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No. 125

## Senate

The Senate met at 2 p.m. and was called to order by the Honorable THOMAS R. CARPER, a Senator from the State of Delaware.

### PRAYER

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

O merciful Lord, we thank You for the refreshment and accomplishments of our time away and for Your clear, shining inward light that directs our steps. May the Members of this body feel Your peace and power today. Restrain wandering thoughts and break in pieces those temptations that lead them away from Your will. Lord, join our Senators to Yourself with an inseparable bond of love, for You alone truly satisfy. Grant that their love may abound more and more in knowledge and depth of insight, so that they may be able to discern what is best, and may be pure and blameless when they stand before You.

Lord, this is the first time in nearly 50 years that the Senate will convene without Senator EDWARD KENNEDY as one of its Members. Thank You for his life and legacy.

We pray in Your sovereign name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable THOMAS R. CARPER 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 8, 2009.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable THOMAS R. CARPER, a Senator from the State of Delaware, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

Mr. CARPER 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 until 4:30 this afternoon, and Senators will be allowed to speak therein for up to 10 minutes each.

Following morning business, the Senate will resume consideration of S. 1023, the Travel Promotion Act, with the time until 5:30 equally divided and controlled between the two leaders or their designees. I designate Senator DORGAN to control the time on our side.

At 5:30, the Senate will proceed to a cloture vote on the Dorgan amendment No. 1347, which was provided for in an agreement reached prior to the recess. If cloture is invoked, upon the use or yielding back of the debate time, the Dorgan amendment will be agreed to and the Senate will proceed to vote on passage of the bill, as amended. That vote is expected to occur tomorrow.

### MOVING AMERICA FORWARD

Mr. REID. Mr. President, I welcome my colleagues back to the Senate after an August work period that saw pas-

sionate and profound sadness across our country. Each of us has heard from our constituents over the past few weeks. In Nevada, I heard from citizens across my State who are ready for us to pick up where we left off. They are ready for us to get back to the hard work of legislating. They are ready for us to move forward on one of the most critical issues of our time and the life's cause of our late colleague, Senator TED KENNEDY, making it easier to afford a healthy life in America.

MOMENT OF SILENCE IN HONOR OF THE LATE  
SENATOR EDWARD M. KENNEDY

I ask unanimous consent that the Senate now observe a moment of silence in memory of our friend and departed colleague, the late Senator EDWARD KENNEDY.

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

[Moment of silence.]

Mr. REID. Mr. President, I have to acknowledge that as I came into the Chamber this afternoon, I came upon Senator KENNEDY's desk, which is covered with the traditional black velvet, with the flowers and his favorite poem on the desk. I read the poem and a tear came to my eye.

I cherish the time that I can spend with the people of Nevada when I go home and talk with them and learn from them. The people in Nevada care about the volatility of our turbulent economy.

Nevadans see as clearly as anyone in America that we are going forward. In fact, we are getting back on our feet after long years of neglect. They watched as Wall Street went wild, foreclosures reached record highs, and jobs vanished into thin air. But thanks to the leadership of President Obama, the hard work of the Congress, and the unwavering determination of our constituents, they now are seeing these wounds beginning to heal.

This Senate has risen to the challenges we inherited. In the face of unprecedented conditions, we responded

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



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with the most significant collection of accomplishments in recent history. We are proud of our important efforts to revive our economy, strengthen our national security, protect our environment, demand accountability, and promote equality and ensure progress.

In the first months of this year, we passed an economic recovery plan that is creating jobs as we speak, strengthening the middle class, and investing in our future. Just last week, the Wall Street Journal acknowledged that the plan we passed is helping us recover from the recession faster than expected.

We also put people ahead of big business by protecting credit card users, cracking down on mortgage scams, and rooting out corporate fraud.

We helped millions of children stay healthy by making it easier for them to get the care they need; that is, the CHIP program, Children's Health Insurance Program, and by making it harder for tobacco companies to prey on our kids.

We made it easier for Americans to serve their country like our heroes of generations past, and we protected our public lands for generations to come.

We passed overdue appropriations bills, new appropriations bills, and an honest, responsible budget that makes sound investments in every part of our country.

This Congress also made history by pursuing justice and ensuring equality for every single American. We stood up for those who are victims of violence because of race, ethnicity, sexual orientation, and for those who are targets of discrimination in the workplace because of gender or background—Lily Ledbetter.

The Senate confirmed President Obama's outstanding nominee for the Supreme Court. Sonia Sotomayor will become the first Hispanic and only the third woman to sit on the highest bench in the land. I think tomorrow the first argument she will participate in will take place.

This is an impressive record for any Congress. I am particularly proud that we have accomplished all of this in little more than 6 months.

How did we get there? We did each of these critical things because we found ourselves in exceptional circumstances. We faced daunting tests and unparalleled problems.

As in any emergency, it is important to understand how we got here. I am not interested in looking backward to place blame on others or pointing fingers. But it is important to learn from past mistakes so we don't repeat them. As I see it, there are two primary reasons we found ourselves in such a deep hole. The first is that for far too long we have put off today's problems until tomorrow. Second is that too many focus only on where we differ, not where we agree. We no longer have the luxury of doing either. Only by working together—not as Democrats or Republicans but as Americans, not as par-

tisans but as partners—can we put the jobless back to work, make sure everyone can afford to stay healthy, and create a new clean energy economy for this new century.

Health care. Learning those two lessons—that we can no longer put off today's problems until tomorrow and that we cannot afford to focus only on where we disagree—will be the difference between reforming health insurance in a meaningful way or letting the status quo and scare tactics hold us back.

Thanks to Chairman BAUCUS and Senator DODD, we have made progress toward passing comprehensive health reform. Four out of five congressional committees responsible for this issue have reported bills, and we will soon see the same from the Finance Committee.

While many important choices remain, we are as committed as ever to a plan that will protect what works, fix what doesn't, and help the middle class get ahead. We will stabilize health insurance for those who have it and secure it for those who do not. We will keep the insurance industry honest and lower costs to ensure that every American can afford to stay healthy. And we are determined to pass a good, bipartisan bill this year.

I have listened to hard-working Nevadans across my State who know the difference between fact and fiction. They know the difference between the misinformation spread by opponents of progress and the reality that our vision of reform means patients and their doctors should be the only ones making decisions about their medical care. Those decisions belong to the people, not to the insurance industry or to government bureaucrats.

The American people know our vision of reform means keeping insurance companies honest and not letting them deny you care because you have a pre-existing condition. The way things are now, if you have anything from heart disease to high cholesterol to hay fever, you might be out of luck. That is not right.

They know our vision of reform means not allowing health insurance companies to drop your coverage if you become seriously ill. It means ensuring that if you change or lose your job, you will have affordable options to cover your family.

They know we are fighting for reform that will make quality, affordable care available to every single American citizen.

It is easy to focus only on the part of the road we have yet to go, but it is essential to remember the great distance we have traveled to get to this point, and the common ground we already share.

We have heard a lot from opponents of progress. One of their main arguments is that they think we cannot afford health insurance reform. My response is simply this: We cannot afford not to make it easier to live a healthy life in America.

The American people have rejected those who pretend things are fine the way they are. They know that unless we get this done, they could lose their health care, and so much more along with it. They know America has no place for those who hope for failure.

Inaction is not an option. We have already seen what happens when we do nothing. Over the past 8 years of inaction, the costs of health care rose to record levels and the number of Americans who cannot afford insurance has done the same.

