fill the role of administrator of that office.

Like others in the agricultural community,
we were concerned about reports related to
Mr. Sunstein's views on animal rights and the
impact that could occur should such views be
reflected in federal regulations. We have, however,
had the opportunity to discuss this subject in
person with Mr. Sunstein. He has been candid,
forthright and very open about how he views his
role in OIRA. He has shared his perspective on
the issues in question and stressed that he would
not use his position to undermine federal law or
further policies inconsistent with congressional
directives.

Based on our discussions with Mr. Sunstein,
Farm Bureau has no objection to his confirmation
to the position of administrator of OIRA and we
hope the Senate can take up this nomination in
the near future and that all senators will vote
to confirm him to this post.

Sincerely,

BOB STALLMAN,
President,
American Farm Bureau Federation.

MAY 20, 2009.

Hon. SUSAN COLLINS,
Ranking Member, Committee on Homeland Security
and Governmental Affairs, U.S. Senate,
Washington, DC.

DEAR SENATOR COLLINS: Thank you for
your support and the work of your staff
throughout the confirmation process. I am
honored by the Committee's vote today and
the opportunity to serve the Nation as the
Administrator of the Office of Information and
Regulatory Affairs.

I understand that a question may have
arisen recently about my views on the regulation
of farming and farm animals. I have no
personal plans to regulate farm animal
husbandry in any way. If confirmed, and if
the Department of Agriculture were to pro-

pose any regulations in that domain, I would
work with the Department to ensure that
any proposed regulations follow the law and
fit with the priorities of the President—and
that they take full account of the pressing
needs of America's farmers and ranchers and
the countless consumers who benefit, every
day, from their remarkable efforts. The
focus of my academic work on animal welfare
is not regulation of agriculture, but existing
state anticruelty laws (over which OIRA
has no authority). My work as Administrator,
if I am confirmed, would reflect the law and
the President's priorities.

Thank you again for your support throughout
this process.

Sincerely,

CASS R. SUNSTEIN.

Mr. BUNNING. Mr. President, I rise
today to speak on the nomination of Mr.
Cass Sunstein for the Office of Management
and Budget's Office of Information and
Regulatory Affairs, OIRA. Most Americans
have never heard of OIRA, but it has great
influence on the daily lives of all Americans.
OIRA is responsible for the execution of a
wide range of government policies and
regulations with its oversight of the executive
branch rule-making. In other words, the OIRA
can heavily influence or change the intended
purpose of any regulatory proposal. Therefore,
it is important for the head of OIRA to be a
rational thinker who has every American's
best interest at heart.

After reviewing Mr. Sunstein's opinions
and past comments, it is very clear that his
views are far outside of the mainstream. For
example, Mr. Sunstein believes that animals
should be given the same rights as humans.
In 2004, he wrote, "We could even grant
animals a right to bring suit without insisting
that animals are persons, or that they are not
property." According to Mr. Sunstein's logic,
your dog could sue you for putting its collar on
a little too tight. Furthermore, Mr. Sunstein
is against hunting and compares it to the "mass
extermination of human beings." Whether it is
for population control or for food consumption,
hunting plays a vital role in the lives of many
Americans, especially in Kentucky. It is
irresponsible for Mr. Sunstein to compare a
person who kills a deer which can provide food
for his or her family for several weeks, to the
likes of Stalin. He has also been very hostile
to second amendment rights and has publicly
stated his resistance to an individual's right
to keep and bear arms.

Any regulation that comes out of the
Department of Agriculture could negatively
impact farmers across the Nation if Mr.
Sunstein is the person responsible for
implementing that regulation. Livestock
farmers across Kentucky could potentially be
forced out of business if Cass Sunstein had
his way. Additionally, vague rulemaking by
the Bureau of Alcohol, Tobacco, Firearms,
and Explosives could result in Mr. Sunstein
filling in the gaps to push his and the
President's radical agenda. There are plenty
of other qualified people whom President

Obama could have chosen for this very significant position. I cannot support this nomination, and I urge my colleagues to vote against this nomination.

LEGISLATIVE SESSION

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

TRAVEL PROMOTION ACT OF 2009—Continued

The PRESIDING OFFICER. All committee amendments except the Dorgan amendment, No. 1347, are withdrawn. The question is on agreeing to the amendment.

The amendment (No. 1347) was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. DORGAN. Mr. President, have the yeas and nays been ordered?

The PRESIDING OFFICER. They have not.

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

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second. The question is, Shall the bill pass, as amended?

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Louisiana (Ms. LANDRIEU) is necessarily absent.

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

The result was announced—yeas 79, nays 19, as follows:

[Rollcall Vote No. 272 Leg.]

YEAS—79

Akaka	Feinstein	Murray
Alexander	Franken	Nelson (NE)
Barrasso	Gillibrand	Nelson (FL)
Baucus	Graham	Pryor
Bayh	Hagan	Reed
Begich	Harkin	Reid
Bennet	Hatch	Rockefeller
Bennett	Inouye	Sanders
Bingaman	Isakson	Schumer
Bond	Johanns	Shaheen
Boxer	Johnson	Shelby
Brown	Kaufman	Snowe
Burr	Kerry	Specter
Byrd	Klobuchar	Stabenow
Cantwell	Kohl	Tester
Cardin	Lautenberg	Thune
Carper	Leahy	Udall (CO)
Casey	Levin	Udall (NM)
Cochran	Lieberman	Vitter
Collins	Lincoln	Voinovich
Conrad	Lugar	Warner
Dodd	Martinez	Webb
Dorgan	McCaskey	Whitehouse
Durbin	Menendez	Wicker
Ensign	Merkley	Wyden
Enzi	Mikulski	
Feingold	Murkowski	

NAYS—19

Brownback	Corker	Gregg
Bunning	Cornyn	Hutchison
Burr	Crapo	Inhofe
Chambliss	DeMint	
Coburn	Grassley	

Kyl	McConnell	Roberts
McCain	Risch	Sessions

NOT VOTING—1

Landrieu

The bill (S. 1023), as amended, was passed, as follows.

S. 1023

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 “Travel Promotion Act of 2009”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. The Corporation for Travel Promotion.

Sec. 3. Accountability measures.

Sec. 4. Matching public and private funding.

Sec. 5. Travel promotion fund fees.

Sec. 6. Assessment authority.

Sec. 7. Office of Travel Promotion.

Sec. 8. Research program.

SEC. 2. THE CORPORATION FOR TRAVEL PROMOTION.

(a) ESTABLISHMENT.—The Corporation for Travel Promotion is established as a nonprofit corporation. The Corporation shall not be an agency or establishment of the United States Government. The Corporation shall be subject to the provisions of the District of Columbia Nonprofit Corporation Act (D.C. Code, section 29–1001 et seq.), to the extent that such provisions are consistent with this section, and shall have the powers conferred upon a nonprofit corporation by that Act to carry out its purposes and activities.

(b) BOARD OF DIRECTORS.—

(1) IN GENERAL.—The Corporation shall have a board of directors of 11 members with knowledge of international travel promotion and marketing, broadly representing various regions of the United States, who are United States citizens. Members of the board shall be appointed by the Secretary of Commerce (after consultation with the Secretary of Homeland Security and the Secretary of State), as follows:

(A) 1 shall have appropriate expertise and experience in the hotel accommodations sector;

(B) 1 shall have appropriate expertise and experience in the restaurant sector;

(C) 1 shall have appropriate expertise and experience in the small business or retail sector or in associations representing that sector;

(D) 1 shall have appropriate expertise and experience in the travel distribution services sector;

(E) 1 shall have appropriate expertise and experience in the attractions or recreations sector;

(F) 1 shall have appropriate expertise and experience as officials of a city convention and visitors’ bureau;

(G) 2 shall have appropriate expertise and experience as officials of a State tourism office;

(H) 1 shall have appropriate expertise and experience in the passenger air sector;

(I) 1 shall have appropriate expertise and experience in immigration law and policy, including visa requirements and United States entry procedures; and

(J) 1 shall have appropriate expertise in the intercity passenger railroad business.

(2) INCORPORATION.—The members of the initial board of directors shall serve as incorporators and shall take whatever actions are necessary to establish the Corporation under the District of Columbia Nonprofit Corporation Act (D.C. Code, section 29–301.01 et seq.).

(3) TERM OF OFFICE.—The term of office of each member of the board appointed by the Secretary shall be 3 years, except that, of the members first appointed—

(A) 3 shall be appointed for terms of 1 year;

(B) 4 shall be appointed for terms of 2 years; and

(C) 4 shall be appointed for terms of 3 years.

(4) REMOVAL FOR CAUSE.—The Secretary of Commerce may remove any member of the board for good cause.

(5) VACANCIES.—Any vacancy in the board shall not affect its power, but shall be filled in the manner required by this section. Any member whose term has expired may serve until the member’s successor has taken office, or until the end of the calendar year in which the member’s term has expired, whichever is earlier. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which that member’s predecessor was appointed shall be appointed for the remainder of the predecessor’s term. No member of the board shall be eligible to serve more than 2 consecutive full 3-year terms.

(6) ELECTION OF CHAIRMAN AND VICE CHAIRMAN.—Members of the board shall annually elect one of the members to be Chairman and elect 1 or 2 of the members as Vice Chairman or Vice Chairmen.

(7) STATUS AS FEDERAL EMPLOYEES.—Notwithstanding any provision of law to the contrary, no member of the board may be considered to be a Federal employee of the United States by virtue of his or her service as a member of the board.

(8) COMPENSATION; EXPENSES.—No member shall receive any compensation from the Federal government for serving on the Board. Each member of the Board shall be paid actual travel expenses and per diem in lieu of subsistence expenses when away from his or her usual place of residence, in accordance with section 5703 of title 5, United States Code.

(c) OFFICERS AND EMPLOYEES.—

(1) IN GENERAL.—The Corporation shall have an executive director and such other officers as may be named and appointed by the board for terms and at rates of compensation fixed by the board. No individual other than a citizen of the United States may be an officer of the Corporation. The Corporation may hire and fix the compensation of such employees as may be necessary to carry out its purposes. No officer or employee of the Corporation may receive any salary or other compensation (except for compensation for services on boards of directors of other organizations that do not receive funds from the Corporation, on committees of such boards, and in similar activities for such organizations) from any sources other than the Corporation for services rendered during the period of his or her employment by the Corporation. Service by any officer on boards of directors of other organizations, on committees of such boards, and in similar activities for such organizations shall be subject to annual advance approval by the board and subject to the provisions of the Corporation’s Statement of Ethical Conduct. All officers and employees shall serve at the pleasure of the board.

(2) NONPOLITICAL NATURE OF APPOINTMENT.—No political test or qualification shall be used in selecting, appointing, promoting, or taking other personnel actions with respect to officers, agents, or employees of the Corporation.

(d) NONPROFIT AND NONPOLITICAL NATURE OF CORPORATION.—

(1) STOCK.—The Corporation shall have no power to issue any shares of stock, or to declare or pay any dividends.

(2) **PROFIT.**—No part of the income or assets of the Corporation shall inure to the benefit of any director, officer, employee, or any other individual except as salary or reasonable compensation for services.

(3) **POLITICS.**—The Corporation may not contribute to or otherwise support any political party or candidate for elective public office.

(4) **SENSE OF CONGRESS REGARDING LOBBYING ACTIVITIES.**—It is the sense of Congress that the Corporation should not engage in lobbying activities (as defined in section 3(7) of the Lobbying Disclosure Act of 1995 (5 U.S.C. 1602(7))).

(e) **DUTIES AND POWERS.**—

(1) **IN GENERAL.**—The Corporation shall develop and execute a plan—

(A) to provide useful information to foreign tourists, business people, students, scholars, scientists, and others interested in traveling to the United States, including the distribution of material provided by the Federal government concerning entry requirements, required documentation, fees, processes, and information concerning declared public health emergencies, to prospective travelers, travel agents, tour operators, meeting planners, foreign governments, travel media and other international stakeholders;

(B) to identify, counter, and correct misperceptions regarding United States entry policies around the world;

(C) to maximize the economic and diplomatic benefits of travel to the United States by promoting the United States of America to world travelers through the use of, but not limited to, all forms of advertising, outreach to trade shows, and other appropriate promotional activities;

(D) to ensure that international travel benefits all States and the District of Columbia and to identify opportunities and strategies to promote tourism to rural and urban areas equally, including areas not traditionally visited by international travelers; and

(E) to give priority to the Corporation's efforts with respect to countries and populations most likely to travel to the United States.

(2) **SPECIFIC POWERS.**—In order to carry out the purposes of this section, the Corporation may—

(A) obtain grants from and make contracts with individuals and private companies, State, and Federal agencies, organizations, and institutions;

(B) hire or accept the voluntary services of consultants, experts, advisory boards, and panels to aid the Corporation in carrying out its purposes; and

(C) take such other actions as may be necessary to accomplish the purposes set forth in this section.

(3) **PUBLIC OUTREACH AND INFORMATION.**—The Corporation shall develop and maintain a publicly accessible website.

(f) **OPEN MEETINGS.**—Meetings of the board of directors of the Corporation, including any committee of the board, shall be open to the public. The board may, by majority vote, close any such meeting only for the time necessary to preserve the confidentiality of commercial or financial information that is privileged or confidential, to discuss personnel matters, or to discuss legal matters affecting the Corporation, including pending or potential litigation.

(g) **MAJOR CAMPAIGNS.**—The board may not authorize the Corporation to obligate or expend more than \$25,000,000 on any advertising campaign, promotion, or related effort unless—

(1) the obligation or expenditure is approved by an affirmative vote of at least $\frac{2}{3}$ of the members of the board present at the meeting;

(2) at least 6 members of the board are present at the meeting at which it is approved; and

(3) each member of the board has been given at least 3 days advance notice of the meeting at which the vote is to be taken and the matters to be voted upon at that meeting.

(h) **FISCAL ACCOUNTABILITY.**—

(1) **FISCAL YEAR.**—The Corporation shall establish as its fiscal year the 12-month period beginning on October 1.

(2) **BUDGET.**—The Corporation shall adopt a budget for each fiscal year.

(3) **ANNUAL AUDITS.**—The Corporation shall engage an independent accounting firm to conduct an annual financial audit of the Corporation's operations and shall publish the results of the audit. The Comptroller General of the United States may review any audit of a financial statement conducted under this subsection by an independent accounting firm and may audit the Corporation's operations at the discretion of the Comptroller General. The Comptroller General and the Congress shall have full and complete access to the books and records of the Corporation.

(4) **PROGRAM AUDITS.**—Not later than 2 years after the date of enactment of this Act, the Comptroller General shall conduct a review of the programmatic activities of the Corporation for Travel Promotion. This report shall be provided to appropriate congressional committees.

SEC. 3. ACCOUNTABILITY MEASURES.

(a) **OBJECTIVES.**—The Board shall establish annual objectives for the Corporation for each fiscal year subject to approval by the Secretary of Commerce (after consultation with the Secretary of Homeland Security and the Secretary of State). The Corporation shall establish a marketing plan for each fiscal year not less than 60 days before the beginning of that year and provide a copy of the plan, and any revisions thereof, to the Secretary.

(b) **BUDGET.**—The board shall transmit a copy of the Corporation's budget for the forthcoming fiscal year to the Secretary not less than 60 days before the beginning of each fiscal year, together with an explanation of any expenditure provided for by the budget in excess of \$5,000,000 for the fiscal year. The Corporation shall make a copy of the budget and the explanation available to the public and shall provide public access to the budget and explanation on the Corporation's website.

(c) **ANNUAL REPORT TO CONGRESS.**—The Corporation shall submit an annual report for the preceding fiscal year to the Secretary of Commerce for transmittal to the Congress on or before the 15th day of May of each year. The report shall include—

(1) a comprehensive and detailed report of the Corporation's operations, activities, financial condition, and accomplishments under this Act;

(2) a comprehensive and detailed inventory of amounts obligated or expended by the Corporation during the preceding fiscal year;

(3) a detailed description of each in-kind contribution, its fair market value, the individual or organization responsible for contributing, its specific use, and a justification for its use within the context of the Corporation's mission;

(4) an objective and quantifiable measurement of its progress, on an objective-by-objective basis, in meeting the objectives established by the board;

(5) an explanation of the reason for any failure to achieve an objective established by the board and any revisions or alterations to the Corporation's objectives under subsection (a);

(6) a comprehensive and detailed report of the Corporation's operations and activities to promote tourism in rural and urban areas; and

(7) such recommendations as the Corporation deems appropriate.

(d) **LIMITATION ON USE OF FUNDS.**—Amounts deposited in the Fund may not be used for any purpose inconsistent with carrying out the objectives, budget, and report described in this section.