For the millions of families who file foreclosure because they cannot afford both their house and their health care, not acting is not an option.

For the millions of Americans who file for bankruptcy because their medical bills grow higher and higher, not acting is not an option.

For the millions of Americans who skip doctor visits or treatments they need to stay healthy or who never fill the prescriptions their doctor gives them because health care is simply too expensive, not acting is not an option.

Our health care system is not healthy. Americans' physical health and America's fiscal health are at stake, and not acting is not an option. We have to work in good faith. This past April, I sent my Republican counterpart a letter outlining our priorities for the health care debate. I wrote, of course, that Democrats are committed to lowering health care costs, expanding access, and improving the quality of care. I said in that letter we looked forward to a dialog about how to prevent disease, reduce health disparities, and encourage early detection and effective treatments that save lives.

But in the letter of more than 4 months ago, I also said that in order to help struggling Americans, we cannot drown in distractions and distortions.

I made clear bipartisanship depended on Republicans demonstrating a sincere interest in legislating, offering concrete and constructive proposals, and working together in our common interest rather than against each other and against the interests of the American people.

I stand by that assessment as strongly today as I did this spring, 4 months ago. It is painfully clear to everyone who heard this debate's disturbing turns and dishonest tactics that, more than ever, we now need people willing to work together in good faith.

Today is the first day since January 2, 1953, that a man named Kennedy does not have a desk on the floor of the Senate or in the Oval Office at the White House.

When I think of all the groundbreaking progress we have made over those 56½ years—in civil rights, education, health care, America's global leadership—I know we have no choice but to keep going. Now is no time to let up.

Tomorrow night, the President of the United States will stand on the other side of the Capitol and tell a joint session of Congress his vision for the

health care debate that is ensuing. He will do that, and then over the coming weeks and months, we will contemplate and think about what he said.

It is not insignificant that President Obama will be speaking to such a gathering. We will come together in a joint session because we share a joint future and a joint destiny. We are all in this together—Republicans, Democrats, and Independents, every American citizen and each of their representatives here, Members of Congress, Senators, and the President of the United States.

Senator TED KENNEDY said last December, just months ago:

We know the future will outlast all of us, but I believe that all of us will live on in the future we make.

This is a historic moment. This is our time to shape our future. We stand closer to real health insurance reform than ever before. We are closer than ever to getting this right. We will not give up. We will not bet on failure. We will not let fear obscure the facts. We will not let the priorities of the partisan overpower those of the people.

We have goal lines ahead of us. I say to the Presiding Officer, a member of the Finance Committee, we have to do everything we can to join together to do health care reform that is meaningful to this country. I think I speak for everyone in Nevada and I think I speak for everyone on this side of the aisle and I am confident my friend, the distinguished Republican leader, agrees with me.

#### RECOGNITION OF THE MINORITY LEADER

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

#### SENATOR TED KENNEDY

Mr. MCCONNELL. Mr. President, the Senate grieves the loss of one of its giants and one of our great friends. All of us were, of course, moved by the many tributes that have poured in since Senator KENNEDY's passing. We will make time later in the week for Senators, including myself, to deliver tributes of our own on the Senate floor.

#### HEALTH CARE REFORM

Mr. MCCONNELL. Mr. President, I previously had an opportunity to welcome my friend, the majority leader, back and welcome all our other colleagues from an active month in August. I know we always enjoy spending this time with our constituents and hearing their particular concerns. This year, most of us got an earful, and I hope the experience has an effect on our work as we move forward.

Health care reform is clearly a critical issue for many Americans, and I think we have an obligation to show them we have been listening closely to their concerns.

At this point, there should be no doubt about where the American people stand: The status quo is not acceptable but neither are any of the proposals we have seen from the White House or the Democrats in Congress so far.

The White House has attempted to retool its message on health care many times. It should be clear by now that the problem is not the sales pitch. The problem is what they are selling.

Over the past several weeks, I have visited with a lot of doctors, nurses, seniors, hospital workers, small business men and women and a whole lot of other citizens across Kentucky and, for that matter, throughout the country. None of them 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.

The American people are asking us to start over. They want reforms, but they want the right reforms, not some grand scheme that increases the national debt, expands the Federal Government, raises taxes, cuts seniors' benefits, and forces Americans off the plans they currently have and like. They want reforms that work within the system we have.

We have a lot of work to do in the weeks ahead, but these past few weeks have given us all something valuable. They have given us real clarity about the direction Americans want us to take and, as importantly, the direction they do not want us to take. Now it is our turn to show them we have been listening and to act.

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

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

The legislative clerk proceeded to call the roll.

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

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

Mr. ALEXANDER. Mr. President, I believe I have 15 minutes, and I would ask the Chair to let me know when 2 minutes remains.

The ACTING PRESIDENT pro tempore. The Chair will do so.

#### LISTENING TO THE PRESIDENT

Mr. ALEXANDER. Mr. President, we have two speeches by the President of the United States today and tomorrow. The speech today is to the schoolchildren of America, and the one tomorrow night is to us—to a joint session of Congress and to the country.

For the last several days, there has been a small uproar about the President's speech to schoolchildren. In some ways, that is very understandable. The country is very wary right now of more Washington takeovers. We have seen takeovers of banks and in-

surance companies and car companies and student loans and even farm ponds and health care, and all of a sudden some people may have thought the President was intending to take over the classrooms of America as well. That was compounded by the fact that the early lesson plans—probably drawn up by someone either in the White House or the Department of Education—made the speech seem more about the President than about the children and inviting the children to help the President fulfill his goal of the way he wants to transform America.

Well, all that has been changed. The lesson plan has been altered. The President has released a copy of his speech. I read it this morning in Tennessee on my way coming up. It is a good speech. It is about the importance of studying and education. It is about how the President grew up, which is an inspiring story, as is the case with almost all of our Presidents.

So I am glad the President has spoken to the schoolchildren of this country. Of course, the President of the United States ought to be able to speak to the schoolchildren of America. President Reagan did it. Not long after he was elected, he talked about how our country was founded. When I was Education Secretary in 1991, the first President Bush did it. He talked primarily about drugs, with a warning about the dangers of drug use. Presidents should speak to our students, but, of course, parents and teachers should decide whether the children hear the speech and in what context they hear it.

Tomorrow night, when the President addresses the country, no one has to listen to him, except those of us, perhaps, who volunteered to serve in the Congress. We will be here. Millions will listen out of respect to the office, but some could turn off their televisions, some could just read about it, some could listen to the commentators talk about it, and some could watch it on the Web. Children have a different situation. They are captive in their classrooms and they are inexperienced, so we rely on parents and teachers to use their good judgment to decide whether any speech is appropriate for children to hear and in what context.

If I were a teacher, I would jump at the chance to take advantage of this speech. I believe I would put up a picture of Reagan and one of FDR and one of Abraham Lincoln, and I would talk about the Presidency and I would talk about how he is the agenda setter and how the President's election—this President and other Presidents—represents the unique American characteristic that anything is possible for any American of any background. I would point out that there is a Congress as well and the Congress often disagrees with the President. And then I would put up a picture of the leader of North Korea, and I would say: There is the dear leader of North Korea. If you criticize him, you go to jail. If you

criticize the President of the United States, you have a constitutional right to do that.