SEC. 4. MATCHING PUBLIC AND PRIVATE FUNDING.

(a) **ESTABLISHMENT OF TRAVEL PROMOTION FUND.**—There is hereby established in the Treasury a fund which shall be known as the Travel Promotion Fund.

(b) **FUNDING.**—

(1) **START-UP EXPENSES.**—For fiscal year 2010, the Secretary of the Treasury shall make available to the Corporation such sums as may be necessary, but not to exceed \$10,000,000, from amounts deposited in the general fund of the Treasury from fees under section 217(h)(3)(B)(i)(I) of the Immigration and Nationality Act (8 U.S.C. 1187(h)(3)(B)(i)(I)) to cover the Corporation's initial expenses and activities under this Act. Transfers shall be made at least quarterly, beginning on October 1, 2009, on the basis of estimates by the Secretary, and proper adjustments shall be made in amounts subsequently transferred to the extent prior estimates were in excess or less than the amounts required to be transferred.

(2) **SUBSEQUENT YEARS.**—For each of fiscal years 2011 through 2014, from amounts deposited in the general fund of the Treasury during the preceding fiscal year from fees under section 217(h)(3)(B)(i)(I) of the Immigration and Nationality Act (8 U.S.C. 1187(h)(3)(B)(i)(I)), the Secretary of the Treasury shall transfer not more than \$100,000,000 to the Fund, which shall be made available to the Corporation, subject to subsection (c) of this section, to carry out its functions under this Act. Transfers shall be made at least quarterly on the basis of estimates by the Secretary, and proper adjustments shall be made in amounts subsequently transferred to the extent prior estimates were in excess or less than the amounts required to be transferred.

(c) **MATCHING REQUIREMENT.**—

(1) **IN GENERAL.**—No amounts may be made available to the Corporation under this section after fiscal year 2010, except to the extent that—

(A) for fiscal year 2011, the Corporation provides matching amounts from non-Federal sources equal in the aggregate to 50 percent or more of the amount transferred to the Fund under subsection (b); and

(B) for any fiscal year after fiscal year 2011, the Corporation provides matching amounts from non-Federal sources equal in the aggregate to 100 percent of the amount transferred to the Fund under subsection (b) for the fiscal year.

(2) **GOODS AND SERVICES.**—For the purpose of determining the amount received from non-Federal sources by the Corporation, other than money—

(A) the fair market value of goods and services (including advertising) contributed to the Corporation for use under this Act may be included in the determination; but

(B) the fair market value of such goods and services may not account for more than 80 percent of the matching requirement under paragraph (1) for the Corporation in any fiscal year.

(3) **RIGHT OF REFUSAL.**—The Corporation may decline to accept any contribution in-kind that it determines to be inappropriate, not useful, or commercially worthless.

(4) **LIMITATION.**—The Corporation may not obligate or expend funds in excess of the

total amount received by the Corporation for a fiscal year from Federal and non-Federal sources.

(d) CARRYFORWARD.—

(1) FEDERAL FUNDS.—Amounts transferred to the Fund under subsection (b)(2) shall remain available until expended.

(2) MATCHING FUNDS.—Any amount received by the Corporation from non-Federal sources in fiscal year 2010, 2011, 2012, 2013, or 2014 that cannot be used to meet the matching requirement under subsection (c)(1) for the fiscal year in which amount was collected may be carried forward and treated as having been received in the succeeding fiscal year for purposes of meeting the matching requirement of subsection (c)(1) in such succeeding fiscal year.

SEC. 5. TRAVEL PROMOTION FUND FEES.

Section 217(h)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1187(h)(3)(B)) is amended to read as follows:

“(B) FEES.—

“(i) IN GENERAL.—No later than September 30, 2009, the Secretary of Homeland Security shall establish a fee for the use of the System and begin assessment and collection of that fee. The initial fee shall be the sum of—

“(I) \$10 per travel authorization; and

“(II) an amount that will at least ensure recovery of the full costs of providing and administering the System, as determined by the Secretary.

“(ii) DISPOSITION OF AMOUNTS COLLECTED.—Amounts collected under clause (i)(I) shall be credited to the Travel Promotion Fund established by section 4 of the Travel Promotion Act of 2009. Amounts collected under clause (i)(II) shall be transferred to the general fund of the Treasury and made available to pay the costs incurred to administer the System.

“(iii) SUNSET OF TRAVEL PROMOTION FUND FEE.—The Secretary may not collect the fee authorized by clause (i)(I) for fiscal years beginning after September 30, 2014.”

SEC. 6. ASSESSMENT AUTHORITY.

(a) IN GENERAL.—Except as otherwise provided in this section, the Corporation may impose an annual assessment on United States members of the international travel and tourism industry (other than those described in section 2(b)(1)(C) or (H)) represented on the Board in proportion to their share of the aggregate international travel and tourism revenue of the industry. The Corporation shall be responsible for verifying, implementing, and collecting the assessment authorized by this section.

(b) INITIAL ASSESSMENT LIMITED.—The Corporation may establish the initial assessment after the date of enactment of the Travel and Tourism Promotion Act at no greater, in the aggregate, than \$20,000,000.

(c) REFERENDA.—

(1) IN GENERAL.—The Corporation may not impose an annual assessment unless—

(A) the Corporation submits the proposed annual assessment to members of the industry in a referendum; and

(B) the assessment is approved by a majority of those voting in the referendum.

(2) PROCEDURAL REQUIREMENTS.—In conducting a referendum under this subsection, the Corporation shall—

(A) provide written or electronic notice not less than 60 days before the date of the referendum;

(B) describe the proposed assessment or increase and explain the reasons for the referendum in the notice; and

(C) determine the results of the referendum on the basis of weighted voting apportioned according to each business entity's relative share of the aggregate annual United States international travel and tourism revenue for the industry per business entity, treating all related entities as a single entity.

(d) COLLECTION.—

(1) IN GENERAL.—The Corporation shall establish a means of collecting the assessment that it finds to be efficient and effective. The Corporation may establish a late payment charge and rate of interest to be imposed on any person who fails to remit or pay to the Corporation any amount assessed by the Corporation under this Act.

(2) ENFORCEMENT.—The Corporation may bring suit in Federal court to compel compliance with an assessment levied by the Corporation under this Act.

(e) INVESTMENT OF FUNDS.—Pending disbursement pursuant to a program, plan, or project, the Corporation may invest funds collected through assessments, and any other funds received by the Corporation, only in obligations of the United States or any agency thereof, in general obligations of any State or any political subdivision thereof, in any interest-bearing account or certificate of deposit of a bank that is a member of the Federal Reserve System, or in obligations fully guaranteed as to principal and interest by the United States.

SEC. 7. OFFICE OF TRAVEL PROMOTION.

Title II of the International Travel Act of 1961 (22 U.S.C. 2121 et seq.) is amended by inserting after section 201 the following:

“SEC. 202. OFFICE OF TRAVEL PROMOTION.

“(a) OFFICE ESTABLISHED.—There is established within the Department of Commerce an office to be known as the Office of Travel Promotion.

“(b) DIRECTOR.—

“(1) APPOINTMENT.—The Office shall be headed by a Director who shall be appointed by the Secretary.

“(2) QUALIFICATIONS.—The Director shall be a citizen of the United States and have experience in a field directly related to the promotion of travel to and within the United States.

“(3) DUTIES.—The Director shall be responsible for ensuring the office is carrying out its functions effectively and shall report to the Secretary.

“(c) FUNCTIONS.—The Office shall—

“(1) serve as liaison to the Corporation for Travel Promotion established by section 2 of the Travel Promotion Act of 2009 and support and encourage the development of programs to increase the number of international visitors to the United States for business, leisure, educational, medical, exchange, and other purposes;

“(2) work with the Corporation, the Secretary of State and the Secretary of Homeland Security—

“(A) to disseminate information more effectively to potential international visitors about documentation and procedures required for admission to the United States as a visitor;

“(B) to ensure that arriving international visitors are generally welcomed with accurate information and in an inviting manner;

“(C) to collect accurate data on the total number of international visitors that visit each State; and

“(D) enhance the entry and departure experience for international visitors through the use of advertising, signage, and customer service; and

“(3) support State, regional, and private sector initiatives to promote travel to and within the United States.

“(d) REPORTS TO CONGRESS.—Within a year after the date of enactment of the Travel Promotion Act of 2009, and periodically thereafter as appropriate, the Secretary shall transmit a report to the Senate Committee on Commerce, Science, and Transportation, the Senate Committee on Homeland Security and Governmental Affairs, the Senate Committee on Foreign Relations, the

House of Representatives Committee on Energy and Commerce, the House of Representatives Committee on Homeland Security, and the House of Representatives Committee on Foreign Affairs describing the Office's work with the Corporation, the Secretary of State and the Secretary of Homeland Security to carry out subsection (c)(2).”

SEC. 8. RESEARCH PROGRAM.

Title II of the International Travel Act of 1961 (22 U.S.C. 2121 et seq.), as amended by section 7, is further amended by inserting after section 202 the following:

“SEC. 203. RESEARCH PROGRAM.

“(a) IN GENERAL.—The Office of Travel and Tourism Industries shall expand and continue its research and development activities in connection with the promotion of international travel to the United States, including—

“(1) expanding access to the official Mexican travel surveys data to provide the States with traveler characteristics and visitation estimates for targeted marketing programs;

“(2) expanding the number of inbound air travelers sampled by the Commerce Department's Survey of International Travelers to reach a 1 percent sample size and revising the design and format of questionnaires to accommodate a new survey instrument, improve response rates to at least double the number of States and cities with reliable international visitor estimates and improve market coverage;

“(3) developing estimates of international travel exports (expenditures) on a State-by-State basis to enable each State to compare its comparative position to national totals and other States;

“(4) evaluate the success of the Corporation in achieving its objectives and carrying out the purposes of the Travel Promotion Act of 2009; and

“(5) research to support the annual reports required by section 202(d) of this Act.

“(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Commerce for fiscal years 2010 through 2014 such sums as may be necessary to carry out this section.”

EXECUTIVE SESSION

CASS R. SUNSTEIN TO BE ADMINISTRATOR OF THE OFFICE OF INFORMATION AND REGULATORY AFFAIRS, OFFICE OF MANAGEMENT AND BUDGET—Continued

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, 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 Cass R. Sunstein, of Massachusetts, to be Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget.

Harry Reid, Joseph I. Lieberman, Mark Udall, Patrick J. Leahy, Daniel K. Akaka, Richard Durbin, Sherrod Brown, Patty Murray, Jeanne Shaheen, John F. Kerry, Robert Menendez, Jack Reed, Mark Begich, Tom Harkin, Sheldon Whitehouse, Ron Wyden, Kirsten E. Gillibrand.

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 Cass R. Sunstein, of Massachusetts, to be Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget, 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.

The yeas and nays resulted—yeas 63, nays 35, as follows:

[Rollcall Vote No. 273 Ex.]

YEAS—63

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

NAYS—35

Alexander	DeMint	McConnell
Barrasso	Ensign	Murkowski
Bond	Enzi	Pryor
Brownback	Graham	Risch
Bunning	Grassley	Roberts
Burr	Hutchison	Sessions
Chambliss	Inhofe	Shelby
Coburn	Isakson	Thune
Cochran	Johanns	Vitter
Corker	Kyl	Webb
Cornyn	Lincoln	Wicker
Crapo	McCain	

The PRESIDING OFFICER. On this vote, the yeas are 63, the nays are 35. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

LETTER OF RESIGNATION

The Chair lays before the Senate the letter of resignation of Senator MEL MARTINEZ of Florida.

Without objection, the letter is deemed read and spread upon the Journal.

The letter follows.

U.S. SENATE,

Washington, DC, September 2, 2009.

Hon. JOSEPH R. BIDEN, JR.,
President of the Senate,
Washington, DC.

DEAR MR. PRESIDENT: I hereby give notice that I will retire from the Office of United States Senator for the State of Florida. I, therefore, tender my resignation effective at 5:00 p.m. on September 9, 2009.

Sincerely,

MEL MARTINEZ.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. KAUFMAN. Mr. President, there is not a quorum call, is there?

The PRESIDING OFFICER. There is not.

TRIBUTE TO CHRISTINE SPICER

Mr. KAUFMAN. Mr. President, I rise once again to speak about one of our

Nation's great Federal employees. All of us here, along with our colleagues in the House, have returned from a busy work period. I know we, like all Americans, appreciate the extra day off we had on Monday to rest and recharge, to spend time with family, and to enjoy a barbecue. It is important, though, not to lose sight of what Labor Day represents.

America was founded on the belief that if you work hard, you can achieve your dream. When American workers set themselves to a task, no challenge is too great.

Since the 19th century, Labor Day has served as an opportunity to appreciate those who have made our economy the strongest in the world. Even with the challenges we face on Wall Street and on Main Street, I remain confident in our economy precisely because of our great workers.

American workers built the canals and railroads that fueled the westward expansion of our early years. They labored in those first industrial factories, weaving textiles, smelting iron, and manufacturing new products. Our workers electrified America's cities and made possible our soaring skylines.

Whenever they were called upon to serve, they laid down their tools and took up arms to defend liberty at home and overseas.

Today, our workers produce microchips, complex machine parts, and quality products sold in markets worldwide. I know that American workers will continue to excel as we transition to a green economy.

The history of labor in our country can be told through the stories of Americans who have worked hard because they dream of providing a decent life for themselves and their families.

The great labor leader Samuel Gompers, when asked what motivated American workers to organize for better pay and conditions, said:

We want more schoolhouses and less jails; more books and less arsenals; more learning and less vice; . . . in fact, more of the opportunities to cultivate our better natures.

It took American workers many decades to win fair wages and safe working conditions. Today, the dedicated employees of the Department of Labor continue to ensure that American workers are safe, treated fairly, and have access to employment opportunities. This also includes a commitment to protecting workers' hard-won benefits.

The men and women of the Department's Plan Benefits Security Division engage in legal proceedings to make certain that employees' rights under retirement income security legislation are upheld. It is a busy office, and its attorneys and staff work on behalf of our Nation's labor force and retirees.

On July 4, 2006, Christine Spicer, who had worked as a secretary in the division for 25 years, suffered a debilitating stroke. It left her hearing and sight impaired and unable to walk. Unable to perform the office tasks she had done

for a quarter of a century, Christine could have chosen to retire on disability.

However, she was determined to return to work and keep serving the public. Christine engaged in a difficult course of physical, speech, and occupational therapy. She returned to work in 2007, and now serves as the lead secretary for the division chief—a job entailing great responsibility.

Despite lingering problems with speech and difficulty walking, Christine oversees the division's payroll system, personnel paperwork, and a number of special assignments in addition to her secretarial role. She has been cited by her colleagues as disciplined and cheerful, and she is truly one of the Labor Department's unsung heroes.

The employees of the Department of Labor continually serve American workers by safeguarding their right to a living wage and providing what our dear friend, the late Senator Ted Kennedy, called "hope that the price of their employment" is not "an unsafe workplace and a death at an earlier age."

I call on my colleagues and on all Americans to join me in honoring Christine Spicer and all of the outstanding public servants at our Department of Labor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. DURBIN. Mr. President, I ask to speak as in morning business.

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

Mr. DURBIN. Mr. President, I rise today to express my strong support for the nomination of Cass Sunstein from Chicago, IL, to be Administrator of the Office of Management and Budget, Office of Information and Regulatory Affairs. It is a long title. But this office is critically important. It is the gateway for all the major Federal regulatory proposals that protect public health and the environment.

The Administrator needs a demonstrated record of impartiality and openness. President Obama has made it clear that objective science will guide his administration in their Federal rules and regulations.

Cass Sunstein is one of the Nation's most respected legal scholars who has shown a commitment to objective, evidence-based regulation. Cass Sunstein is a friend, he is a well-respected legal scholar, and he has taken insightful approaches to analyzing public policy. He has often proposed insightful ways to protect the public welfare, the environment, and worker safety.

Until he was nominated by President Obama, he served as the Felix Frankfurter professor of law at Harvard University, where his research spanned administrative and constitutional law, behavioral economics, environmental law, and labor law. I know him best from the 27 years he served as a member of the faculty of the University of Chicago Law School, where he taught one of my sitting colleagues, Senator AMY KLOBUCHAR, the senior Senator from Minnesota, and was a teaching colleague of the President of the United States.

He has also served as attorney-adviser in the Office of Legal Counsel to the U.S. Department of Justice, law clerked for Justice Benjamin Kaplan of the Supreme Court of Massachusetts, and clerked for Supreme Court Justice Thurgood Marshall. His academic credentials are the best.

His nomination has been endorsed by many groups and many Nobel Prize winners and many former OIRA Administrators. His professional record indicates he would use his knowledge and experience to develop and implement smart, objective Federal policies and regulations.

I am going to support him enthusiastically. I believe he will be honest in dealing with this critical office, an office which is often hidden from the public sight because it deals in the world of rules and regulations but one which can have a great impact on the future of this Nation. President Obama has chosen well. I hope the Senate will endorse his choice.

THE ECONOMY

Mr. President, all of us understand we are in the midst of a recession. It has been known as the Great Recession, not as bad as the Great Depression, thank the Lord, but certainly not your average run-of-the-mill economic downturn.

Last week, the Labor Department reported that the unemployment rate has reached 9.7 percent, the highest we have had in 25 years. I remember the last time it was even higher because that was the year 1982 when I was elected to Congress and the economy of my State was in terrible shape. The unemployment rate in Decatur, IL, where I was a candidate for Congress, was over 20 percent, and many communities had the same experience. I certainly hope this situation does not deteriorate to that level. There is evidence it is starting to turn for the better. But 216,000 Americans lost jobs last month, which brings the total number of jobs lost since this recession started in December of 2007 to 7 million Americans. Economists do not expect the job situation to stabilize until next year. So this Labor Day was not a great day of celebration for working Americans worried about their jobs and worried about their income.

There is some hope that the economy is starting to turn. The administration expects to report this week that the stimulus bill, which we enacted earlier

this year, will have created or saved 750,000 jobs in just a few months. That is one reason the number of jobs lost in July was not as bad as other months. Mr. President, \$300 billion of the stimulus money has been obligated or distributed through tax relief directly to working families. Those who come to the floor opposed to the President's stimulus bill are opposing his proposal which gave tax relief to working families. And \$160 billion of that has already been spent, and more to follow, giving those families a fighting chance to deal with the expenses of daily life.

In addition, the success of the recent Cash for Clunkers Program is expected to create or save 42,000 jobs over the second half of this year. We know this in Illinois because last week while I was home, while some of the political observers were criticizing cash for clunkers, the Chrysler plant in Belvidere, IL, announced it was going to bring back 850 employees and put them to work because the stock and inventory of Chrysler products had been depleted by this program. So don't tell me cash for clunkers did not breathe some life back into the automobile industry. There are 850 workers in Belvidere, IL, who could tell you just the opposite.

Unfortunately, many sparks of economic regeneration are still being overwhelmed by the mutating disease at the center of our economic ills. If you remember, this recession really started in the housing market, and unfortunately it continues to grow there.

As I pointed out many times in this Chamber, the economic crisis that began in the housing market is not going to get better and is not going to change until the housing markets in America stabilize. Families who are afraid they are going to lose their homes to foreclosure will not buy things they need. When families do not buy things, companies do not make things and people are laid off. It is just that basic. Since 12 million people could lose their homes to foreclosure during this recession, there are a lot of people who could end up losing jobs, stop purchasing, creating even a deeper recession.

Here is the tough part of where we are right now. It is now because people are losing their jobs that they are losing their homes. It is a vicious cycle. According to the Mortgage Bankers Association, 6 million loans were either past due or in foreclosure in the second quarter, the highest level ever recorded in the United States of America. Nearly one in eight borrowers is behind or in foreclosure, and well over half of these households in trouble are solid, sound borrowers. In Illinois, 14 percent—one out of seven mortgages is in trouble since the second quarter of this year. And the scary part: we have not peaked yet when it comes to the foreclosure crisis. The reason? Millions of families are now underwater, meaning they owe more to the bank than their home's value.

The best predictor of whether a house could fall into foreclosure is whether the homeowner has positive equity. Homeowners with a financial stake in keeping a home are far more likely to save it. The bad news, according to Deutsche Bank, is 14 million homeowners—over one-fourth of home borrowers in America—have negative equity; that is, over one-fourth of all home borrowers are underwater with negative equity, and 25 million homeowners, half of them, will be underwater when the prices stabilize in the first quarter of 2011. Home equity fell \$5.9 trillion between 2005 and the end of 2008, likely to fall even further in 2009. These families are at serious risk of foreclosure. This is not a crisis that we pass through. Sadly, it is a crisis we are living through and entering into a new phase.

One more problem: A new wave of mortgages is coming up later this year. These mortgages are facing a reset. They are called option arms. They are soon going to dwarf subprime loans in size. These loans allowed the borrowers to pick what they wanted to pay each month, even if they wanted to pay less than the principal amount owed. Forget the interest. Under these terms you didn't even have to keep up with the principal payments. Of course, you have to catch up when the initial reset hits.

Fitch Ratings estimates \$134 billion in option arms will reset in the next 2 years, even as unemployment remains high. What began as a risky subprime mortgage crisis has now morphed into a solid prime mortgage and crazy option-arm crisis. What began as an underwriting problem is now an income problem. What began as a rate reset challenge is now also a negative equity nightmare.

If we want to turn this economy around, we must attack this problem with everything we have. Imagine this financial sector which dreamed up these ways of financing homes—luring people into homes that were way beyond them, now facing a recession and foreclosures on those same loans and mortgages—has now refused to cooperate in dealing with this issue. They have washed their hands of it. They have made their money and now they want to walk away from it.

Sadly, what we are doing now in this country isn't enough. Two years after the cruelly named Hope Now Alliance was launched by then-Secretary of the Treasury and the big banks, the response to this crisis is awful. As Congress has looked on with a hands-off attitude, millions of our constituents have been thrown out on the street by the same banks that drove us into this economic ditch. I give credit to the Obama administration for creating a targeted program called the Home Affordable Modification Program which, if implemented aggressively, could save at least some of the families at risk. But even this modest effort has been stymied by the absolute failure of

the banks to aggressively implement it.

Under this program the banks get paid—bribed really—with several thousand dollars for every mortgage they modify to keep families in their homes. Let me tell you what the data released by the Treasury Department this week tells us about this program which gave money to banks to renegotiate mortgages. Only 125,000 modifications under this program were started last month by the mortgage servicers, even though nearly 3 million homeowners were eligible for these modifications.

Let me do the math—125,000 out of 3 million. If I understand that correctly, we are dealing roughly with $\frac{1}{24}$ th of those who were eligible for modification who actually got help. That is about 4 percent.

Bank of America has started modifications with just 7 percent of their homeowners that were eligible; Wells Fargo, only 11 percent; American Home Mortgage Servicing has nearly 100,000 troubled borrowers eligible for mortgage modification offers yet less than 1 percent of these borrowers have even received an offer.

The situation is deplorable. If the banks don't start offering money and modifications to these families, perhaps Congress needs to make the banks some offers they can't refuse. We have tried this voluntary approach for too long and it has failed. The banks are not voluntarily going to step up to this responsibility of negotiating and renegotiating a mortgage so people can stay in their homes. Maybe we should fine banks for not following the administration's plan rules. Maybe we should provide matching funds for States and municipalities that decide to require mandatory face-to-face arbitration between a bank and a homeowner before a bank can ask for a foreclosure. Maybe we should ensure families have the right to rent their home after a bank takes it over until the home can be sold. And maybe we should look again to changing the Bankruptcy Code to allow judges to help families save their primary loans.

This is called cram-down by its critics, but it is a basic change in bankruptcy law, which I have brought to the floor of the Senate twice and lost. I lost because the banks said: Don't worry about it, we are going to take care of this. They are not. The situation is getting worse by the day.

Last week I was in Chicago and went to an area known as Marquette Park on the south side of the city. I have been visiting that neighborhood for years. It has changed a lot. Originally it was an area where many Lithuanian Americans settled. My mother was an immigrant from Lithuania, and I used to take her there when she was alive. We would go to the bakeries and restaurants, and it was a wonderful neighborhood. It has changed many times. It is now primarily a Black and Hispanic neighborhood. As you visit some of the folks who have lived in that neighbor-

hood for 10, 15, 20 years now, you see a lot of proud homeowners.

I met a family—a man who said he had been in his home 19 years. Obviously, he was retired. His wife was there. They had a well kept, neat yard. I talked to him about his street because right across the street from him was an eyesore that no one would want to wake up to every morning. It was a brand-new home built and abandoned about 2 years ago. It had been boarded up and vandalized. They had ripped out all the copper plumbing and anything they could take out of it. It was a home that, sadly, had become a haven for homeless people and vagrants, drug activity, and gangs. Welcome to my neighborhood.

I thought about this poor man, who had devoted his whole life to his little home that he loved, and that he and his wife were keeping so neat, now had to look across the street to that mess every morning for 2 straight years. It wasn't the only home on the block. Three doors down there was another one, all boarded up and falling apart; a few doors down the other direction, exactly the same thing.

I went through this area with a community group called SWOP—Southwest Organizing Project. They work with a lot of churches and individuals trying to keep people in their homes. I asked: What is the problem? Well, they said, we have some major banks that are holding these mortgages in foreclosure and won't lift a finger.

Deutsch Bank, you hear about Deutsch Bank. Don't they sponsor tennis or golf or something? I can't keep up with their image building. But I can tell you they are not building their image in this neighborhood in Chicago. They are nowhere to be found. They are not even talking to these people about their homes.

U.S. Bank out of Minnesota, another situation, similar situation. We don't have buy-in by these banks to help these families. They would much rather let these homes go into foreclosure—bank ownership, as they call it—and sit there rotting, destroying these good neighborhoods in the city of Chicago, bringing down the value of the homes around them, creating crime havens for those who use these abandoned homes. They are nowhere to be found.

What is the answer, Mr. President? The answer is we have asked these banks and many others to volunteer to solve the problem. Guess what. There aren't enough hands going up, not enough banks volunteering. A few of them are starting to try, and I want to give credit to Bank of America, which is working with SWOP and others to try to renegotiate mortgages, but it is still a halfhearted effort. They could do a lot more.

I could go through the long list of banks, including banks that I have worked with in the past and thought pretty highly of. They aren't getting involved. There is no reason for them to because our government and our

Congress tell them they do not have to, and they do not. Well, that has to change.

All told, I hope this economy recovers quickly and that Americans can get back to work. I don't think it is going to happen until the housing market stabilizes. If the banks will not help us get that done on their own, it is time to consider something radical—a change in the law. Where would be a good place to start with the change in the law? How about the Senate? How about the Senate making the Bankruptcy Code so that a judge can say to that bank owning that home: Incidentally, the last stop in bankruptcy is my courtroom. If you don't sit down and negotiate with that homeowner, who still has a job and still can make a payment, this court is going to impose new terms in terms of principal and interest.

Does that sound like a radical idea? It is not radical if you are talking about a second home because the bankruptcy court can already do that. It is not radical if you are talking about a vacation home because a bankruptcy court can already do it. But under our law they cannot touch that primary residence. It is a bad idea, and as a result the banks and their lobbyists have prevailed twice on the floor of the Senate. They rolled over this effort to reform, and they sit there and watch America's neighborhoods, America's communities, America's towns and cities deteriorating before our eyes.

Well, the lesson is clear for the Obama administration, for Secretary Geithner, and others. Waiting for these banks to act voluntarily, to show good faith in dealing with our foreclosure crisis is not paying off. It is time for the Senate to step forward, show its own leadership when it comes to dealing with this national housing crisis.

MORNING BUSINESS

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

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

COMMENDING THE SECRETARY OF STATE

Mr. FEINGOLD. Mr. President, I commend Secretary Clinton on her visit to Africa last month. Over 11 days, Secretary Clinton traveled to several of the most influential countries on the continent and directly addressed some of the most sensitive and critical issues facing them and their neighbors. It was one of the most, if not the most, ambitious trips by a Secretary of State to sub-Saharan Africa in U.S. history. This trip, combined with President Obama's visit earlier

this year to Ghana, sends a strong signal that the administration is committed to making Africa not only a priority, but also an integral part of overall U.S. foreign policy. The challenge going forward is to sustain a high level of engagement with each of the countries that Secretary Clinton visited and back up that engagement with resources that can make a tangible difference.

On her first stop in Kenya, I am glad that Secretary Clinton took a strong stand against extrajudicial killings, corruption, and the continued failure to prosecute those most responsible for violence after the December 2007 election. As Secretary Clinton said, these conditions are holding Kenya back from realizing its potential. Worse yet, if these conditions persist, we could see a renewal of violence, especially in the run-up to Kenya's next elections set for 2012. Together with other international partners, we need to keep pressing Kenya's leaders to deliver on the reforms they have pledged, beginning with reform of the police and judiciary. At the same time, we should prepare targeted assistance that can be provided as soon as initial steps are taken toward those reforms. The United States and Kenya have longstanding and historic ties, and we need to help Kenyans get through this difficult period.

While in Nairobi, I am also pleased that Secretary Clinton focused on the dangerous situation in neighboring Somalia and met with President Sheikh Sharif of Somalia's beleaguered Transitional Federal Government, the TFG. I have long urged the Obama administration to engage with Sharif at a high level and I am glad that the administration is finally doing this, as well as taking seriously the threat posed by al Shabaab, an extremist group with ties to alQaida. However, going forward, we cannot repeat the mistake of focusing too narrowly on short-term gains in Somalia without a long-term strategy. As we help the TFG combat insurgents, we simultaneously need to help it to advance political reconciliation and deliver critically needed basic services. The TFG's ultimate success rests on whether it can establish a viable government that is perceived as legitimate and inclusive, representative of and responsive to the Somali people.

Secretary Clinton traveled next to South Africa. Over recent years, our relationship with South Africa has cooled considerably, undermining our ability to coordinate and work together on issues of mutual interest. Yet I believe there is an opportunity now to reverse that trend with our new administration and South Africa's new administration under President Jacob Zuma. I am pleased that Secretary Clinton seized upon that opportunity with her visit, committing to deepening and broadening our bilateral relationship in a range of areas from HIV prevention to nuclear nonproliferation to climate change. Moreover, she talked with South Africa about how we

can better coordinate our efforts to address regional challenges, beginning with the situation in Zimbabwe. We need to institutionalize such coordination, while continuing to encourage South Africa to be a leader in human rights and peacebuilding on the continent.

Secretary Clinton's next stop was Angola, a country that is quickly becoming an economic powerhouse and regional leader. As Angola continues to rebuild from decades of civil war, there is a new openness to engaging with the United States, especially as the government seeks to diversify their economy. I am pleased that Secretary Clinton seized upon this potential by visiting Angola and committed to a "comprehensive strategic partnership." She agreed to expand our engagement not only in the areas of trade and agriculture, but also in health, education and governance. Governance is particularly important because while Angola has taken some positive steps to increase transparency and efficiency, there is still a long way to go. To that end, I am especially glad that Secretary Clinton spoke to the Angolan National Assembly about its role in demanding accountability and transparency, and standing against corruption and abuses of power. We need to continue to engage on these issues and encourage Angola's democratization process.

Secretary Clinton next traveled to the Democratic Republic of Congo, with a visit to the eastern city of Goma. I applaud her for choosing to focus on the crisis in the eastern Congo, which has gone neglected for too long despite its unrivaled human toll and the unspeakable levels of sexual violence. Secretary Clinton committed to new efforts to help prevent and respond to the high levels of gender and sexual violence, while also recognizing the need to address the root causes of Congo's crisis, including the exploitation of natural resources by armed groups. Taking action to address those underlying causes is difficult, but essential. Senators Brownback, Durbin and I have introduced legislation that would commit the United States to do more on conflict minerals, and I look forward to working with the administration in this regard. I also look forward to working with the administration to help bring an end to the increasing violence by the Lord's Resistance Army in northeastern Congo.

Following Congo, Secretary Clinton's next stop was Nigeria—a critically important country in sub-Saharan Africa and a strategic partner and major source of oil imports to the United States. I continue to be very concerned about the direction in which Nigeria is heading, especially with regards to corruption and the rule of law. I am glad that Secretary Clinton touched on these issues, and we must continue to press for meaningful reforms to enhance government transparency, accountability and the independence of

the election commission. In addition, I am pleased that Secretary Clinton discussed the unresolved crisis in the Niger Delta and pledged to review how we might better assist the government's efforts to promote stability there. I look forward to working with her as well in that regard. However, to be successful, the Nigerian government must expand its current amnesty offer to a broader peace process that includes measures to address the marginalization and underdevelopment of the region.

Secretary Clinton traveled then to Liberia, a country with which we have historic ties. Secretary Clinton was right to highlight the progress that Liberia has made since its civil war, while also speaking frankly about the challenges that the country continues to face. I am glad that she chose to speak at the Liberian National Police Academy and pledged new funds for police training. While great strides have been made in reforming Liberia's military, there is still great need to improve the capacity and professionalism of its police force. In addition, Secretary Clinton focused on corruption and spoke directly about this in a speech to the National Legislature. We need to continue to work with all parts of the Liberian government to guard against corruption and other abuses, both in their democratic process and in its management of the country's rich natural resources, especially timber.