I believe we need more teaching of U.S. history and civics in our classrooms so our children can grow up to learn what it means to be an American. The lowest scores high school seniors have in America are not in math, they are not in science, they are in U.S. history. So we ought to take advantage of opportunities for children to learn about history and about civics, but parents and teachers ought to be in charge of it. They should decide in what context it is done, and I hope a great many have taken advantage of that and will take advantage of that.

There is a second speech, tomorrow night, which the country is looking forward to, and that is about health care. Here are my hopes for that speech.

First, respectfully, I would say to the President, I hope he says: My fellow Americans, let's start over. It is obvious we need health care reform, but it is also obvious that most Americans, or at least a majority, aren't comfortable with the direction in which we are going. So since this affects 17 or 18 percent of our economy, since it affects the 250 million Americans who have health insurance, let's start over. This has gone from being an issue to being something personal, or as we say in Tennessee, they have gone from preaching to meddling. That is why at the town meetings, which would normally attract 30 people, we have had a thousand people show up, because their health is at issue and they want to know what is going on. So it is a very healthy thing for people to show up and ask questions, and I hope that the President has heard the American people and that we start over.

Next, I hope the President says: We will start with cost—the cost to you, Mr. and Miss American, the cost to your government. Health care costs too much for you to buy your policy, and it is about to bankrupt the government unless we do something about it. So that is where we will start.

Third, I hope the President will say: One of the lessons I think we have learned—not just during the last several months while I have been President—if I were President Obama—but in President Bush's time and before that is that we don't do comprehensive very well. We found that out in immigration. We had a bipartisan effort here on immigration. We tried hard to solve a problem only the Congress can solve, and we failed. By the time it came up for a vote, it just fell around our necks. We have tried it with health care. We have tried to bite off the whole thing at once, and I think it is more than we can chew. We have been trying it with economy-wide cap and trade for climate change, and it looks as if we are biting off more than we can chew there as well. That should be no big surprise. This is a huge country—300 million people—an economy that produces 25

percent of all the wealth in the world, so diverse that if we were to put ourselves all in one room, it would explode, which is why it is such a good reason we have such a big country.

So I hope the President will say we don't do comprehensive well. We have heard the American people, so let's see if we can agree on a few things. Let's go step by step in the right direction, which is one good way to get where you want to go—step by step to re-earn the trust of the American people, starting with health care.

I can think of some things on which I believe we have bipartisan agreement in the Senate which would make a difference: Small business health insurance—allow small businesses to pool their resources. It has been estimated that you could offer insurance to a million more workers at a lower cost. That is one thing. Make it possible for people not to lose their insurance. If they are able to buy insurance, make it possible for them to buy insurance if they have a preexisting health condition—we could probably do that. Allow people to buy insurance across State lines. The Presiding Officer and I were both Governors. We are jealously protective of States' responsibilities and rights. But maybe we need to allow insurance to be bought more often across State lines to make it available to more people and less expensive. Junk lawsuits against doctors—that increases the cost of health care from 1 percent to 10 percent, depending on whom you believe. But we could take that step. It is an important step in the right direction. As far as those who are uninsured, about 20 percent of those who are uninsured are already eligible for existing programs. We could see if we could find ways to help them sign up for programs that already exist. Step by step in the right direction will help us get where we need to go in health care. Step by step will re-earn the trust of the American people.

Fourth, I would hope the President would say: Let's do this in a bipartisan way. There is some talk of just ramming this through the Senate with a bare majority of votes. I hope that doesn't happen. It would be bad for the country and it would be bad for the majority party, if I may say so. The reason it would be bad for the country is it would be a bad bill.

The way our rules work, the Parliamentarian, who is a very wise individual, would end up writing the health care bill because he would have to make all these decisions about what was germane and about what fit in the bill. For example, he might have to say: Well, you can't put a provision about preexisting conditions in the bill under the Senate rules. All you can vote on is whether to raise taxes or cut Medicare. Now, that would be a very unappetizing vote, I would think, for many Members of the Senate, and it would be a very bad health care bill, which would cause me to think that such an unappetizing vote would be bad

medicine for those who insisted on ramming it through. But it would be bad medicine for another reason. It would be thumbing our nose at the people of America who have been trying to say to us over the last several weeks: Whoa. Slow down. This is my health care you are talking about. Let's make sure we do this right. Start over, and let's take it step by step.

Health care is not the only issue. Health care is the entry into a larger issue, which is too many takeovers, too much debt, too many czars, and the American people would like for us to settle down and deal with this issue. Some of the people have said over the last few weeks that the American people didn't know what they were talking about; that they thought there weren't any real issues out there. I am afraid that is wrong. When you have the Mayo Clinic and the Democratic Governors and the Congressional Budget Office telling you that you are headed in the wrong direction, maybe you are. When you read about a new trillion-dollar debt added to a debt that is already going to double in the next 4 or 5 years, maybe you are going in the wrong direction. When the New York Times editorial says the new program is going to be paid for about half by cuts in Medicare, that is a serious issue for the 40 million people on Medicare.

There are 177 million people with employer insurance, and they worry they might lose that employer insurance. People are worried that they might be dumped, if they are low-income, into a government program that already exists called Medicaid, which 40 percent of the doctors won't serve because they are underpaid, or they are worried they might be dumped into a new government program, if they are middle income, and they might not want to be dumped into a government program. There is worry, especially among older Americans, because someone might say: You are 70 years old and you can't have a hip replacement. And there are employers who in a recession aren't interested in paying more of an employer tax. And the Democratic Governors and the Republican Governors have said: Don't send us more costs for Medicaid or we won't be able to afford it here. We will have to raise taxes. And Federal taxes would go up.

Those are real issues. Those aren't made-up issues. Those are all part of the bills that are making their way through Congress, and that is why people are saying: Whoa.

Finally, I hope President Obama will say: I am the President. I am the agenda setter. I am going to take charge of this debate.

The President and his team are very smart. We admire them very much. But in some ways, it reminds me of a Harvard Law Review meeting, with everyone sitting around the room thinking of very bright ideas and nobody getting anything done. When you are dealing with a big and complex issue such as health care, the President needs to

clear the decks, set the agenda, tell us what to do, and sit down with the Democratic leader and the Republican leader and say: What can we do? And then the President, I respectfully suggest, needs to say—as President Eisenhower did half a century ago when he said, “I shall go to Korea”—that health care is the issue. I am the President, here is what I think we should do, and I am going to stay on this issue until it is done. Now, a Governor knows—and most Presidents know—that if they say that and do that and stick to it for as long as it takes, they can very usually wear everybody else out. The President may not get exactly what he wants. Of course, he probably won't. But there might be improvements to the bill. When the Democratic majority in Tennessee used to improve my proposals, I could either attack them or say: You have improved my proposals. I usually said: You have improved my proposals, gave them credit, and went on to the next issue.

So people all over America are alarmed, some are even scared about Washington takeovers, debt doubling and tripling, and I suggest the right course for us is for the President to say: Let's start over with health care. Let's go step by step to re-earn the trust of the American people. Careful steps in the right direction are a very good way to get where we want to go, and I hope he tells us exactly what those steps should be.

I made a statement at the 75th anniversary of the Great Smoky Mountains National Park last Wednesday. It is our most visited national park. Secretary Salazar was there. He did a beautiful job, only exceeded by Dolly Parton, who was there and who made all the rest of us completely irrelevant by her performance. But to have that great park for 75 years in the Eastern United States, where 9 million people visit—three times as many visiting our great western parks—is a great advantage for our country. I am grateful to the Secretary for coming, and I ask unanimous consent to have printed in the RECORD a copy of my remarks.