Finally, Secretary Clinton visited Cape Verde, a country that has made great progress in terms of both economic growth and democratization. Cape Verde provided a perfect backdrop to reiterate the two major themes of her trip: first, that America believes in Africa's promise, and second, that Africa's future is ultimately in the hands of Africans. Secretary Clinton delivered these messages powerfully and I believe they can be the foundation for a new era of U.S. engagement and partnerships with Africa. The challenge going forward is to give substance to these words and the commitments that were made throughout Secretary Clinton's trip. I look forward to working with her and the administration to do this. It will not be easy and it will require sustained engagement, greater diplomatic capacity, and new targeted resources. But if we get this right, I strongly believe the benefits for Americans and Africans can be immense in terms of our security and prosperity.

FETAL ALCOHOL SPECTRUM DISORDER

Ms. MURKOWSKI. Mr. President, I rise today to honor this Wednesday, September 9, National Fetal Alcohol Spectrum Disorders Day which recognizes those individuals born with a continuum of serious, life-long disorders caused by prenatal exposure to alcohol, which include fetal alcohol syndrome, alcohol-related neurodevelopmental disorders, and alcohol-related birth defects.

Studies show that 50 percent of pregnancies in the United States are unplanned and many women consume alcohol before they realize they are pregnant, resulting in 40,000 children every year being born with fetal alcohol spectrum disorders and subject to a lifetime of cognitive and behavioral impairments. Tragically, Alaska has the highest rate of fetal alcohol spectrum disorders in the Nation. Among Alaskan Native communities, the rate is 15 times higher than non-Native areas in the State. Prenatal alcohol exposure can result in low IQ and difficulties with learning, memory, attention, and problem-solving as well as impairment of mental health and social interactions. Prenatal alcohol exposure can also result in growth retardation, birth defects involving the heart, kidney, vision and hearing, and a characteristic pattern of facial abnormalities. The lifetime health costs for an individual with fetal alcohol syndrome are estimated at \$1.4 million for medical care and treatment interventions. In the United States, approximately \$9.7 billion is spent annually for individuals afflicted with FASD, according to government reports.

There is a great need for research, surveillance, prevention, treatment, and support services for individuals with fetal alcohol spectrum disorders and their families. It is for these reasons that I rise today to dedicate this Wednesday, September 9 as National Fetal Alcohol Spectrum Disorders Day. All Americans are encouraged to promote awareness of the effects of prenatal exposure to alcohol; to increase compassion for individuals affected by prenatal exposure to alcohol; to minimize further effects of prenatal exposure to alcohol; and most importantly to bring greater awareness to a disease that is 100 percent preventable!

On behalf of the millions of individuals suffering from the lasting and detrimental effects of fetal alcohol spectrum disorders and advocates for eliminating FASD, I encourage all Americans to observe a moment of reflection on the ninth hour of September 9, to remember that during the 9 months of pregnancy a woman should not consume any alcohol.

Mr. JOHNSON. Mr. President, today I rise to recognize September 9, 2009, as National Fetal Alcohol Spectrum Disorders Awareness Day. Fetal Alcohol Spectrum Disorders, FASD, is an umbrella term describing the varied range of alcohol-related birth defects that may result from the use of alcohol during pregnancy. The effects of this disorder may be mental, behavioral, and/or involve learning disabilities. FASD is the leading known cause of preventable cognitive impairment in America. It is estimated FASD affects 1 in 100 live births each year.

I have great concern about the impact in South Dakota and across the country of FASD. We must move past the stigma of this devastating disease to truly help those and their families

who are affected by FASD get the health, education, counseling and support services they need and deserve. We must also address the tragedy of FASD at the source, by increasing awareness that any amount of alcohol during pregnancy can have heartbreaking, lifelong effects. We must work to ensure this is understood by all women of childbearing age and that treatment and counseling services are available for these women.

One of the most distressing facts regarding FASD is that it is entirely preventable. I have joined several of my colleagues in the Senate to introduce a resolution designating September 9, 2009, as National FASD Awareness Day. It is my hope these efforts progress toward global awareness of FASD and an end to this destructive disease.

ADDITIONAL STATEMENTS

50TH ANNIVERSARY OF NASCOE

• Mr. ALEXANDER. Mr. President, this year the National Association of Farm Service Agency County Office Employees, NASCOE, is celebrating its 50th anniversary. NASCOE was founded in Memphis, TN, in 1959 in an effort to provide a nationwide association through which county committee employees of the Agricultural Stabilization and Conservation Service, ASCS, could render better service to American agriculture by having a national network for the exchange of ideas and information and to facilitate closer cooperation in working toward solution of mutual problems.

In the USDA Reorganization Act of 1994, Congress combined the ASCS, the Federal Crop Insurance Corporation, and the agricultural lending programs of the Farmers Home Administration into a single Farm Service Agency. Today, NASCOE continues to represent the county office employees of the "new" FSA. In Tennessee last year, 250 NASCOE employees provided valuable assistance to 90,000 producers through a wide range of Federal programs from conservation to price support and helped them cope in times of emergency and disaster.

I think we can all recognize the value of the local Farm Service Agency office to farmers and ranchers, and I commend NASCOE on its dedication to FSA county employees and the farmers they serve. I congratulate NASCOE on its 50th anniversary and hope that they will continue to assist in conserving and improving our Nation's natural resources and agriculture industry. •

REMEMBERING JUDGE ROBERT M. TAKASUGI

• Mrs. BOXER. Mr. President, I take this opportunity to honor the life of Judge Robert M. Takasugi, the first Japanese American appointed to the Federal bench. Judge Takasugi passed away on August 7, 2009, at the age of 78.

Robert Takasugi was born in Tacoma, WA, on September 12, 1930, to Japanese parents who had immigrated to the United States in search of a better life. His family moved to Los Angeles in 1942 in the wake of anti-Japanese sentiment following the Pearl Harbor attack. That same year, Robert and his parents were sent to an internment camp at Tule Lake, CA, 3 of 130,000 Japanese Americans who were interned during the war. In the years since, Judge Takasugi often called the experience "an education to be fair."

After being released from the internment camp in 1945, Robert returned to Los Angeles where he resumed his studies and graduated from Belmont High School. He went on to earn a bachelor's degree from UCLA in 1953. Robert was then drafted into the U.S. Army during the Korean War, where he served as a criminal investigator. Upon discharge, he went on to earn a law degree from USC in 1959 with the aid of the G.I. bill.

After graduating from USC, Robert joined his only Latino classmate, future Superior Court Judge Carlos Velarde, and together they opened a law practice in East Los Angeles. The firm represented many indigent minorities, including arrestees from the 1965 Watts riots, East Los Angeles riots, and other civil rights demonstrators in the 1960s.

Robert's first judicial appointment, by then-Governor Ronald Reagan, landed him on the Los Angeles Municipal Court in 1973. Two years later, then-Governor Jerry Brown promoted him to the Los Angeles County Superior Court and in 1976, Judge Takasugi became the first Japanese American to be appointed to the Federal bench after being named by President Gerald Ford.

Throughout his career, Judge Takasugi was known for his fairness and compassion. In his spare time, he served as a mentor to thousands of young lawyers. He founded a free bar review course, which he taught from his living room for many years, for students who were having trouble passing the bar exam. In 1999, the Robert M. Takasugi Public Interest Fellowship was created by his colleague to honor Judge Takasugi and ensure that his courage and vision of equal justice are carried out by generations to come.

Judge Takasugi was a trailblazer for Asian Americans in the field of law. His dedication to justice and equality was evident in everything that he did throughout his 36-year judicial career on the Federal bench. His many years of service to the City and County of Los Angeles, to the State of California, and to our Nation will not be forgotten.

Judge Takasugi is survived by his wife Dorothy; his son Jon; his daughter Lesli; and his two grandchildren. I extend my deepest sympathies to his family.

Whether he was fighting for our country or fighting for integrity and equality under the law, Judge Robert

Takasugi was undeterred in his efforts to make America a better place to live. He will be missed by all who knew him. We take comfort in knowing that future generations will benefit from his passion and dedication to justice.●

75TH ANNIVERSARY OF THE SAN FRANCISCO VA MEDICAL CENTER

● Mrs. BOXER. Mr. President, I ask my colleagues to join me today in honoring the San Francisco VA Medical Center, SFVAMC, on the occasion of its 75th anniversary. Since its official dedication on November 11, 1934, the SFVAMC has been honoring America's veterans by providing them with accessible, quality health care. Today the center provides state-of-the-art medical, neurological, surgical, and psychiatric care for the more than 310,000 veterans living in northern California.

Were it not for the leadership and persistence of Congresswoman Florence P. Kahn, the SFVAMC might never have come to be. Congresswoman Kahn was the first Jewish woman to serve in the U.S. Congress, and the fifth woman ever to serve in Congress. She was also the first woman to serve on the House Military Affairs Committee. In 1930, Congresswoman Kahn made an appeal to the Federal Board of Hospitalization—the precursor to the Veterans Administration—to build a veterans hospital in San Francisco. At the time, the only facility for veterans in California was in Los Angeles. Congresswoman Kahn recognized that veterans in the northern part of the state were in dire need of services, and worked tirelessly to garner support for building a medical center in San Francisco. I would like to acknowledge and honor the work of Congresswoman Kahn, as her efforts have ultimately improved the lives of countless American veterans.

Today the SFVAMC serves veterans in Marin, Napa, Sonoma, Lake, Mendocino, Humboldt, San Mateo, and San Francisco counties. The center operates five community-based outpatient clinics that provide primary and mental health care. These clinics offer a variety of services, including those that place veterans in supportive housing, provide case management, and offer individual and vocational counseling.

In addition to providing direct care, the SFVAMC hosts some of the largest funded research programs in the Veterans Health Administration. The Center for Imaging of Neurodegenerative Diseases, for example, works to develop treatments to prevent the development and slow the progression of neurodegenerative diseases such as Alzheimer's, Parkinson's, vascular dementia, post traumatic stress disorder, Gulf War illness, depression, and other conditions associated with nerve loss in the brain.

Thanks to the Center for Imaging Neurodegenerative Diseases, the SFVAMC's three Medical Science Re-

search Enhancement Award Programs, and partners such as the Veterans Health Research Institute, the SFVAMC is at the forefront of medical research and is working to extend and improve the lives of veterans across the country.

I applaud the staff and volunteers at the SFVAMC for the tremendous service they have provided to our veterans since 1934, and offer my best wishes for many more successful years of delivering care and advancing medical research. Please join me in celebrating the 75th Anniversary of the SFVAMC.●

REMEMBERING KENNETH BACON

● Mr. KERRY. Mr. President, as an accomplished journalist who served as spokesman for two Secretaries of Defense, Ken Bacon crafted a unique and forceful voice.

Then, as President of Refugees International, he lent that voice to those who needed it most.

When he died last month, the powerful and the destitute alike lost a trusted and beloved friend.

Ken Bacon was famously bespectacled, bow-tied, warm and whip-smart. He was someone who commanded your respect and won your affection in equal measure.

As a young intern, Bacon launched his journalistic career with a front-page Wall Street Journal story about a new car repair system that one mechanic had called "the greatest thing since girls." In the decades that followed, he went on to cover the Federal Reserve, the Securities and Exchange Commission and the Pentagon. Bacon was also a talented editor who never stopped writing on a dazzlingly wide array of topics, from banking reform to a crack addict's rehabilitation. In the last months of his life, he also wrote movingly and pointedly about health care reform and his struggles with the melanoma that eventually took his life.

Bacon's conscientious work earned the admiration of those he reported on. Defense Secretary William Perry finally convinced him to work from the other side of the podium. Bacon was unfailingly well-prepared, using the same skills that made him a standout reporter to anticipate reporters' questions and offer satisfyingly detailed answers.

He excelled as a spokesman because he never lost his respect for his former colleagues or for the truth. When things got tough, he did not revert to hollow spin or talking points designed to misdirect. He was not interested in "gotcha games." Ken Bacon became a Pentagon spokesman because he believed he had an obligation to inform the public, and he took that duty seriously.

It was as Pentagon spokesman that Ken first encountered the problem that would become his defining passion and the capstone on his life's work. In 1999, he visited a refugee camp during a trip

to the Balkans with Defense Secretary William Cohen. What he saw changed the last decade of his life—not to mention the lives of the countless refugees he helped.

Ken Bacon was transformed by the plight of those who had lost their homes to war. When he left the Pentagon, he became President of Refugees International in 2001.

Beneath his intellectual demeanor, Ken Bacon always had a sweet side. He fought for people displaced from their homes by war, civil conflict, famine, and drought. This mission gave Bacon's life new meaning, and it gave the refugee community a very powerful champion.

Ken Bacon's stellar reputation, his influence in a city that depends on known commodities, and his Pentagon credentials proved to be enormously helpful in calling attention to the plight of the powerless—including the humanitarian advocates who struggled to be heard in official Washington. Bacon's name and his voice lent legitimacy to causes too easily overlooked by those accustomed to defining America's mission abroad based on a very narrow definition of our security and our interests. Ken understood that our shared humanity belonged at the very center of that conversation—and he used his unique talents and energy to ensure that it was.

He saw the impressive effort to care for European refugees in the former Yugoslavia, and he wanted to ensure that it became the rule worldwide—not the exception. Ken visited refugee camps in forgotten corners of the world, from Cambodia to Colombia. He wanted to make sure that no refugee—anywhere slipped through the cracks.

Ken Bacon was tireless. Essays, speeches, press conferences, advocacy—he threw himself into his work and refugees everywhere benefitted.

Ken's newsroom training and strategic thinking often put him ahead of the curve. He sounded an early alarm about the genocide in Darfur. He was also a forceful champion for Iraqi refugees—first decrying our neglect, and then urging on our actions as the State Department's funding for Iraqi refugees increased tenfold between 2006 and 2008.

Our sympathies are with Darcy, Ken's wife of 43 years; with his daughters Sarah and Katherine, to whom he was absolutely devoted, and with his father, brother and two grandchildren. Ken Bacon gave voice to the voiceless. All who were fortunate enough to know him will miss him greatly. Many who never met him have benefitted from his work, and many more will continue to do so.

Recently, Ken and his wife Darcy raised the seed money for a new Refugees International center to address "the needs of the tens of millions expected to be displaced by climate change." The Ken and Darcy Bacon Center for the Study of Climate Displacement will undoubtedly be a valuable voice in raising attention to what

is poised to become a staggering refugee crisis in the years to come. We only wish that Ken were still with us to help us meet this new challenge.

In newsrooms and humanitarian organizations, in windswept tent cities forgotten by most but never forsaken by Ken, an exceptional, exemplary life is being retold, mourned, and celebrated.●

CONGRATULATING MARK DAVIS

● Mr. LIEBERMAN. Mr. President, I would like to offer my sincere congratulations to Mr. Mark Davis of Granby, CT, for his 25 years of service in television news on WTNH Channel 8 in Connecticut. Mark has been “on the air” throughout our State in a variety of capacities over the years, and we honor him today for his generous spirit and his impeccable commitment to impartial and informative journalism.

With more than 35 years of broadcasting experience, Mark has taken an evenhanded approach to the news that he delivers with the kind of “plain talk” that engages a broad audience across our State. Mark made his first splash in Connecticut with his acclaimed radio show “Dial Mark Davis” and later as the host of Connecticut’s first morning news show, “Good Morning Connecticut.” He has been awarded several Emmys throughout his career and each stands as a testament to his talent and hard work.

Mark has said one of his favorite quotes of all time comes from U.S. Supreme Court Justice, Oliver Wendell Holmes, who said that so much in life is more nuanced than it seems because it is “determined by the majority and subject to change.” This attitude captures, in many ways, what makes Mark’s reporting fresh and relevant: though we live in a world where constant and often polarized judgments are made, in the end, nearly everyone and everything is subject to change. Mark’s careful and nuanced presentation of the news reminds us of this important lesson.

Mark Davis is a fairminded and evenhanded journalist. That is one big reason why Connecticut citizens have named him the best television reporter in the State, according to Connecticut Magazine. Mark understands, as the best journalists do, that to be a journalist is to bear witness, and that is no easy task.

Mark has a special place in the hearts and minds of Connecticut citizens. He performs an essential service that is essential to our democratic and liberal society. I am proud to have worked with Mark over the years, to have shared many of the big moments of my career with him, and now to thank and honor him for his continued service to Connecticut.●

REMEMBERING DAVID A. BAKER

● Mrs. SHAHEEN. Mr. President, I wish to express my sympathy over the

loss of Newton, NH, Deputy Fire Chief David A. Baker. Following more than five decades of distinguished public service, Deputy Baker lost his battle with cancer.

Deputy Baker exemplified a life lived for others. His devotion to the greater Newton community could be seen following the crippling ice storm of December 2008. Despite suffering from severe pain caused by his yet to be discovered cancer, Deputy Baker was instrumental in coordinating efforts to help his community respond and recover from this major natural disaster.

Deputy Baker’s service can be neither overstated nor limited to his work with the Newton Fire Department. During the summer, Deputy Baker, who also owned a successful tree service business, would close his business to help fight wildfires across the United States and Canada in his capacity as a western wildland firefighter. Additionally, he served his State and country as a member of the National Guard in his younger days.

Deputy Baker was always eager to share his loves of fire service and forestry with others. He would often sacrifice his own time for the benefit of others. You could often find him helping students study for an exam or teaching a class on fire attack. Deputy Baker’s role as a mentor was something he held in high esteem, and by the number of firefighters and uniformed personnel who attended his funeral, it is clear that others also had a great deal of respect for what he accomplished.

New Hampshire is proud of citizens such as Deputy Chief David Baker, and his countless actions are worthy of this distinction. He will be missed dearly by all those who knew him, and his generosity will be missed by all.

I ask my colleagues to join me and all Americans in honoring Newton, NH, Deputy Fire Chief David A. Baker.●

REMEMBERING SEPTEMBER 11, 2001

● Mr. ROCKEFELLER. Mr. President, 8 years since one of the most devastating attacks in our Nation’s history, we still feel the pain and horror of that terrible day. We will never forget the nearly 3,000 lives lost on September 11, 2001, innocent victims of a heinous and cowardly terrorist attack on our country. We will be forever grateful to the countless first responders and fire fighters who courageously risked their lives to save so many.

In the wake of such a horrific tragedy, we came together to share our loss and seek a greater purpose. Our Nation was founded on the most enduring values of freedom, liberty, and opportunity that have made us resilient during even the greatest trials. We must continue to call on that great strength today, even as we continue to grieve for those we lost.

In West Virginia, we remember Dr. Paul Ambrose of Barboursville and Mary Lou Hague of Parkersburg. Their

lives were taken too soon and their families remain in our hearts and prayers forever. I know that not even time can lessen the emptiness and pain they must feel.

For them, and so many others—parents and children, brothers, sisters, and friends, loved ones who died so needlessly—we pledge to keep our people safe, make our country stronger than ever before, and honor their memories always.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, 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 and a treaty which were referred to the appropriate committees.

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

PRESIDENT’S ADDRESS DELIVERED TO A JOINT SESSION OF CONGRESS ON SEPTEMBER 9, 2009 RELATIVE TO HEALTH CARE LEGISLATION—PM29

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States which was which was ordered to lie on the table:

To the Congress of the United States:

When I spoke here last winter, this Nation was facing the worst economic crisis since the Great Depression. We were losing an average of 700,000 jobs per month. Credit was frozen. And our financial system was on the verge of collapse.

As any American who is still looking for work or a way to pay their bills will tell you, we are by no means out of the woods. A full and vibrant recovery is many months away. And I will not let up until those Americans who seek jobs can find them; until those businesses that seek capital and credit can thrive; until all responsible homeowners can stay in their homes. That is our ultimate goal. But thanks to the bold and decisive action we have taken since January, I can stand here with confidence and say that we have pulled this economy back from the brink.

I want to thank the members of this body for your efforts and your support in these last several months, and especially those who have taken the difficult votes that have put us on a path to recovery. I also want to thank the American people for their patience and resolve during this trying time for our Nation.

But we did not come here just to clean up crises. We came to build a future. So tonight, I return to speak to

all of you about an issue that is central to that future—and that is the issue of health care.

I am not the first President to take up this cause, but I am determined to be the last. It has now been nearly a century since Theodore Roosevelt first called for health care reform. And ever since, nearly every President and Congress, whether Democrat or Republican, has attempted to meet this challenge in some way. A bill for comprehensive health reform was first introduced by John Dingell Sr. in 1943. Sixty-five years later, his son continues to introduce that same bill at the beginning of each session.

Our collective failure to meet this challenge—year after year, decade after decade—has led us to a breaking point. Everyone understands the extraordinary hardships that are placed on the uninsured, who live every day just one accident or illness away from bankruptcy. These are not primarily people on welfare. These are middle-class Americans. Some can't get insurance on the job. Others are self-employed, and can't afford it, since buying insurance on your own costs you three times as much as the coverage you get from your employer. Many other Americans who are willing and able to pay are still denied insurance due to previous illnesses or conditions that insurance companies decide are too risky or expensive to cover.

We are the only advanced democracy on Earth—the only wealthy nation—that allows such hardships for millions of its people. There are now more than 30 million American citizens who cannot get coverage. In just a 2-year period, one in every three Americans goes without health care coverage at some point. And every day, 14,000 Americans lose their coverage. In other words, it can happen to anyone.

But the problem that plagues the health care system is not just a problem of the uninsured. Those who do have insurance have never had less security and stability than they do today. More and more Americans worry that if you move, lose your job, or change your job, you'll lose your health insurance too. More and more Americans pay their premiums, only to discover that their insurance company has dropped their coverage when they get sick, or won't pay the full cost of care. It happens every day.

One man from Illinois lost his coverage in the middle of chemotherapy because his insurer found that he hadn't reported gallstones that he didn't even know about. They delayed his treatment, and he died because of it. Another woman from Texas was about to get a double mastectomy when her insurance company canceled her policy because she forgot to declare a case of acne. By the time she had her insurance reinstated, her breast cancer more than doubled in size. That is heart-breaking, it is wrong, and no one should be treated that way in the United States of America.

Then there's the problem of rising costs. We spend one-and-a-half times more per person on health care than any other country, but we aren't any healthier for it. This is one of the reasons that insurance premiums have gone up three times faster than wages. It's why so many employers—especially small businesses—are forcing their employees to pay more for insurance, or are dropping their coverage entirely. It's why so many aspiring entrepreneurs cannot afford to open a business in the first place, and why American businesses that compete internationally—like our automakers—are at a huge disadvantage. And it's why those of us with health insurance are also paying a hidden and growing tax for those without it—about \$1000 per year that pays for somebody else's emergency room and charitable care.

Finally, our health care system is placing an unsustainable burden on taxpayers. When health care costs grow at the rate they have, it puts greater pressure on programs like Medicare and Medicaid. If we do nothing to slow these skyrocketing costs, we will eventually be spending more on Medicare and Medicaid than every other government program combined. Put simply, our health care problem is our deficit problem. Nothing else even comes close.

These are the facts. Nobody disputes them. We know we must reform this system. The question is how.

There are those on the left who believe that the only way to fix the system is through a single-payer system like Canada's, where we would severely restrict the private insurance market and have the government provide coverage for everyone. On the right, there are those who argue that we should end the employer-based system and leave individuals to buy health insurance on their own.

I have to say that there are arguments to be made for both approaches. But either one would represent a radical shift that would disrupt the health care most people currently have. Since health care represents one-sixth of our economy, I believe it makes more sense to build on what works and fix what doesn't, rather than try to build an entirely new system from scratch. And that is precisely what those of you in Congress have tried to do over the past several months.

During that time, we have seen Washington at its best and its worst.

We have seen many in this chamber work tirelessly for the better part of this year to offer thoughtful ideas about how to achieve reform. Of the five committees asked to develop bills, four have completed their work, and the Senate Finance Committee announced today that it will move forward next week. That has never happened before. Our overall efforts have been supported by an unprecedented coalition of doctors and nurses; hospitals, seniors' groups and even drug companies—many of whom opposed re-

form in the past. And there is agreement in this chamber on about 80 percent of what needs to be done, putting us closer to the goal of reform than we have ever been.

But what we have also seen in these last months is the same partisan spectacle that only hardens the disdain many Americans have toward their own government. Instead of honest debate, we have seen scare tactics. Some have dug into unyielding ideological camps that offer no hope of compromise. Too many have used this as an opportunity to score short-term political points, even if it robs the country of our opportunity to solve a long-term challenge. And out of this blizzard of charges and counter-charges, confusion has reigned.

Well the time for bickering is over. The time for games has passed. Now is the season for action. Now is when we must bring the best ideas of both parties together and show the American people that we can still do what we were sent here to do. Now is the time to deliver on health care.

The plan I'm announcing tonight would meet three basic goals:

It will provide more security and stability to those who have health insurance. It will provide insurance to those who don't. And it will slow the growth of health care costs for our families, our businesses, and our government. It's a plan that asks everyone to take responsibility for meeting this challenge—not just government and insurance companies, but employers and individuals. And it's a plan that incorporates ideas from Senators and Congressmen; from Democrats and Republicans—and yes, from some of my opponents in both the primary and general election.

Here are the details that every American needs to know about this plan:

First, if you are among the hundreds of millions of Americans who already have health insurance through your job, Medicare, Medicaid, or the VA, nothing in this plan will require you or your employer to change the coverage or the doctor you have. Let me repeat this: nothing in our plan requires you to change what you have.

What this plan will do is to make the insurance you have work better for you. Under this plan, it will be against the law for insurance companies to deny you coverage because of a pre-existing condition. As soon as I sign this bill, it will be against the law for insurance companies to drop your coverage when you get sick or water it down when you need it most. They will no longer be able to place some arbitrary cap on the amount of coverage you can receive in a given year or a lifetime. We will place a limit on how much you can be charged for out-of-pocket expenses, because in the United States of America, no one should go broke because they get sick. And insurance companies will be required to cover, with no extra charge, routine checkups and preventive care, like mammograms

and colonoscopies—because there's no reason we shouldn't be catching diseases like breast cancer and colon cancer before they get worse. That makes sense, it saves money, and it saves lives.

That's what Americans who have health insurance can expect from this plan—more security and stability.

Now, if you're one of the tens of millions of Americans who don't currently have health insurance, the second part of this plan will finally offer you quality, affordable choices. If you lose your job or change your job, you will be able to get coverage. If you strike out on your own and start a small business, you will be able to get coverage. We will do this by creating a new insurance exchange—a marketplace where individuals and small businesses will be able to shop for health insurance at competitive prices. Insurance companies will have an incentive to participate in this exchange because it lets them compete for millions of new customers. As one big group, these customers will have greater leverage to bargain with the insurance companies for better prices and quality coverage. This is how large companies and government employees get affordable insurance. It's how everyone in this Congress gets affordable insurance. And it's time to give every American the same opportunity that we've given ourselves.

For those individuals and small businesses who still cannot afford the lower-priced insurance available in the exchange, we will provide tax credits, the size of which will be based on your need. And all insurance companies that want access to this new marketplace will have to abide by the consumer protections I already mentioned. This exchange will take effect in 4 years, which will give us time to do it right. In the meantime, for those Americans who can't get insurance today because they have pre-existing medical conditions, we will immediately offer low-cost coverage that will protect you against financial ruin if you become seriously ill. This was a good idea when Senator JOHN MCCAIN proposed it in the campaign, it's a good idea now, and we should embrace it.

Now, even if we provide these affordable options, there may be those—particularly the young and healthy—who still want to take the risk and go without coverage. There may still be companies that refuse to do right by their workers. The problem is, such irresponsible behavior costs all the rest of us money. If there are affordable options and people still don't sign up for health insurance, it means we pay for those people's expensive emergency room visits. If some businesses don't provide workers health care, it forces the rest of us to pick up the tab when their workers get sick, and gives those businesses an unfair advantage over their competitors. And unless everybody does their part, many of the insurance reforms we seek—especially requiring

insurance companies to cover pre-existing conditions—just can't be achieved.

That's why under my plan, individuals will be required to carry basic health insurance—just as most States require you to carry auto insurance. Likewise, businesses will be required to either offer their workers health care, or chip in to help cover the cost of their workers. There will be a hardship waiver for those individuals who still cannot afford coverage, and 95% of all small businesses, because of their size and narrow profit margin, would be exempt from these requirements. But we cannot have large businesses and individuals who can afford coverage game the system by avoiding responsibility to themselves or their employees. Improving our health care system only works if everybody does their part.

While there remain some significant details to be ironed out, I believe a broad consensus exists for the aspects of the plan I just outlined: consumer protections for those with insurance, an exchange that allows individuals and small businesses to purchase affordable coverage, and a requirement that people who can afford insurance get insurance.

And I have no doubt that these reforms would greatly benefit Americans from all walks of life, as well as the economy as a whole. Still, given all the misinformation that's been spread over the past few months, I realize that many Americans have grown nervous about reform. So tonight I'd like to address some of the key controversies that are still out there.

Some of people's concerns have grown out of bogus claims spread by those whose only agenda is to kill reform at any cost. The best example is the claim, made not just by radio and cable talk show hosts, but prominent politicians, that we plan to set up panels of bureaucrats with the power to kill off senior citizens. Such a charge would be laughable if it weren't so cynical and irresponsible. It is a lie, plain and simple.

There are also those who claim that our reform effort will insure illegal immigrants. This, too, is false—the reforms I'm proposing would not apply to those who are here illegally. And one more misunderstanding I want to clear up—under our plan, no Federal dollars will be used to fund abortions, and Federal conscience laws will remain in place.

My health care proposal has also been attacked by some who oppose reform as a “government takeover” of the entire health care system. As proof, critics point to a provision in our plan that allows the uninsured and small businesses to choose a publicly-sponsored insurance option, administered by the government just like Medicaid or Medicare.

So let me set the record straight. My guiding principle is, and always has been, that consumers do better when there is choice and competition. Unfor-

tunately, in 34 States, 75% of the insurance market is controlled by five or fewer companies. In Alabama, almost 90% is controlled by just one company. Without competition, the price of insurance goes up and the quality goes down. And it makes it easier for insurance companies to treat their customers badly—by cherry-picking the healthiest individuals and trying to drop the sickest; by overcharging small businesses who have no leverage; and by jacking up rates.

Insurance executives don't do this because they are bad people. They do it because it's profitable. As one former insurance executive testified before Congress, insurance companies are not only encouraged to find reasons to drop the seriously ill; they are rewarded for it. All of this is in service of meeting what this former executive called “Wall Street's relentless profit expectations.”

Now, I have no interest in putting insurance companies out of business. They provide a legitimate service, and employ a lot of our friends and neighbors. I just want to hold them accountable. The insurance reforms that I've already mentioned would do just that. But an additional step we can take to keep insurance companies honest is by making a not-for-profit public option available in the insurance exchange. Let me be clear—it would only be an option for those who don't have insurance. No one would be forced to choose it, and it would not impact those of you who already have insurance. In fact, based on Congressional Budget Office estimates, we believe that less than 5% of Americans would sign up.

Despite all this, the insurance companies and their allies don't like this idea. They argue that these private companies can't fairly compete with the government. And they'd be right if taxpayers were subsidizing this public insurance option. But they won't be. I have insisted that like any private insurance company, the public insurance option would have to be self-sufficient and rely on the premiums it collects. But by avoiding some of the overhead that gets eaten up at private companies by profits, excessive administrative costs, and executive salaries, it could provide a good deal for consumers. It would also keep pressure on private insurers to keep their policies affordable and treat their customers better, the same way public colleges and universities provide additional choice and competition to students without in any way inhibiting a vibrant system of private colleges and universities.

It's worth noting that a strong majority of Americans still favor a public insurance option of the sort I've proposed tonight. But its impact shouldn't be exaggerated—by the left, the right, or the media. It is only one part of my plan, and should not be used as a handy excuse for the usual Washington ideological battles. To my progressive friends, I would remind you that for

decades, the driving idea behind reform has been to end insurance company abuses and make coverage affordable for those without it. The public option is only a means to that end—and we should remain open to other ideas that accomplish our ultimate goal. And to my Republican friends, I say that rather than making wild claims about a government takeover of health care, we should work together to address any legitimate concerns you may have.

For example, some have suggested that the public option go into effect only in those markets where insurance companies are not providing affordable policies. Others propose a co-op or another non-profit entity to administer the plan. These are all constructive ideas worth exploring. But I will not back down on the basic principle that if Americans can't find affordable coverage, we will provide you with a choice. And I will make sure that no government bureaucrat or insurance company bureaucrat gets between you and the care that you need.

Finally, let me discuss an issue that is a great concern to me, to members of this chamber, and to the public—and that is how we pay for this plan.

Here's what you need to know. First, I will not sign a plan that adds one dime to our deficits—either now or in the future. Period. And to prove that I'm serious, there will be a provision in this plan that requires us to come forward with more spending cuts if the savings we promised don't materialize. Part of the reason I faced a trillion dollar deficit when I walked in the door of the White House is because too many initiatives over the last decade were not paid for—from the Iraq War to tax breaks for the wealthy. I will not make that same mistake with health care.