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

STATEMENT OF U.S. SENATOR LAMAR ALEXANDER AT THE 75TH ANNIVERSARY OF THE GREAT SMOKY MOUNTAINS NATIONAL PARK  
NEWFOUND GAP, TENN.—U.S. Senator Lamar Alexander (R-Tenn.) delivered the following remarks here today at the 75th Anniversary of the Great Smoky Mountains National Park:

“Governors Bredesen and Perdue, Secretary Salazar, Dolly Parton, my colleagues in Congress, fellow friends of the Smokies, in 1934 a ranger wrote a memo identifying the wildlife he had found in this new park. There were 100 black bears. Today there are 1,600. There were 315 wild turkeys then. The other day I saw 21 outside my home two miles from the park boundary. 75 years ago there were 12 whitetail deer in Tennessee and six in North Carolina. Today they're everywhere. Then there were no peregrine falcons, no river otters, no elk in the Great Smokies, but they are all here today.

“25 years ago, as Governor, I spoke at the 50th anniversary. There was no law then controlling acid rain and no organization called ‘Friends of the Smokies.’ Today, acid rain laws are working and the ‘Friends’ have contributed \$28 million.

“So what should we hope for as we look to the 100th anniversary? I hope we have finished cleaning the air so that, instead of seeing smog, we can always see the blue haze about which the Cherokee sang; and that we will have done more to celebrate the way of life of families who lived here; that we will have become better students of the remarkable environmental diversity here—more different kinds of trees than in all of Europe, new species discovered every year; that we do a better job of creating picturesque entrances and encouraging conservation easements along the park boundaries to protect the wildlife and the magnificent views. And I hope there are more private contributions and federal dollars to protect and maintain one of the dozen most visited places in the world.

“India has its Taj Mahal, Italy has its art, England its history, but we have the Great American Outdoors. Ken Burns says our national Parks are ‘America’s Best Idea.’ Well, then the Great Smokies must be the very best idea of all because so many more people come here.

“Just as remarkable, I believe, is how we who live here feel about the park. We feel like we own it because our families did. We love it because we grew up hiking here or adopted it as home. And we are proud we gave this park to the country for others to enjoy.

“The psalmist wrote, ‘I will lift up mine eyes unto the hills.’ There are 151 cemeteries in the Great Smokies, usually on a hilltop, closer to God. The headstones face east because, as mountaineers will tell you, ‘You don’t want to have your back to Jesus when he comes again.’

“There was a reverential feeling among the thousands who came to Cades Cove on a beautiful Sunday afternoon in June to hear fiddles imitate bagpipes as the Knoxville Symphony played ‘Amazing Grace.’ At the 50th anniversary, I tried to explain that feeling this way: ‘These mountains . . . (Blount County) . . . my home . . . are where I enjoy being, where I swap people for nature and feel closer to God . . . when I am here, it helps get the rest of my life in a little better order.’

“That is why I celebrate the 75th anniversary of the Great Smoky Mountains National Park.”

#### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to a period of morning business until 4:30 p.m., with Senators permitted to speak therein for up to 10 minutes each.

The Senator from Illinois is recognized.

#### JUSTICE SOTOMAYOR

Mr. DURBIN. Mr. President, 45 minutes ago exactly, history was made in America just across the street, not far from the steps of the Senate. If you go to those steps at this moment and look directly to the east, you will see the U.S. Supreme Court building. At 2 o'clock eastern time in that building the 111th Justice appointed to the U.S.

Supreme Court received her official investiture. It was a moment of great historic significance because the elevation of Sonia Sotomayor to serve on the U.S. Supreme Court marks the first time in our history that a person of Hispanic descent will serve on the highest Court of our land. In the course of our history, with 111 Supreme Court Justices, if my memory serves, only four have not been White males—two African Americans, two women, and now Justice Sotomayor.

The ceremony was very short. The President of the United States was there, the Vice President, a number of Members of Congress, and of course the other eight Supreme Court Justices and the retiring Justice Souter. There was a very stately, dignified, gracious presence as the Court was convened. After Eric Holder, the Attorney General, read the commission which authorizes the investiture of Justice Sotomayor, the oath was administered to her by the Chief Justice of the Supreme Court, John Roberts. The entire ceremony took 4 minutes. One of the Senators standing next to me, MEL MARTINEZ, who will retire from the Senate this week, said it would have taken longer if they had television cameras here. Those of us who serve in the Senate and served in the House know of what he speaks.

But the fact is, in that 4-minute period of time a page was turned in American history. We are offering an opportunity now for a person to serve on the Supreme Court—immensely qualified, a person with a great background in her life and her achievement to serve on the highest Court of the land.

Across America, in neighborhoods and towns and communities and schools, perhaps a child will look up and, when they learn of the appointment and ascension of Sonia Sotomayor to the Supreme Court, realize that the great promise of America continues, that this still is a land of opportunity, and that door to opportunity was opened a little wider just across the street at the U.S. Supreme Court about 45 minutes ago.

#### RESPECTING THE PRESIDENTIAL OFFICE

Mr. DURBIN. Mr. President, earlier today the President of the United States went back to school. He went to a local high school in the DC area to give a speech. It turned out that this speech became controversial.

I thought about that over the weekend because my wife and I went down to Mount Vernon, in Virginia, to the home of George Washington. It was a trip I promised my wife because the first time we went down there when I was a college student and drove down there in my little VW bug back in the 1960s, I got there to find out I did not have enough money for admission so we had to turn around and leave. I always told her: Loretta, we are going to

get back down here someday. It took a few years, but we made it.

Touring the grounds there as well as the education and learning center, learning a little bit more about our first President, you realize what an opportunity he had to define the institution of the Presidency. One of the first things they asked of George Washington, the first President, was: What do we call you? Your Excellency? Your Highness? He said: Just call me Mr. President.

His decision at that moment created a tradition, not just a formal tradition of how we address the President of the United States, but, more importantly, a tradition of how we view the President of the United States. He is not royalty nor is he to be treated as royalty. He is to be treated as another American, but one who at this moment in time, by the will of the American people, serves in the highest office in the land. So George Washington established a standard, a standard of respect but not awe, when it comes to the office of President.

I thought of that over the years. In my lifetime there have been Presidents I genuinely admired, their politics and personalities, and others I was more critical of, but I always believed the office deserved respect whoever occupies that office. If you believe in this form of government and you believe in this Nation, the election to that office at the least—at the least—should gather the respect that each American owes to the office.

This President announced he wanted to speak to the schoolchildren of America today on what is roughly the first day of school across our Nation. He was not the first President to make that suggestion. President Ronald Reagan offered a speech to the schoolchildren of America; President George Herbert Walker Bush the same. I can't recall any controversy associated with the addresses by either of those previous Presidents, but for reasons I cannot understand, critics came forward criticizing President Obama for wanting to speak to our schoolchildren. Even in my home State of Illinois, the President's home State, some school districts made a conscious decision that they would not broadcast or make available the President's speech. Others allowed children to opt out if their parents didn't want them to hear the President's speech.

I think that is unfortunate. It is unfortunate and I am happy to say there are those of both political parties who said that. Senator LAMAR ALEXANDER, from Tennessee, a Republican, was just on the floor—a former Secretary of Education, former Presidential candidate. He spoke out and said of course the President should be allowed to speak to schoolchildren across America. Laura Bush, the former First Lady, said that this morning. Others have said the same.