Second, we've estimated that most of this plan can be paid for by finding savings within the existing health care system—a system that is currently full of waste and abuse. Right now, too much of the hard-earned savings and tax dollars we spend on health care doesn't make us healthier. That's not my judgment—it's the judgment of medical professionals across this country. And this is also true when it comes to Medicare and Medicaid.

In fact, I want to speak directly to America's seniors for a moment, because Medicare is another issue that's been subjected to demagoguery and distortion during the course of this debate.

More than 4 decades ago, this Nation stood up for the principle that after a lifetime of hard work, our seniors should not be left to struggle with a pile of medical bills in their later years. That is how Medicare was born. And it remains a sacred trust that must be passed down from one generation to the next. That is why not a dollar of the Medicare trust fund will be used to pay for this plan.

The only thing this plan would eliminate is the hundreds of billions of dollars in waste and fraud, as well as un-

warranted subsidies in Medicare that go to insurance companies—subsidies that do everything to pad their profits and nothing to improve your care. And we will also create an independent commission of doctors and medical experts charged with identifying more waste in the years ahead.

These steps will ensure that you—America's seniors—get the benefits you've been promised. They will ensure that Medicare is there for future generations. And we can use some of the savings to fill the gap in coverage that forces too many seniors to pay thousands of dollars a year out of their own pocket for prescription drugs. That's what this plan will do for you. So don't pay attention to those scary stories about how your benefits will be cut—especially since some of the same folks who are spreading these tall tales have fought against Medicare in the past, and just this year supported a budget that would have essentially turned Medicare into a privatized voucher program. That will never happen on my watch. I will protect Medicare.

Now, because Medicare is such a big part of the health care system, making the program more efficient can help usher in changes in the way we deliver health care that can reduce costs for everybody. We have long known that some places, like the Intermountain Healthcare in Utah or the Geisinger Health System in rural Pennsylvania, offer high-quality care at costs below average. The commission can help encourage the adoption of these common-sense best practices by doctors and medical professionals throughout the system—everything from reducing hospital infection rates to encouraging better coordination between teams of doctors.

Reducing the waste and inefficiency in Medicare and Medicaid will pay for most of this plan. Much of the rest would be paid for with revenues from the very same drug and insurance companies that stand to benefit from tens of millions of new customers. This reform will charge insurance companies a fee for their most expensive policies, which will encourage them to provide greater value for the money—an idea which has the support of Democratic and Republican experts. And according to these same experts, this modest change could help hold down the cost of health care for all of us in the long-run.

Finally, many in this chamber—particularly on the Republican side of the aisle—have long insisted that reforming our medical malpractice laws can help bring down the cost of health care. I don't believe malpractice reform is a silver bullet, but I have talked to enough doctors to know that defensive medicine may be contributing to unnecessary costs. So I am proposing that we move forward on a range of ideas about how to put patient safety first and let doctors focus on practicing medicine. I know that the Bush Administration considered authorizing dem-

onstration projects in individual States to test these issues. It's a good idea, and I am directing my Secretary of Health and Human Services to move forward on this initiative today.

Add it all up, and the plan I'm proposing will cost around \$900 billion over 10 years—less than we have spent on the Iraq and Afghanistan wars, and less than the tax cuts for the wealthiest few Americans that Congress passed at the beginning of the previous administration. Most of these costs will be paid for with money already being spent—but spent badly—in the existing health care system. The plan will not add to our deficit. The middle-class will realize greater security, not higher taxes. And if we are able to slow the growth of health care costs by just one-tenth of one percent each year, it will actually reduce the deficit by \$4 trillion over the long term.

This is the plan I'm proposing. It's a plan that incorporates ideas from many of the people in this room tonight—Democrats and Republicans. And I will continue to seek common ground in the weeks ahead. If you come to me with a serious set of proposals, I will be there to listen. My door is always open.

But know this: I will not waste time with those who have made the calculation that it's better politics to kill this plan than improve it. I will not stand by while the special interests use the same old tactics to keep things exactly the way they are. If you misrepresent what's in the plan, we will call you out. And I will not accept the status quo as a solution. Not this time. Not now.

Everyone in this room knows what will happen if we do nothing. Our deficit will grow. More families will go bankrupt. More businesses will close. More Americans will lose their coverage when they are sick and need it most. And more will die as a result. We know these things to be true.

That is why we cannot fail. Because there are too many Americans counting on us to succeed—the ones who suffer silently, and the ones who shared their stories with us at town hall meetings, in emails, and in letters.

I received one of those letters a few days ago. It was from our beloved friend and colleague, Ted Kennedy. He had written it back in May, shortly after he was told that his illness was terminal. He asked that it be delivered upon his death.

In it, he spoke about what a happy time his last months were, thanks to the love and support of family and friends, his wife, Vicki, and his children, who are here tonight. And he expressed confidence that this would be the year that health care reform—“that great unfinished business of our society,” he called it—would finally pass. He repeated the truth that health care is decisive for our future prosperity, but he also reminded me that “it concerns more than material things.” “What we face,” he wrote, “is above all a moral issue; at stake are

not just the details of policy, but fundamental principles of social justice and the character of our country.”

I’ve thought about that phrase quite a bit in recent days—the character of our country. One of the unique and wonderful things about America has always been our self-reliance, our rugged individualism, our fierce defense of freedom, and our healthy skepticism of government. And figuring out the appropriate size and role of government has always been a source of rigorous and sometimes angry debate.

For some of Ted Kennedy’s critics, his brand of liberalism represented an affront to American liberty. In their mind, his passion for universal health care was nothing more than a passion for big government.

But those of us who know Teddy and worked with him here—people of both parties—know that what drove him was something more. His friend, ORRIN HATCH, knows that. They worked together to provide children with health insurance. His friend JOHN MCCAIN knows that. They worked together on a Patient’s Bill of Rights. His friend CHUCK GRASSLEY knows that. They worked together to provide health care to children with disabilities.

On issues like these, Ted Kennedy’s passion was born not of some rigid ideology, but of his own experience. It was the experience of having two children stricken with cancer. He never forgot the sheer terror and helplessness that any parent feels when a child is badly sick; and he was able to imagine what it must be like for those without insurance; what it would be like to have to say to a wife or a child or an aging parent—there is something that could make you better, but I just can’t afford it.

That large-heartedness—that concern and regard for the plight of others—is not a partisan feeling. It is not a Republican or a Democratic feeling. It, too, is part of the American character. Our ability to stand in other people’s shoes. A recognition that we are all in this together; that when fortune turns against one of us, others are there to lend a helping hand. A belief that in this country, hard work and responsibility should be rewarded by some measure of security and fair play; and an acknowledgement that sometimes government has to step in to help deliver on that promise.

This has always been the history of our progress. In 1935, when over half of our seniors could not support themselves and millions had seen their savings wiped away, there were those who argued that Social Security would lead to socialism. But the men and women of Congress stood fast, and we are all the better for it. In 1965, when some argued that Medicare represented a government takeover of health care, members of Congress, Democrats and Republicans, did not back down. They joined together so that all of us could enter our golden years with some basic peace of mind.

You see, our predecessors understood that government could not, and should not, solve every problem. They understood that there are instances when the gains in security from government action are not worth the added constraints on our freedom. But they also understood that the danger of too much government is matched by the perils of too little; that without the leavening hand of wise policy, markets can crash, monopolies can stifle competition, and the vulnerable can be exploited. And they knew that when any government measure, no matter how carefully crafted or beneficial, is subject to scorn; when any efforts to help people in need are attacked as un-American; when facts and reason are thrown overboard and only timidity passes for wisdom, and we can no longer even engage in a civil conversation with each other over the things that truly matter—that at that point we don’t merely lose our capacity to solve big challenges. We lose something essential about ourselves.

What was true then remains true today. I understand how difficult this health care debate has been. I know that many in this country are deeply skeptical that government is looking out for them. I understand that the politically safe move would be to kick the can further down the road—to defer reform one more year, or one more election, or one more term.

But that’s not what the moment calls for. That’s not what we came here to do. We did not come to fear the future. We came here to shape it. I still believe we can act even when it’s hard. I still believe we can replace acrimony with civility, and gridlock with progress. I still believe we can do great things, and that here and now we will meet history’s test.

Because that is who we are. That is our calling. That is our character. Thank you, God Bless You, and may God Bless the United States of America.

BARACK OBAMA.

THE WHITE HOUSE, September 9, 2009.

MESSAGE FROM THE HOUSE

At 2:16 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that it has passed the following joint resolution, without amendment:

S. J. Res. 9. Joint resolution providing for the appointment of France A. Córdova as a citizen regent of the Board of Regents of the Smithsonian Institution.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 310. An act to provide for the conveyance of approximately 140 acres of land in the Ouachita National Forest in Oklahoma to the Indian Nations Council, Inc., of the Boy Scouts of America, and for other purposes.

H.R. 1043. An act to provide for a land exchange involving certain National Forest

System lands in the Mendocino National Forest in the State of California, and for other purposes.

H.R. 1287. An act to authorize the Secretary of the Interior to enter into a partnership with the Porter County Convention, Recreation and Visitor Commission regarding the use of the Dorothy Buell Memorial Visitor Center as a visitor center for the Indiana Dunes National Lakeshore, and for other purposes.

H.R. 1345. An act to amend title 5, United States Code, to eliminate the discriminatory treatment of the District of Columbia under the provisions of law commonly referred to as the “Hatch Act”.

H.R. 1858. An act to provide for a boundary adjustment and land conveyances involving Roosevelt National Forest, Colorado, to correct the effects of an erroneous land survey that resulted in approximately 7 acres of the Crystal Lakes Subdivision, Ninth Filing, encroaching on National Forest System land, and for other purposes.

H.R. 2004. An act to designate the facility of the United States Postal Service located at 4282 Beach Street in Akron, Michigan, as the “Akron Veterans Memorial Post Office”.

H.R. 2760. An act to designate the facility of the United States Postal Service located at 1615 North Wilcox Avenue in Los Angeles, California, as the “Johnny Grant Hollywood Post Office Building.”

The message further announced that pursuant to section 112 of the Clean Air Act (42 U.S.C. 7412), and the order of the House of January 6, 2009, the Speaker appoints the following members on the part of the House of Representatives to the Board of Directors of the National Urban Air Toxics Research Center: Mrs. Herminia Palacio, M.D., M.P.H., of Bellaire, Texas and Mr. John Walke of Washington, D.C.

MEASURES REFERRED

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

H.R. 310. An act to provide for the conveyance of approximately 140 acres of land in the Ouachita National Forest in Oklahoma to the Indian Nations Council, Inc., of the Boy Scouts of America, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

H.R. 1043. An act to provide for a land exchange involving certain National Forest System lands in the Mendocino National Forest in the State of California, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 1287. An act to authorize the Secretary of the Interior to enter into a partnership with the Porter County Convention, Recreation and Visitor Commission regarding the use of the Dorothy Buell Memorial Visitor Center as a visitor center for the Indiana Dunes National Lakeshore, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 1345. An act to amend title 5, United States Code, to eliminate the discriminatory treatment of the District of Columbia under the provisions of law commonly referred to as the “Hatch Act”; to the Committee on Homeland Security and Governmental Affairs.

H.R. 1858. An act to provide for a boundary adjustment and land conveyances involving Roosevelt National Forest, Colorado, to correct the effects of an erroneous land survey that resulted in approximately 7 acres of the Crystal Lakes Subdivision, Ninth Filing, encroaching on National Forest System land,

and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 2004. An act to designate the facility of the United States Postal Service located at 4282 Beach Street in Akron, Michigan, as the "Akron Veterans Memorial Post Office"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 2760. An act to designate the facility of the United States Postal Service located at 1615 North Wilcox Avenue in Los Angeles, California, as the "Johnny Grant Hollywood Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

MEASURES DISCHARGED

The following bill was discharged from the Committee on Armed Services, and referred as indicated:

S. 1599. A bill to amend title 36, United States Code, to include in the Federal charter of the Reserve Officers Association leadership positions newly added in its constitution and bylaws; to the Committee on the Judiciary.

EXECUTIVE AND OTHER COMMUNICATIONS

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

EC-2747. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to U.S. military personnel and U.S. civilian contractors involved in the anti-narcotics campaign in Columbia; to the Committee on Foreign Relations.

EC-2748. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2009-0096—2009-0106); to the Committee on Foreign Relations.

EC-2749. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to law, a report entitled "Operation of the Enterprise for the Americas Initiative and the Tropical Forest Conservation Act 2008 Annual Report to Congress"; to the Committee on Foreign Relations.

EC-2750. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement for the transfer of technical data, defense services, and hardware for the design, manufacture, and delivery of the QuetzSat—1 Commercial Communication Satellite for the United Kingdom in the amount of \$50,000,000 or more; to the Committee on Foreign Relations.

EC-2751. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the export of defense articles, including technical data, and defense services for the manufacture and overhaul of hydraulic steering systems for X300 transmissions of ground vehicles for the United Kingdom in the amount of \$100,000,000 or more; to the Committee on Foreign Relations.

EC-2752. A communication from the Assistant Secretary, Bureau of Legislative Affairs,

Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed transfer of major defense equipment with an original acquisition value of more than \$14,000,000 for New Zealand; to the Committee on Foreign Relations.

EC-2753. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed permanent export license for the export of defense articles and technical data related to the sale of 394 Colt Infantry Automatic Rifles for use by the Mexican Navy in the amount of \$1,000,000 or more; to the Committee on Foreign Relations.

EC-2754. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement for the transfer of technical data, defense services, and hardware to support the Proton launch of the NSS-14 Commercial Communication Satellite from the Baikonur Cosmodrome in Kazakhstan in the amount of \$50,000,000 or more; to the Committee on Foreign Relations.

EC-2755. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement for the transfer of technical data, defense services, and defense articles to Thailand related to the sale of three S-92A helicopters to the Royal Thai Air Force in the amount of \$50,000,000 or more; to the Committee on Foreign Relations.

EC-2756. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the transfer of technical data, defense services, and hardware to Japan to support the manufacture of Chukar II and Chukar III Aerial Target Systems for the Ministry of Defense of Japan in the amount of \$100,000,000 or more; to the Committee on Foreign Relations.

EC-2757. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed transfer of technical data, defense services, and defense articles for the sale of four C-27J Spartan Aircraft from Alenia Aeronautica S.p.A. to the Kingdom of Morocco in the amount of \$50,000,000; to the Committee on Foreign Relations.

EC-2758. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the export of defense articles and defense services for the manufacture of Power Amplifier Modules and High Voltage Power Supplies for the AN/TPQ-36 and AN/TPQ-37 Firefinder Radars, and the AN/MPQ-64 Sentinel Radar for end use by the U.S. Government in the amount of \$100,000,000 or more; to the Committee on Foreign Relations.

EC-2759. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement for the transfer of technical data, defense services, and defense articles related to the Laser Based Directional Infrared Countermeasures System for end-use by the United Kingdom in the amount of \$100,000,000 or more; to the Committee on Foreign Relations.

EC-2760. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the export of defense articles and defense services for the manufacture of Tomahawk Cruise Missile Subassemblies for end-use by the U.S. Navy in the amount of \$100,000,000 or more; to the Committee on Foreign Relations.

EC-2761. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement for the transfer of technical data, defense services, and hardware to support the Proton launch of the ViaSat—1 Commercial Communication Satellite from the Baikonur Cosmodrome in Kazakhstan in the amount of \$50,000,000 or more; to the Committee on Foreign Relations.

EC-2762. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement for the transfer of technical data, defense services, and hardware related to the delivery and support of five Sentinel Radars and two Sentry Command and Control Systems for end-use by the Mexican Navy in the amount of \$50,000,000 or more; to the Committee on Foreign Relations.

EC-2763. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed transfer of technical data, defense services, and defense articles related to the sale of seven C-27J Spartan Aircraft from Alenia Aeronautica S.p.A. to the Government of Romania in the amount of \$100,000,000 or more; to the Committee on Foreign Relations.

EC-2764. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled "Foreign Officials: Definition of Immediate Family Members, As Amended" ((22 CFR Part 41)(Public Notice: 6676)) as received during adjournment of the Senate in the Office of the President of the Senate on August 7, 2009; to the Committee on Foreign Relations.

EC-2765. A communication from the Acting General Counsel, Peace Corps, transmitting, pursuant to law, the report of the confirmation of a nomination in the position of Director of the Peace Corps; to the Committee on Foreign Relations.

EC-2766. A communication from the Secretary General of the Inter-Parliamentary Union, transmitting, an agenda for Parliamentary Briefings and Hearings at the 64th Session of the United Nations General Assembly; to the Committee on Foreign Relations.

EC-2767. A communication from the Secretary General of the Inter-Parliamentary Union, transmitting, a request for participation in a study on parliamentary oversight; to the Committee on Foreign Relations.