I think they understand two things: first, respect for the institution of the

Presidency, and, second, the fact that the President speaking may have some impact on young people across America. The President gave his speech. I hope his critics have been silenced because, as a parent and now as a grandparent, as I read his speech I would like every kid in America to hear it. He explained his own background and the tough times he went through growing up, the sacrifices made by his single mom, the fact that his father left at an early age, the fact that education became an important part of their lives even as they traveled around the world.

Barack, now President Obama, used to tell the story here in the Senate of his mother waking him up early in the morning when he lived overseas and saying: Let's get ready for school. When he would whine and cry about 5:30 in the morning and he is doing homework, his mom would say: It's no picnic for me either, buddy. She was a parent who cared, a mother who cared, and he a son who profited and benefited from her caring.

When I read his speech and elements of it today, I am glad the President spoke these words to the students of Virginia, and those school districts that decided their children should not hear this ought to stop and reflect on whether that was the right decision. When the President says:

But at the end of the day, the circumstances of your life—what you look like, where you come from, how much money you have, what you've got going on at home—that's no excuse for neglecting your homework or having a bad attitude. That's no excuse for talking back to your teacher, or cutting class, or dropping out of school. That's no excuse for not trying. Where you are right now doesn't have to determine where you'll end up.

The President said:

No one's written your destiny for you. Here in America, you write your own destiny. You make your own future.

He talked to these students not only about doing their homework and reading, getting involved in extracurricular activities, volunteering in their community, deciding to

... stand up for kids who are being teased or bullied because of who they are or how they look, because you believe, like I do, that all kids deserve a safe environment to study and learn.

The President went on to say:

No one is born being good at things. You become good at things through hard work.

And then he said:

And even when you're struggling, even when you're discouraged, and you feel like other people have given up on you—don't ever give up on yourself. Because when you give up on yourself, you give up on your country.

The story of America isn't about people who quit when things got tough. It's about people who kept going, who tried harder, who loved their country too much to do anything less than their best.

That speech by President Obama to the schoolchildren of America was a positive thing. It was a good thing. Some said it was a way to promote his

socialist agenda, it was political propaganda. I find nothing political about these comments. This is good advice to any child, any student across this country, and I am glad the President took this opportunity to use whatever influence he has over these young people to guide them in the right path as they start out in their school year.

#### HEALTH CARE REFORM

Mr. DURBIN. Mr. President, the last issue I wish to address for a moment is the August recess. August is a blazing hot month in the Midwest, with high temperatures and high humidity—though they were tempered a little this year, a little cooler than usual, a little wetter than is usual, but we had our hot days. But the hottest days were reserved for the political scene because in town meetings across the Midwest and across the Nation many times tempers flared, people were upset, there was shoving and shouting going on at these town meetings. If you have been on the political scene you know there are moments when the emotions of the American people are raised to a high fever pitch. Fortunately for us, the reason for this interest was genuine. We are talking about an issue, the changing of the health care system in America, which literally affects every person in our country. It is rare that we would tackle an issue that is that all embracing, that touches everybody. It is understandable that people have legitimate questions about what it means to their lives.

I found the same thing in Illinois. I traveled around the State. I met with doctors and nurses and hospital administrators, small business people, average folks, patients struggling with illness and disease, those who had been turned down by health insurance companies, even people coming up to me in restaurants and folks at the airport talking to me about their life's experience when it came to health care. It is an issue we all share in common and an issue we all care about.

But, sadly, there was an organized effort to disrupt many of these town meetings. These were not people who wanted to express their opposition to any pending legislation so much as to end the meeting, to try to raise their voices above all others and to stop the dialog that is so important as part of this. I don't think that point of view prevailed at the end of the day.

There are still legitimate, tough questions on health care reform, questions that will have to be answered directly and honestly as we proceed in this debate. But there is no question in my mind that the majority of the American people understand that we need to make some changes in our health care system.

There are some things that are very troubling. The cost of health insurance is going up three times faster than the wages of working Americans. We know what this means. It will reach a point

where more and more of your take-home pay will pay for health insurance which sadly will not provide as much coverage next year as it did this year. We also know that sometimes the people who have health insurance find out it is not there when they need it.

I ran into that. I had a gentleman in Quincy, IL, at one of my meetings the other day. He and his wife both lost their jobs. For 19 years he had been at the local bank, with health insurance, and he lost his job. Because he and his wife had a special needs child, they paid the COBRA premium. If you understand how this works, once you have lost a job you can keep your health insurance if you will pay the employer and employee portions. Even though we have made that more reasonable in cost, it is still very expensive, but because of the special needs child he decided he and his wife had to dip into their savings to keep the health insurance coverage for their kids and the family, even while they are unemployed.

Sadly, during this period of time of unemployment his son fell down the stairs and needed brain surgery. They shipped him across the river into Iowa where he was successfully operated on. That is the good news here. The father kept looking for a job, only to learn that the insurance company was going to deny their claim for this brain surgery. It would have been extremely expensive if the insurance company failed to pay. But now this man, unemployed, looking for a job, with a son who does have those special needs and a wife who is trying to find substitute teaching jobs to help out, has to spend a good part of his day fighting with the insurance company over whether his son is going to be covered for that emergency surgery.

It is not rare. In fact, it is too common that the average person, when they need the coverage of health insurance, finds out that they are in a battle, not with their doctor, a battle with someone who works for a health insurance company who says no.

That has to change. One of the things I hope both sides agree on, Republican and Democratic, is that people should not be denied health insurance coverage because of a preexisting condition. You should not be denied health insurance coverage when it turns out you are sick and you need it. You should also be able to take your health insurance from one job to another. You should not have a cap on the total amount of coverage in your lifetime. Your children should not be high and dry at 23 when they have to pay for their own health insurance or they are completely unprotected. These are things most people agree should be part of health insurance reform and I hope we can make it part of a common bipartisan effort when we talk about this issue.

There is another issue and it is one that I will address as I talk about this issue later in the week, and I think it

is a fundamental issue of social justice, that 47 million Americans today have no health insurance. We have about 300 million people in our country. About 100 million of them are under some sort of government health plan—Medicaid for the poor and disabled; Medicare for those in advanced years, which I am soon approaching; people covered by veterans' health care, and those who are covered in other forms, by children's health insurance programs.

So take the 100 million under government health programs aside, and in the remaining 200 million people in America, about 1 out of 4 has no health insurance. They are not the poorest people in America because the poorest people in America have Medicaid. They are not the fortunate like those of us who already have health insurance. They are people who get up and go to work every single day and have no health insurance.

I met plenty of them as I traveled around the State of Illinois. I do not understand—I do understand, but I certainly sympathize with the situation where you wake up in the morning and look at those children in that bed as a father and realize they are one accident or one diagnosis away from a medical catastrophe that could threaten their lives and wipe out your savings. That is what people without health insurance face every single day.

So in addition to the cost, in addition to whether the health insurance is there when you need it, is the fundamental question about whether if everybody in America should be drawn in under the protection of health insurance. I believe they should. The people without health insurance, when they reach a critical time in their lives and are desperate, show up at a hospital, and our hospitals treat them and pass along the expense of treating them to everyone else.

It would be far better in America for us to provide coverage and protection for everyone and to help those in the lowest income categories pay for that protection. I think that is fundamentally just. It is American. It is good, sound policy so that this have and have-not situation would not apply to circumstances of life and death, which is the way it does today.

Finally, we have to find a way to change this health care system when it comes to incentives. Currently, we have something called fee for service, which means if a doctor or hospital comes up with a new procedure or a new service, they are paid more. It creates an extra incentive to do more than may be necessary. We have to change that. And I think we can. We have to try to stress preventive care and wellness. We do not do enough of that, instead of just in rescue care and sickness, which is the hallmark of our current system.

Preventive care and wellness means having access to clinics and primary care providers across the United States. And I want to salute the Asso-

ciation of Family Physicians. They have joined me in every town in my State. They fully support this. They understand that health care reform is essential if families are going to have a fighting chance for good health care.

Well, those are the basics in the debate. There are all sorts of separate questions about a public option and individual mandates and many other issues with which we are going to have to wrestle. Senator ALEXANDER of Tennessee, whom I mentioned earlier in my comments, said a moment or two ago: Well, it is time for us to start over when it comes to the health care debate and engage both sides of the aisle in the debate.

I would say to Senator ALEXANDER: We have spent a lot of time learning a lot of things about the health care challenges in America and how to reach them, the way to deal with them. We have kept the door open for those on the other side of the aisle who are willing to come forward and discuss it. Some have said, no; they are not interested for a variety of reasons. Today, to date, only three have stepped into the bipartisan conversation, three Republican Senators. I hope more will. It would be healthy and positive.

The worst thing we can do is to walk away from this issue, to say that because some town meetings were disrupted or some people have strong emotional feelings about this issue we need to walk away from it, because the current health care system in America is unsustainable. It is too expensive. We spend twice as much per person for health care in America as any nation on Earth. Although there are positive things to point to in terms of our health care in our country, some countries spending far less, and get much better results in many areas. We can do better.

Secondly, who would oppose health insurance reform? I would hope everyone understands that at the end of the day what needs to be done should be done on a bipartisan basis. I hope there are those who feel we should create opportunities for those who are uninsured to have basic health insurance protection.

Those who criticize the cost of health care reform overlook the obvious: If we do not help low-income families and individuals in America pay for health insurance, they will not have it. If they do not have that coverage, we will be right where we are today, with one-fourth of those not covered by government plans having no health insurance protection whatsoever.

We need to change the system to focus on prevention and wellness. That means encouraging more primary care physicians and health care professionals to reach out to families in communities across Illinois and across the Nation. If we do not do something about this, I am not sure we can sustain the system much longer.

Just a few years ago, one out of three people filing for bankruptcy in America did so because of medical costs—



one out of three. Today it is two out of three. Two out of every three personal bankruptcies are over medical costs. Listen to this: 78 percent of the people filing for bankruptcy because of medical costs, 78 percent of them have health insurance. It is not very good. It does not protect them when they need it. It leaves them high and dry when major medical bills come through.

So those who are watching this debate saying: I am sorry people do not have health insurance, I am sorry some people are complaining, but I am OK, I am covered, they should pause and reflect for a moment that many of the people in bankruptcy court today facing bankruptcy and the loss of virtually all of their assets are people who also had health insurance and were also in the belief and security—

The PRESIDING OFFICER (Mr. UDALL of Colorado.) The Senator's time has expired.

Mr. DURBIN. Let me conclude by saying that we have a chance in the coming weeks, after the President's speech tomorrow night, to come together on a bipartisan basis. I hope Republicans and Democrats who listen carefully at home understand that despite the anger and the temper and the emotions that we cannot leave the current system as it is. If we do not make a positive change, it is unsustainable.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

#### TRAVEL PROMOTION ACT

Mr. DEMINT. Mr. President, if you were like me, you probably held a number of townhalls. I know a number of our colleagues over the holidays did. I saw a number of them on television and saw the many thousands of Americans who came to townhalls, as they did to mine, who were very concerned about the direction of our country.

Frankly, in South Carolina, I had several thousand people come to different townhall meetings, all with a very similar point of view. They thought this government had gotten too big, was spending too much money, or taxing too much and taking over too much of our economy.

A lot of people were very concerned, not just about health care. I cannot agree with the Senator. There are many things we need to do, but the last thing we should do is have this government take it over. There are many things we can do to make sure people get more insured. But the people who came to my townhalls and across the country in many other townhalls were not just concerned about one issue. They looked back over the last year, over a Republican and Democratic President, to see two failed stimulus bills, two bailouts—which many believe were unconstitutional—the proposed takeover of the energy and health care industries, and the actual takeover of banks and insurance companies and carmakers.

People are fed up. The Federal Government is simply too big. The debts we are looking at now for ourselves and our children and our grandchildren are truly unsustainable. People do not know where the money is coming from. They wonder what we are thinking about.

The amazing thing is, after what we saw over the break, the genuine outrage and concern by the American people, the very first item of business we are going to vote on in this Senate today after the August break is to vote to start another government program, to spend \$400 million, to increase taxes, to get the Federal Government involved in another private sector business.

What did we learn over our summer vacation? If we vote to pass this bill, we obviously learned very little. What I am talking about is the Travel Promotion Act. Many of you here in the gallery and around the country think I am probably making this up; that after what we saw across America we would actually have the nerve to bring up a bill that forms a new government-sponsored enterprise, a la Fannie Mae and Freddie Mac, and it is going to be a government-sponsored enterprise that promotes travel and tourism in America. I guess we can call it Fannie Travel.

Well, now, let me tell you a little bit about the idea because the idea is that travel and tourism in America is a very important industry, which it is. It is the No. 1 industry in South Carolina. It is actually one of the most prosperous. That is the main reason we do not want the Federal Government to get involved.

But the idea is, that we are going to charge a \$10 fee for everyone who comes to visit America in order to pay for this advertising program that will promote America to people all over the world. All these fees would be pooled, and they would be matched by some of the major tourism industries such as Disney, and we would have a government-sponsored enterprise that is promoting tourism.

But they are saying it will not cost Americans anything because this is a tax on foreigners coming to this country. But I have a letter in my office from the European Union and other allies of this country that says this is violating the agreements we have with them, and if we do this they are going to add a similar fee to Americans visiting their country. We are going to start a war with some of our friends. It will ultimately end up costing Americans money. It will create another government entity.

Folks, it is not a crisis. This is not one of those emergencies that we have to do "this week." Why, when we have all of this debt, would we create another program with another tax that this Federal Government is going to run? Maybe it is Fannie Travel, maybe it is Cash for Tourism, but, folks, the problem with tourism in America is

not that people do not know we are here. The problem is we have one of the most notoriously unfriendly customs and immigration services in the world. We also are one of the most difficult countries to get a visa for.

I have a major international employer back in my home State who regularly needs to bring people from other parts of the world to train American workers. But they cannot get visas, so they send American workers to other countries to get the training they need because it is so much trouble to get the visas to get them here.

Major industries have trade shows outside of this country because they cannot get the visas for customers coming in looking at our products. The problem is not that people do not know we are here, it is that the government involvement that is already involved with tourism and travel in our country is not doing a good job.

When you have problems with the quality of your product, the last thing you do is raise your prices and increase advertising, which is what we are talking about doing with this bill. The first thing we need to do is make sure we have the most friendly and efficient customs system in the world and that people who want to come to our country can get a visa and a very quick background check so that we know the people who are coming here are safe.