EC-2768. A communication from the Acting Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, transmittal number: DDTC 005-09, of the proposed sale or export of defense articles, including technical data, and defense services to a Middle East country regarding any possible affects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel; to the Committee on Foreign Relations.

EC-2769. A communication from the Acting Assistant Secretary, Bureau of Political-

Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, transmittal number: DDTC 046-09, of the proposed sale or export of defense articles, including technical data, and defense services to a Middle East country regarding any possible affects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel; to the Committee on Foreign Relations.

EC-2770. A communication from the Acting Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, transmittal number: DDTC 052-09, of the proposed sale or export of defense articles, including technical data, and defense services to a Middle East country regarding any possible affects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel; to the Committee on Foreign Relations.

EC-2771. A communication from the Acting Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, transmittal number: DDTC 065-09, of the proposed sale or export of defense articles, including technical data, and defense services to a Middle East country regarding any possible affects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel; to the Committee on Foreign Relations.

EC-2772. A communication from the Acting Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, transmittal number: DDTC 070-09, of the proposed sale or export of defense articles, including technical data, and defense services to a Middle East country regarding any possible affects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel; to the Committee on Foreign Relations.

EC-2773. A communication from the Program Analyst, Office of Managing Director-Financial Operations, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Report and Order, In the Matter of Assessment of Regulatory Fees for Fiscal Year 2009" (FCC 09-62; 09-65)(MD Docket No. 09-65) as received during adjournment of the Senate in the Office of the President of the Senate on August 31, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2774. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revisions to the Pilot, Flight Instructor, Ground Instructor, and Pilot School Certification Rules (Part 61)" (FAA-2006-26661-8/20-21)(RIN2120-AI86) as received during adjournment of the Senate in the Office of the President of the Senate on August 31, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2775. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; BAE Systems (Operations) Limited Model BAe 146-100A and 146-200A Series Airplanes" ((RIN2120-AA64)(7-30/7-29/0432/NM-168)) as received during adjournment of the Senate in the Office of the President of the Senate on August 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2776. A communication from the Program Analyst, Federal Aviation Administra-

tion, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-120, -120ER, -120FC, -120QC, and -120RT Airplanes" ((RIN2120-AA64)(7-30/7-29/1005/NM-119)) as received during adjournment of the Senate in the Office of the President of the Senate on August 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2777. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A330-200, A330-300, A340-200, and A340-300 Series Airplanes" ((RIN2120-AA64)(7-30/7-29/0211/NM-028)) as received during adjournment of the Senate in the Office of the President of the Senate on August 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2778. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Pratt & Whitney Canada (PWC) PW206A, PW206B, PW206B2, PW206C, PW206E, PW207C, PW207D, and PW207E Turbojet Engines; Correction" ((RIN2120-AA64)(7-30/7-27/0219/NE-46)) as received during adjournment of the Senate in the Office of the President of the Senate on August 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2779. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A318, A319, A320, and A321 Series Airplanes" ((RIN2120-AA64)(8-17/8-18/0004/NM-160)) as received during adjournment of the Senate in the Office of the President of the Senate on August 31, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2780. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; BAE Systems (Operations) Limited Model BAe 146 and Avro 146-RJ Airplanes" ((RIN2120-AA64)(8-17/8-18/0532/NM-124)) as received during adjournment of the Senate in the Office of the President of the Senate on August 31, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2781. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Saab AB, Saab Aerosystems Model SAAB 340A (SAAB/SF340A) and SAAB 340B Airplanes" ((RIN2120-AA64)(8-17/8-18/0447/NM-172)) as received during adjournment of the Senate in the Office of the President of the Senate on August 31, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2782. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 737-600, -700, -700C, -800, and -900 Series Airplanes" ((RIN2120-AA64)(8-17/8-18/1143/NM-136)) as received during adjournment of the Senate in the Office of the President of the Senate on August 31, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2783. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Gulf-

stream Model G-IV, GIV-X, and GV-SP Series Airplanes and Model GV Airplanes" ((RIN2120-AA64)(8-13/8-11/0683/NM-129)) as received during adjournment of the Senate in the Office of the President of the Senate on August 31, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2784. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Short Brothers Model SD3-60 Airplanes" ((RIN2120-AA64)(8-13/8-12/0464/NM-189)) as received during adjournment of the Senate in the Office of the President of the Senate on August 31, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2785. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; BAE Systems (Operations) Limited (Jetstream) Model 4101 Airplanes" ((RIN2120-AA64)(8-3/8-5/0463/NM-065)) as received during adjournment of the Senate in the Office of the President of the Senate on August 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2786. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Fokker Model F.27 Mark 050 Airplanes" ((RIN2120-AA64)(8-3/8-5/0691/NM-061)) as received during adjournment of the Senate in the Office of the President of the Senate on August 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2787. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 737-100, -200, -200C, -300, -400, and -500 Series Airplanes" ((RIN2120-AA64)(8-3/8-5/1213/NM-092)) as received during adjournment of the Senate in the Office of the President of the Senate on August 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2788. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 767 Airplanes" ((RIN2120-AA64)(8-3/8-5/39173/NM-283)) as received during adjournment of the Senate in the Office of the President of the Senate on August 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2789. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; British Aerospace Regional Aircraft Model HP.137 Jetstream Mk.1, Jetstream Series 200 and 3101, and Jetstream Model 3201 Airplanes" ((RIN2120-AA64)(8-3/8-5/0168/SW-33)) as received during adjournment of the Senate in the Office of the President of the Senate on August 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2790. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Pilatus Aircraft Limited Model PC-7 Airplanes" ((RIN2120-AA64)(8-6/8-5/0509/CE-029)) as received during adjournment of the Senate in the Office of the President of the Senate on August 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2791. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Teledyne Continental Motors (TCM) IO-520, TSIO-520, and IO-550 Series Reciprocating Engines with Superior Air Parts, Inc. (SAP) Cylinder Assemblies Installed" ((RIN2120-AA64)(8-6/8-5/0051/NE-37)) as received during adjournment of the Senate in the Office of the President of the Senate on August 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2792. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bell Helicopter Textron Canada Model 427 Helicopters" ((RIN2120-AA64)(8-6/8-3/0227/SW-65)) as received during adjournment of the Senate in the Office of the President of the Senate on August 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2793. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; SOCAT Model TBM 700 Airplanes" ((RIN2120-AA64)(8-3/8-5/25234/CE-064)) as received during adjournment of the Senate in the Office of the President of the Senate on August 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2794. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Amendment No. 3335" ((RIN2120-AA65)(8-17/8-18/30682/3335)) as received during adjournment of the Senate in the Office of the President of the Senate on August 31, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2795. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Amendment No. 3334" ((RIN2120-AA65)(8-17/8-18/30681/3334)) as received during adjournment of the Senate in the Office of the President of the Senate on August 31, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2796. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Amendment No. 3332" ((RIN2120-AA65)(8-13/8-13/30678/3332)) as received during adjournment of the Senate in the Office of the President of the Senate on August 31, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2797. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Amendment No. 3333" ((RIN2120-AA65)(8-13/8-13/30679/3333)) as received during adjournment of the Senate in the Office of the President of the Senate on August 31, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2798. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule

entitled "Part 95 Instrument Flight Rules (215); Amendment No. 482" ((RIN2120-AA63)(8-13/8-12/30680/482)) as received during adjournment of the Senate in the Office of the President of the Senate on August 31, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2799. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Federal Motor Vehicle Safety Standards; Controls, Telltales and Indicators" (RIN2127-AK04) as received during adjournment of the Senate in the Office of the President of the Senate on August 31, 2009; to the Committee on Commerce, Science, and Transportation.

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. 1308. A bill to reauthorize the Maritime Administration, and for other purposes (Rept. No. 111—73).

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. NELSON of Nebraska (for himself, Mr. DURBIN, Mr. KERRY, Mrs. GILLIBRAND, and Mr. BURRIS):

S. 1655. A bill to authorize the Secretary of Education to award grants for the support of full-service community schools, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Ms. STABENOW (for herself, Mr. VOINOVICH, Mr. LEVIN, and Ms. KLOBUCHAR):

S. 1656. A bill to amend the Internal Revenue Code of 1986 to provide for the treatment of S corporations for purposes of election of the alternative tax on qualifying shipping activities, and for other purposes; to the Committee on Finance.

By Mr. NELSON of Florida:

S. 1657. A bill to amend the Internal Revenue Code of 1986 to modify the exception from the 10 percent penalty for early withdrawals from government plans for qualified public safety employees; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. LEVIN:

S. Res. 256. A resolution recognizing the importance of "National Drug Facts Chat Day" on November 10, 2009; to the Committee on Health, Education, Labor, and Pensions.

By Mr. REID:

S. Res. 257. A resolution to constitute the majority party's membership on certain committees for the One Hundred Eleventh Congress, or until their successors are chosen; considered and agreed to.

ADDITIONAL COSPONSORS

S. 211

At the request of Mr. NELSON of Florida, his name was added as a cosponsor

of S. 211, a bill to facilitate nationwide availability of 2-1-1 telephone service for information and referral on human services and volunteer services, and for other purposes.

S. 354

At the request of Mr. WEBB, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 354, a bill to provide that 4 of the 12 weeks of parental leave made available to a Federal employee shall be paid leave, and for other purposes.

S. 369

At the request of Mr. KOHL, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 369, a bill to prohibit brand name drug companies from compensating generic drug companies to delay the entry of a generic drug into the market.

S. 422

At the request of Ms. STABENOW, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 422, a bill to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the prevention, diagnosis, and treatment of heart disease, stroke, and other cardiovascular diseases in women.

S. 439

At the request of Mr. INOUE, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 439, a bill to provide for and promote the economic development of Indian tribes by furnishing the necessary capital, financial services, and technical assistance to Indian-owned business enterprises, to stimulate the development of the private sector of Indian tribal economies, and for other purposes.

S. 453

At the request of Mr. SCHUMER, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 453, a bill to authorize the Secretary of Housing and Urban Development to make grants and offer technical assistance to local governments and others to design and implement innovative policies, programs, and projects that address widespread property vacancy and abandonment, and for other purposes.

S. 492

At the request of Mr. JOHNSON, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 492, a bill to amend the Social Security Act and the Internal Revenue Code of 1986 to exempt certain employment as a member of a local governing board, commission, or committee from social security tax coverage.

S. 512

At the request of Mr. KOHL, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 512, a bill to amend chapter 1 of title 9, United States Code with respect to arbitration.

S. 548

At the request of Mr. SCHUMER, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 548, a bill to amend the Public Utility Regulatory Policies Act of 1978 to establish a Federal energy efficiency resource standard for retail electricity and natural gas distributors, and for other purposes.

S. 565

At the request of Mr. DURBIN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 565, a bill to amend title XVIII of the Social Security Act to provide continued entitlement to coverage for immunosuppressive drugs furnished to beneficiaries under the Medicare Program that have received a kidney transplant and whose entitlement to coverage would otherwise expire, and for other purposes.

S. 604

At the request of Mr. SANDERS, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 604, a bill to amend title 31, United States Code, to reform the manner in which the Board of Governors of the Federal Reserve System is audited by the Comptroller General of the United States and the manner in which such audits are reported, and for other purposes.

S. 657

At the request of Mr. GRASSLEY, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 657, a bill to provide for media coverage of Federal court proceedings.

S. 663

At the request of Mr. NELSON of Nebraska, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 663, a bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to establish the Merchant Mariner Equity Compensation Fund to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II.

S. 731

At the request of Mr. NELSON of Nebraska, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 731, a bill to amend title 10, United States Code, to provide for continuity of TRICARE Standard coverage for certain members of the Retired Reserve.

S. 755

At the request of Mrs. BOXER, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 755, a bill to amend the Public Health Service Act to authorize the Director of the National Cancer Institute to make grants for the discovery and validation of biomarkers for use in risk stratification for, and the early detection and screening of, ovarian cancer.

S. 779

At the request of Mr. LAUTENBERG, the names of the Senator from New Mexico (Mr. UDALL) and the Senator from Missouri (Mr. BOND) were added as cosponsors of S. 779, a bill to amend titles 23 and 49, United States Code, to modify provisions relating to the length and weight limitations for vehicles operating on Federal-aid highways, and for other purposes.

S. 819

At the request of Mr. DURBIN, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 819, a bill to provide for enhanced treatment, support, services, and research for individuals with autism spectrum disorders and their families.

S. 832

At the request of Mr. NELSON of Florida, the names of the Senator from Texas (Mrs. HUTCHISON) and the Senator from Mississippi (Mr. WICKER) were added as cosponsors of S. 832, a bill to amend title 36, United States Code, to grant a Federal charter to the Military Officers Association of America, and for other purposes.

S. 850

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

S. 931

At the request of Mr. FEINGOLD, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 931, a bill to amend title 9 of the United States Code with respect to arbitration.

S. 971

At the request of Mr. SCHUMER, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 971, a bill to implement a pilot program to establish truck parking facilities.

S. 987

At the request of Mr. DURBIN, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 987, a bill to protect girls in developing countries through the prevention of child marriage, and for other purposes.

S. 1076

At the request of Mr. MENENDEZ, the names of the Senator from Vermont (Mr. SANDERS) and the Senator from Illinois (Mr. BURRIS) were added as cosponsors of S. 1076, a bill to improve the accuracy of fur product labeling, and for other purposes.

S. 1156

At the request of Mr. HARKIN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1156, a bill to amend the Safe, Accountable, Flexible, Efficient Trans-

portation Equity Act: A Legacy for Users to reauthorize and improve the safe routes to school program.

S. 1171

At the request of Mr. PRYOR, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1171, a bill to amend title XVIII of the Social Security Act to restore State authority to waive the 35-mile rule for designating critical access hospitals under the Medicare Program.

S. 1204

At the request of Mrs. MURRAY, the names of the Senator from Arkansas (Mrs. LINCOLN) and the Senator from Georgia (Mr. ISAKSON) were added as cosponsors of S. 1204, a bill to amend the Department of Veterans Affairs Health Care Programs Enhancement Act of 2001 to require the provision of chiropractic care and services to veterans at all Department of Veterans Affairs medical centers, and for other purposes.

S. 1273

At the request of Mr. DORGAN, the names of the Senator from Maryland (Mr. CARDIN), the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from Hawaii (Mr. INOUE) were added as cosponsors of S. 1273, a bill to amend the Public Health Service Act to provide for the establishment of permanent national surveillance systems for multiple sclerosis, Parkinson's disease, and other neurological diseases and disorders.

S. 1295

At the request of Mrs. SHAHEEN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1295, a bill to amend title XVIII of the Social Security Act to cover transitional care services to improve the quality and cost effectiveness of care under the Medicare program.

S. 1329

At the request of Mr. KOHL, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1329, a bill to authorize the Attorney General to award grants to State courts to develop and implement State courts interpreter programs.

S. 1339

At the request of Mrs. HAGAN, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1339, a bill to provide for financial literacy education.

S. 1422

At the request of Mrs. MURRAY, the names of the Senator from North Carolina (Mrs. HAGAN) and the Senator from Minnesota (Mr. FRANKEN) were added as cosponsors of S. 1422, a bill to amend the Family and Medical Leave Act of 1993 to clarify the eligibility requirements with respect to airline flight crews.

S. 1517

At the request of Ms. MURKOWSKI, the names of the Senator from Alaska (Mr. BEGICH) and the Senator from Alabama

(Mr. SESSIONS) were added as cosponsors of S. 1517, a bill to enhance domestic energy security by increasing production from fossil-based resources in the outer Continental Shelf in an economically and environmentally responsible manner.

S. 1518

At the request of Mr. BURR, the names of the Senator from Illinois (Mr. BURRIS) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. 1518, a bill to amend title 38, United States Code, to furnish hospital care, medical services, and nursing home care to veterans who were stationed at Camp Lejeune, North Carolina, while the water was contaminated at Camp Lejeune.

S. 1524

At the request of Mr. KERRY, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1524, a bill to strengthen the capacity, transparency, and accountability of United States foreign assistance programs to effectively adapt and respond to new challenges of the 21st century, and for other purposes.

S. 1542

At the request of Mr. SCHUMER, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1542, a bill to impose tariff-rate quotas on certain casein and milk protein concentrates.

S. 1593

At the request of Mr. MENENDEZ, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 1593, a bill to authorize the establishment of a Social Investment and Economic Development for the Americas Fund to reduce poverty, expand the middle class, and foster increased economic opportunity in that region, to promote engagement on the use of renewable fuel sources and on climate change in the Americas, and for other purposes.

S. 1595

At the request of Mr. MERKLEY, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 1595, a bill to amend the Truth in Lending Act to prohibit the distribution of any check or other negotiable instrument as part of a solicitation by a creditor for an extension of credit, to limit the liability of consumers in conjunction with such solicitations, and for other purposes.