But we are not going to solve those problems with hundreds of millions of dollars of advertising from a new government agency that is run by major corporate sponsors in our country. Tourism is too important to turn over to the government.

A lot of people around the country are concerned, as they look at what we are spending and the level of debt we are creating, that we are ignoring the constitutional principles we swore an oath to, and they are going to ask us when we vote on this bill: Where in the Constitution of the United States do we find the authority to run travel promotion?

Major tourism companies such as Disney are not having trouble. In fact, I think Disney reported a \$4 billion profit from last year, and they bought Marvel Comics for \$4 billion. Certainly, our economy has put a strain on tourism, but the Federal Government is the last entity that needs to try to bail them out. We don't have any money. We are going to have to borrow money or tax someone to create this new government program.

This is a debate that gets back to what does the Constitution allow us to do? One can't read the Constitution without seeing some very severe limits on what is expected of the Federal Government. Certainly, the bailout and cash for clunkers and this new travel and tourism agency they are starting has nothing to do with our constitutional functions.

We have over \$11 trillion in debt already. We are projecting to almost double that over the next 10 years with



what we already have on the books. With Social Security and Medicare alone, the unfunded liability out many years is like \$100 trillion. We have no idea where we are going to get all this money. How can we even discuss starting a new government entity when the ones we have started are at the heart of our economic problems. One can't understand our economy without seeing that Fannie Mae and Freddie Mac played a key role in bringing the worldwide economy to its knees. We don't have to look back but 1 month to see what the last government program we created in cash for clunkers did. It was going to be a \$1 billion, 6-month promotion to sell a lot of cars. We were out of money in 1 week, and we voted to pass another \$2 billion. A couple weeks later, they canceled the program. We can't run the travel and promotion industry from Washington, DC.

I have to draw a very difficult conclusion. Any of my fellow Senators who vote for this either don't understand the severity of our economic and fiscal problems or they don't care. They certainly didn't hear the millions of Americans speaking over the August break and telling us they want us to get back to the business of a constitutional form of government and stop trying to win votes by bringing home the bacon—wasteful spending, earmarks, and new government programs, all the false, empty promises based on government solutions.

I encourage colleagues, let us get the rest of the year started off in a reasonable way. Let's talk about how to fix health care. Let's talk about how to create jobs. For heaven's sake, let's not create a new government program as the first vote we take in the Senate.

I yield the floor.

**THE PRESIDING OFFICER.** The Senator from Arizona.

#### HEALTH CARE REFORM

**Mr. MCCAIN.** Mr. President, today Congress returns from the August recess. Perhaps one of the most important issues of recent times affecting one-sixth of America's gross domestic product and rising to as much as one-fifth, the issue of health care and health care reform, will be front and center, including a highly unusual appearance tomorrow night before a joint session of Congress by the President. The last time such a joint session of Congress was called for, aside from the regular one, was by former President Bush concerning the events surrounding the attacks on the United States of 9/11.

During the recess, I had, similar to all my colleagues, a very busy schedule of meetings addressing various issues, including travel to Iraq and Afghanistan. That visit will be the subject of other statements on the floor. But in Arizona, I hosted townhall meetings with my constituents. I also attended meetings and forums with health care providers in Missouri, North Carolina,

and Florida so I could, along with my colleagues, better understand America's thoughts and ideas on reforming our Nation's health care system. I have no doubt there is a peaceful revolution going on out in America. I have not seen, in the years I have been a Member of Congress, such anger and dissatisfaction with the way the Congress and we in Washington are doing business. We all know the President's approval numbers continue to fall.

The unruly and sometimes disruptive behavior at townhall meetings has been an exhibit of the anger and dissatisfaction Americans feel. I would like to make it clear that I think the townhall meetings should be conducted with respect. They should be conducted in a way that is an American tradition, that all Americans can be heard from as well as their elected representatives. But there is no doubt people attended townhall meetings that never before in their lives have been engaged in any debate in America. There is something going on out there. I certainly got the message. I hope the majority of my colleagues did as well.

It is more clear to me that we have to reform the way health care is provided, but we have to do it in the right way, without a government takeover of the health care system. The problem with health care is not the quality of health care. The problem with health care in America is the cost of health care and almost double-digit inflation that takes place annually which deprives more and more Americans of their ability to acquire and keep health insurance.

Among other places I visited recently, one of them was a place called M.D. Anderson, a cancer treatment facility in Houston, TX. There were patients there from 90 countries around the world. Why? Because it is the highest quality health care.

The fundamental difference we have here between those of us who want to reform health care to reduce the cost and maintain the quality is the argument from the President and the other side of the aisle that they want a government option. They refuse to address the issue of medical malpractice reform. They refuse to allow someone to go across State lines and acquire the health insurance of their choice, and they continue to allow practices to go on that breed fraud, abuse, and waste in Medicare, which are well documented to the tune of hundreds of billions of dollars a year.

We must reform health care. We can't do it with a government solution that is advocated by the other side. That is why we have been unable to reach agreement—because we have two fundamental philosophical differences between ourselves and those who want to have a government option, who want to have greater and greater intervention in the health care system.

On the way over I read this:

Washington (AP)—A top senator is calling for fines of up to \$3,800 on families who fail

to get medical insurance after a health care overhaul goes into effect.

Do we want to do that to the American people, a \$3,800 fine? That is why we also need to step back and examine the 600-page bill passed through the HELP Committee, without a financing provision, the 1,000 pages or so bill passed through the House before they left, and figure out what else we have added in this bill.

Why are Americans angry and upset? They are angry and upset because of this, because we spent \$787 billion on the stimulus, which is \$1.1 trillion with interest; \$700 billion on TARP; \$410 billion with 9,000 earmarks in it on the Omnibus appropriations bill; \$3.5 trillion on the budget resolution; \$83 billion to bail out the auto companies; \$33 billion to expand the Children's Health Insurance Program; and a \$1 to \$2 trillion cost associated with the HELP Committee's plan that went through the HELP Committee, according to the Congressional Budget Office, which would not bend the curve, according to the Congressional Budget Office.

What have we gotten for all this? We have gone to 9.7 percent unemployment. We have gone to 9.7 percent unemployment in this country, after the President and all his economic advisers said that if we pass this stimulus bill, unemployment will be a maximum of 8 percent. As they say: You can look it up. It is now at 9.7 percent. The public debt is \$11.7 trillion. Sometime in October, we are going to have to increase the Federal debt limit which is going to go beyond \$12.1 trillion.

We are all responsible for what we say. In 2006, the current President spoke in opposition to raising the debt limit to \$9 trillion saying:

Washington is shifting the burden of bad choices today on to the backs of our children and grandchildren. America has a debt problem and a failure of leadership.

That was from the then-Senator from Illinois, now President of the United States. Where did we go? Where did we go from 11 to 12 and now, of course, a few weeks ago, a small rounding error, the 10-year deficit was raised \$7 to \$9 trillion, just a \$2 trillion rounding error. That is what the American people are worried about, the commission of generational theft on our children and grandchildren. No one in the administration has a plan for bringing the budget back into balance. I think the American people at least deserve it.

Yesterday the President spoke in front of union allies in a partisan, campaign-style speech, where he questioned the motives of those who raise concerns about too much government control over our health care economy and instead wrongly criticized our side for having no ideas of our own. We have plenty of ideas. None of them have been considered in the HELP Committee or by the Senate or by the House of Representatives. The HELP Committee bill was written only by the Democrats. There was no input from

this side of the aisle. Every meaningful amendment proposed was rejected, including malpractice reform. How can we possibly look the American people in the face and say: We are going to bring down the cost of health care without medical malpractice reform.