S. 1652

At the request of Mr. HARKIN, the names of the Senator from Maine (Ms. COLLINS), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Arkansas (Mrs. LINCOLN) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 1652, a bill to amend part B of the Individuals with Disabilities Education Act to provide full Federal funding of such part.

S. RES. 231

At the request of Mr. BENNETT, the name of the Senator from Mississippi

(Mr. COCHRAN) was added as a cosponsor of S. Res. 231, a resolution expressing the sense of the Senate that any health care reform proposal should slow the long-term growth of health costs and reduce the growth rate of Federal health care spending.

S. RES. 245

At the request of Mr. SCHUMER, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. Res. 245, a resolution recognizing September 11 as a "National Day of Service and Remembrance".

S. RES. 254

At the request of Mrs. GILLIBRAND, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. Res. 254, a resolution honoring, commemorating, and celebrating the historic ties of the United States and the Netherlands on the quadricentennial celebration of the discovery of the Hudson River, and recognizing the settlement and enduring values of New Netherland, which continue to influence American society.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 256—RECOGNIZING THE IMPORTANCE OF "NATIONAL DRUG FACTS CHAT DAY" ON NOVEMBER 10, 2009

Mr. LEVIN submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 256

Whereas the National Institute on Drug Abuse created "National Drug Facts Chat Day" to provide the opportunity for school-aged youth and teachers in classrooms across the United States to ask questions of the Nation's leading experts in the field of drug abuse and addiction;

Whereas on October 12, 2007, the first annual Drug Facts Chat Day yielded over 35,000 questions from school-aged youth across the United States, providing accurate information on drug abuse and addiction;

Whereas the National Survey on Drug Use and Health indicated that, in 2007, nearly 8 percent of youth in the United States between 12 and 17 years of age met diagnostic criteria for abuse or dependence (addiction) to illegal drugs or alcohol;

Whereas the Monitoring the Future Study has yielded encouraging news of generally declining past-month illicit drug use rates for school-aged youth, noting a 24 percent decline from 2001 to 2008 by students in the 8th, 10th, and 12th grades combined;

Whereas declines in youth cigarette smoking, now at its lowest rate since the Monitoring the Future Survey began collecting data in 1975, will translate into fewer deaths associated with the myriad medical consequences of smoking;

Whereas while progress continues to be made, troubling trends still abound, including widespread abuse of prescription drugs among youth in the United States;

Whereas research shows that as the perceived risks associated with drugs increases, the abuse of such drugs decreases;

Whereas youth often get information about drugs, drug abuse, and addiction from unreliable and inaccurate sources; and

Whereas "National Drug Facts Chat Day" is on November 10, 2009: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the importance of "National Drug Facts Chat Day"; and

(2) urges teachers, schools, and students to participate by submitting questions and using the information provided to increase their understanding of the science of drug abuse and addiction among school-aged youth.

Mr. LEVIN. Mr. President, the National Drug Facts Chat Day was designed by the National Institute on Drug Abuse of the National Institute of Health, NIDA, to provide the opportunity for school-aged youth and teachers in classrooms across the U.S. to ask questions of the Nation's leading experts in the field of drug abuse and addiction.

One of the many activities on this occasion involves students and teachers interacting with professionals, including exchanging questions with them on the issues of illicit drug use, tobacco use, and prescription drug abuse, the latter of which has become a significant problem among our Nation's teens. NIDA hopes that "the anonymous nature of the Internet will encourage youths to ask what is truly on their minds.

Now in its third year, there are expected to be thousands of questions from every region of the country received and answered, yielding an enlightening glimpse into students' misconceptions about drug use. Students and teachers hunger for straightforward, scientific information on drug abuse and addiction. Drug Facts Chat Day, recognized on November 10, 2009, will provide them with timely, straightforward facts.

I urge my colleagues in the Senate to join me in supporting recognition of this innovative and worthwhile program by adopting this resolution. I am very pleased that Representative PATRICK KENNEDY is simultaneously introducing a companion resolution in the House. As we are all aware, Representative KENNEDY has been a passionate leader in increasing the understanding of the science of drug abuse and addiction among school-aged youth.

SENATE RESOLUTION 257—TO CONSTITUTE THE MAJORITY PARTY'S MEMBERSHIP ON CERTAIN COMMITTEES FOR THE ONE HUNDRED ELEVENTH CONGRESS, OR UNTIL THEIR SUCCESSORS ARE CHOSEN

Mr. REID submitted the following resolution; which was considered and agreed to:

S. RES. 257

Resolved, That the following shall constitute the majority party's membership on the following committees for the One Hundred Eleventh Congress, or until their successors are chosen:

COMMITTEE ON AGRICULTURE, NUTRITION AND FORESTRY: Mrs. Lincoln (Chairman), Mr. Harkin, Mr. Leahy, Mr. Conrad, Mr. Baucus, Ms. Stabenow, Mr. Nelson (Nebraska), Mr. Brown, Mr. Casey, Ms. Klobuchar, Mr. Bennet, Mrs. Gillibrand.

COMMITTEE ON HEALTH, EDUCATION, LABOR AND PENSIONS: Mr. Harkin (Chairman), Mr. Dodd, Ms. Mikulski, Mr. Bingaman, Mrs. Murray, Mr. Reed, Mr. Sanders, Mr. Brown, Mr. Casey, Mrs. Hagan, Mr. Merkley, Mr. Franken, Majority Leader designee.

NOTICE OF HEARING

COMMITTEE ON INDIAN AFFAIRS

Mr. DORGAN. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, September 10, 2009, at 2:15 p.m. in Room 628 of the Dirksen Senate Office Building to conduct a business meeting on S. 797, a bill to amend the Indian Law Enforcement Reform Act, the Indian Tribal Justice Act, the Indian Tribal Justice Technical and Legal Assistance Act of 2000, and the Omnibus Crime Control and Safe Streets Act of 1968 to improve the prosecution of, and response to, crimes in Indian country, and for other purposes; S. 313, a bill to resolve water rights claims of the White Mountain Apache Tribe in the State of Arizona, and for other purposes; S. 375, a bill to authorize the Crow Tribe of Indians water rights settlement, and for other purposes; S. 965, a bill to approve the Taos Pueblo Indian Water Rights Settlement Agreement, and for other purposes; S. 1105, a bill to authorize the Secretary of the Interior, acting through the Commissioner of Reclamation, to develop water infrastructure in the Rio Grande Basin, and to approve the settlement of the water rights claims of the Pueblos of Nambe, Pojoaque, San Ildefonso, and Tesuque; and S. 1388, a bill to provide for equitable compensation to the Spokane Tribe of Indians of the Spokane Reservation for the use of tribal land for the production of hydropower by the Grand Coulee Dam, and for other purposes, to be followed immediately by a hearing to examine S. 1635, 7th Generation Promise: Indian Youth Suicide Prevention Act of 2009.

Those wishing additional information may contact the Indian Affairs Committee at 202-224-2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. BURRIS. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Wednesday, September 9, 2009, at 10 a.m. in room 216 of the Hart Senate office building.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. BURRIS. Mr. President, I ask unanimous consent that the Committee of Foreign Relations be authorized to meet during the session of the Senate on Wednesday, September 9, 2009, at 10 a.m.

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

COMMITTEE ON THE JUDICIARY

Mr. BURRIS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on September 9, 2009, at 10 a.m. in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled "Strengthening Forensic Science in the United States."

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

COMMITTEE ON THE JUDICIARY

Mr. BURRIS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on September 9, 2009, at 2:30 p.m. in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled "Nominations."

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

AWARDING A GOLD MEDAL TO ARNOLD PALMER

Mr. DURBIN. Mr. President, I ask unanimous consent the Banking Committee be discharged from further consideration of H.R. 1243 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 1243) to provide for the award of a gold medal on behalf of Congress to Arnold Palmer in recognition of his service to the Nation in promoting excellence and good sportsmanship in golf.

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

Mr. DURBIN. I ask unanimous consent the bill be read a third time and passed, the motion to reconsider be laid on the table, without any intervening action or debate, and any statements be printed in the RECORD.

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

The bill (H.R. 1243) was ordered to a third reading, was read the third time, and passed.

MAKING MAJORITY PARTY COMMITTEE ASSIGNMENTS

Mr. DURBIN. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of S. Res. 257, submitted earlier today.

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

The assistant legislative clerk read as follows:

A resolution (S. Res. 257) to constitute the majority party's membership on certain committees for the One Hundred Eleventh Congress, or until their successors are chosen.

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

Mr. DURBIN. Mr. President, I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid on the table without intervening action or debate.

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

The resolution (S. Res. 257) was agreed to, as follows:

S. RES. 257

Resolved, That the following shall constitute the majority party's membership on the following committees for the One Hundred Eleventh Congress, or until their successors are chosen:

COMMITTEE ON AGRICULTURE, NUTRITION AND FORESTRY: Mrs. Lincoln (Chairman), Mr. Harkin, Mr. Leahy, Mr. Conrad, Mr. Baucus, Mr. Stabenow, Mr. Nelson (Nebraska), Mr. Brown, Mr. Casey, Ms. Klobuchar, Mr. Bennet, Mrs. Gillibrand.

COMMITTEE ON HEALTH, EDUCATION, LABOR AND PENSIONS: Mr. Harkin (Chairman), Mr. Dodd, Ms. Mikulski, Mr. Bingaman, Mrs. Murray, Mr. Reed, Mr. Sanders, Mr. Brown, Mr. Casey, Mrs. Hagan, Mr. Merkley, Mr. Franken, Majority Leader designee.

DISCHARGE AND REFERRAL—S.

1599

Mr. DURBIN. Mr. President, I ask unanimous consent the Armed Services Committee be discharged from further consideration of S. 1599 and the bill be referred to the Committee on the Judiciary.

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

REMOVAL OF INJUNCTION OF SECRECY

Mr. DURBIN. As in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaty transmitted to the Senate on September 9, 2009, by the President of the United States:

Protocol Amending the Tax Convention with France (Treaty Document No. 111-4).

I further ask that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

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

The message of the President is as follows:

To the Senate of the United States:

I transmit herewith, for the advice and consent of the Senate to its ratification, the Protocol Amending the Convention between the Government of the United States of America and the Government of the French Republic for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income and Capital, signed at Paris on August 31, 1994, as Amended by the Protocol signed on December 8, 2004, signed January 13, 2009, at Paris, together with a related Memorandum of Understanding, signed

January 13, 2009 (the “proposed Protocol”). I also transmit for the information of the Senate the report of the Department of State, which includes an overview of the proposed Protocol.

The proposed Protocol provides for the elimination of withholding taxes on certain cross-border direct dividend payments and on cross-border royalty payments.

The proposed Protocol also provides for mandatory arbitration of cases that the competent authorities of the countries have been unable to resolve after a reasonable period of time. The proposed Protocol contains a comprehensive provision designed to prevent “treaty shopping,” which is the inappropriate use of a tax treaty by third-country residents. It provides for the exchange of information between tax authorities of the two countries to facilitate the administration of each country’s tax laws.

I recommend that the Senate give early and favorable consideration to the proposed Protocol and give its advice and consent to ratification.

BARACK OBAMA.

THE WHITE HOUSE, September 9, 2009.

APPOINTMENT CORRECTION

Mr. DURBIN. Mr. President, I ask unanimous consent that the Record reflect that the appointment of GEN Michael Hayden to the Public Interest Declassification Board made during the adjournment of the Senate was made by the Republican leader rather than the majority leader.

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

ORDER FOR RECESS AND ORDERS FOR THURSDAY, SEPTEMBER 10, 2009

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate recess until 7:30 p.m. tonight; that at 7:40 p.m. the Senate proceed as a body to the Hall of the House of Representatives for a joint session to hear the President of the United States; that at the close of the joint session, the Senate adjourn until 9:30 a.m. tomorrow, Thursday, September 10; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and there then be a period of morning business until 12:30 p.m., with the time equally divided and controlled between the two leaders or their designees; that following morning business the Senate proceed to executive session to resume consideration of Calendar No. 167, the nomination of Cass Sunstein; further, I ask that the time during any adjournment, recess or period of morning business count against the postcloture time.

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

PROGRAM

Mr. DURBIN. Mr. President, the time during morning business tomorrow will be dedicated for Senators to pay tribute to the late Senator Edward Kennedy.

Senators will be notified when the vote on the confirmation of the Sunstein nomination is scheduled. If all time is used, the vote would occur around 11:30 p.m. tomorrow night.

Finally, as a reminder to all Senators, at 2:45 p.m. tomorrow, George LeMieux will be sworn in as a Senator from the State of Florida.

RECESS

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

There being no objection, the Senate, at 6:43 p.m., recessed until 7:30 p.m. and reassembled when called to order by the Presiding Officer (Mr. BEGICH).

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

JOINT SESSION OF THE TWO HOUSES—ADDRESS BY THE PRESIDENT OF THE UNITED STATES (H. Doc. No. 111-62)

The PRESIDING OFFICER. Under the previous order, the Senate will proceed as a body to the Hall of the House of Representatives to receive a message from the President of the United States.

Thereupon, the Senate, preceded by the Deputy Sergeant at Arms, Drew Willison, the Secretary of the Senate, Nancy Erickson, and the Vice President of the United States, JOSEPH R. BIDEN, Jr., proceeded to the Hall of the House of Representatives to hear the address by the President of the United States, Barack H. Obama.

(The address delivered by the President of the United States to the joint session of the two Houses of Congress is printed in the proceedings of the House of Representatives in today’s RECORD.)

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

At the conclusion of the joint session of the two Houses, and in accordance with the order previously entered, at 9:07 p.m., the Senate adjourned until Thursday, September 10, 2009, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES COAST GUARD RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral

REAR ADM. (LH) STEVEN E. DAY

IN THE AIR FORCE

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

To be lieutenant general

MAJ. GEN. RALPH J. JODICE II

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

To be lieutenant general

MAJ. GEN. WILLIAM J. REW

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

To be lieutenant general

MAJ. GEN. CHRISTOPHER D. MILLER

IN THE ARMY

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

To be lieutenant general

LT. GEN. BENJAMIN C. FREAKLEY

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

To be lieutenant general

LT. GEN. JOHN D. GARDNER

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

To be lieutenant general

LT. GEN. FRANK G. HELMICK

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

To be lieutenant general

MAJ. GEN. MARK P. HERTLING

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

To be brigadier general

COLONEL ROBIN B. AKIN
COLONEL ROBERT P. ASHLEY, JR.
COLONEL JEFFREY L. BANNISTER
COLONEL JOSEPH L. BASS
COLONEL LEWIS M. BOONE
COLONEL CLARENCE K. K. CHINN
COLONEL KENNETH R. DAHL
COLONEL GORDON B. DAVIS, JR.
COLONEL SCOTT F. DONAHUE
COLONEL EDWARD F. DORMAN III
COLONEL RANDAL A. DRAGON
COLONEL BILLY D. FARRIS II
COLONEL TERRY R. FERRELL
COLONEL PAUL E. FUNK II
COLONEL RICKY D. GIBBS
COLONEL HAROLD J. GREENE
COLONEL CHRISTOPHER K. HAAS
COLONEL WILLIAM C. HIX
COLONEL STEPHEN B. LEISENRING
COLONEL STEPHEN R. LYONS
COLONEL JONATHAN A. MADDEX
COLONEL MARK A. MCALISTER
COLONEL JOHN J. MCGUINNESS
COLONEL MICHAEL K. NAGATA
COLONEL BRYAN R. OWENS
COLONEL JAMES F. PASQUARETTE
COLONEL VICTOR PETRENKO
COLONEL AUNDRE F. FIGGEE
COLONEL JOHN S. REGAN
COLONEL BRYAN T. ROBERTS
COLONEL JOHN G. ROSSI
COLONEL WILLIAM J. SCOTT
COLONEL THOMAS C. SEAMANDS
COLONEL CHARLES L. TAYLOR
COLONEL KELLY J. THOMAS
COLONEL STEPHEN M. TWITTY
COLONEL JEFFERY L. UNDERHILL
COLONEL DARRELL K. WILLIAMS
COLONEL PETER B. ZWACK

IN THE MARINE CORPS

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

To be lieutenant general

MAJ. GEN. FRANK A. PANTER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE UNITED STATES MARINE CORPS WHILE ASSIGNED TO A

POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. THOMAS D. WALDHAUSER

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral (lower half)

CAPT. CHARLES A. RAINEY

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

To be rear admiral (lower half)

CAPT. JONATHAN W. WHITE

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

To be rear admiral

REAR ADM. (LH) DAVID W. TITLEY