Ask any physician and they will tell you physicians are required to practice defensive medicine because of the fear of being sued. Unnecessary tests and procedures are performed time after time after time. I was in Miami at the Palmetto Hospital, a fine institution. I asked one of the surgeons: How can you afford your health insurance premiums? He said: We don't keep insurance anymore. We can't afford it. We will probably not get sued because they know we only have so much in assets.

Now we are putting physicians and care providers in a position where they basically cannot afford, nor can they get, malpractice insurance because the premiums are so high, and they are targets for the trial lawyers.

We have a number of alternatives. Most of them are market based. Most of them have to do with preserving the quality of health care yet bringing down the cost, which should be our goal. Why don't we have insurance reforms to improve access? That means someone can go across State lines. If a citizen of Arizona wants to go to North Dakota and get health insurance there, why can't they? Why can't that family do that? Why can't they? They cannot today.

Why is it we cannot reform medical malpractice? Let's have tax reforms. Let's have incentives to purchase insurance either in the form of tax credits for families in America or—or—why don't we give the same tax treatment to families that businesses get in the provision of health insurance? Why don't we have real competition in any State? Why don't we set up the risk pools that are necessary to ensure those who were previously uninsurable or for those with "preexisting conditions"? Let's set up those risk pools. Yes, that will take some taxpayer dollars.

Why don't we allow the insurance companies to compete so they can provide insurance, so we can provide affordable and available health care to all Americans? Why don't we look at cost reductions? Why don't we look at incentives for wellness and fitness? One of the most famous corporations in America recently is Safeway. We have heard from their CEO. They reward people financially for wellness and fitness. And—guess what—their costs for health care have gone down because there are incentives to do so.

Here is a small idea: Why don't we see what the school lunch program is in our local schools? Why don't we see what the physical education requirements are in our local school districts? Why don't parents do that? I was appalled, and I am sure my colleagues and all Americans were, to see recently there is one State in America where

one-third of the population suffers from obesity. We know what obesity does to health care costs, not to mention the lives of individuals.

Why don't we also look at what has been tried and done before: an outcome treatment of patients. A patient has diabetes. You pay that provider for 6 months or a year or 2 years and say: OK, here is the amount of money, and if you keep that patient well, you will receive a reward at the end of that treatment period, rather than to pay for every single test and procedure.

My friends, there are cases of abuse of Medicare that stretch into the hundreds of billions of dollars. We have to go after these people who abuse health care, Medicare, and Medicaid.

And a practical question: Suppose we adopted what passed through the HELP Committee and through the House. There are dramatic increases in State Medicaid payments. What States can afford the additional burden of Medicaid that is envisioned by this legislation? Not many. Not many, my friends.

So we do have legitimate, workable, doable, viable alternatives to the government option. When the President of the United States stands up and says we do not, he either is not paying attention to what we are saying—which has been one of the big problems with this debate—or he willfully ignores the fact there are solutions we can move forward with to reduce health care costs in America and preserve the quality.

I wish to make a comment about the so-called co-op approach. My friends, you can call it the government option. You can call it a co-op. You can call it a banana. But the fact is, it is government intervention into the free marketplace, which will lead to crowding out, which over time will lead to government control of health care in America.

A co-op can exist today. They do not have to wait for legislation. They can exist today. Yet very few do. If there was a pressing need for more co-ops, wouldn't more of them have been created? Under the co-op approach, the Federal Government would design, fund, and foster their creation. But let's not kid ourselves. Creating a new, massive government plan designed in Washington is still Washington involvement in health care. And if we did not learn any lessons from the Fannie Mae and Freddie Mac co-ops, nobody has been paying attention.

Let me talk about the "trigger" for a second. The trigger in the bill would implement the public option only if private insurance companies failed to meet certain benchmarks, such as lowering overall health spending or shrinking the number of the uninsured.

The Wall Street Journal stated yesterday:

Liberals should love the idea because a trigger isn't a substantive concession; it merely ensures that the public option will arrive eventually, instead of immediately. Democrats will tweak the tests so that pri-

vate insurers can't possibly meet them, mainly by imposing new regulations and other costly burdens.

Additionally, this trigger appears to blatantly and patently violate the Constitution's delegation of lawmaking powers to Congress and not the executive branch. We must decide whether to implement a "government option" or not. I vote to not do so and oppose any suggestion that abdicates my duties as a lawmaker and allows the executive branch to create a "government option" based on a trigger.

Mr. President, I ask unanimous consent that the Wall Street Journal column entitled "Whoa, Trigger"—a good name—be printed in the RECORD.

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

[From the Wall Street Journal, Sept. 8, 2009]

#### WHO, TRIGGER

President Obama has decided that another oration will rejuvenate his health-care agenda—despite having given 27 speeches entirely on health care, and another 92 in which it figured prominently. We'll see how tomorrow night's Congressional appeal works out, but the important maneuvers are taking place in the cloak rooms, as the White House tries to staple together a majority.

The latest political gimmick is the notion of a "trigger" for the public option: A new government program for the middle class would only come on line if private insurance companies fail to meet certain benchmarks, such as lowering overall health spending or shrinking the number of the uninsured. This is supposed to appeal to Maine Republican Olympia Snowe, who could end up as ObamaCare's 60th Senator, while still appeasing the single-payer left.

Liberals should love the idea because a trigger isn't a substantive concession; it merely ensures that the public option will arrive eventually, instead of immediately. Democrats will goose the tests so that private insurers can't possibly meet them, mainly by imposing new regulations and other costly burdens.

Keep in mind that every version of ObamaCare now under consideration essentially turns all private insurers into subsidiaries of Congress. All coverage will be strictly regulated down to the fine print, and politics will dictate the level of benefits as well as premiums, deductibles and copays. Under the House bill, a "health choices commissioner" will have the final say, no doubt with Democrats Henry Waxman and Pete Stark at his elbow, if not another part of his anatomy.

The same bill also rewrites the 1974 federal law known as Erisa that lets large and mid-sized employers offer insurance with little regulation. Many businesses—including Safeway, General Mills and Marriott—are finding innovative ways to drive down spending, largely with worker incentives to live healthier and be more sensitive to the costs of care. Many Democrats call this discriminatory.

In the individual insurance market, Democrats intend to outlaw medical underwriting: Everyone must be charged the same rate or close to it for the same policies, regardless of health status or history. But this "community rating" tends to price younger and low-risk consumers out of the market. In a 2006 NBER paper, Bradley Herring of John Hopkins and Mark Pauly of the University of Pennsylvania found that community rating results in an overall increase in the uninsured in the individual market, maybe as

high as 7.4%. For that reason, 35 states have no community rating at all, and another six allow very wide variations.

The larger reality is that private insurance won't be less expensive until overall health-care costs go down. Democrats may be confused on this point because government, which paid nearly 47 cents of every medical dollar in 2007, simply sets lower prices when Congress feels like it. On average, doctors and hospitals are forced to accept 20% to 30% less for their services in Medicare. That's another reason insurers wouldn't meet a trigger's thresholds, given that providers shift costs onto private under-65 patients to make up government shortfalls.

Conceivably insurers could make their products more affordable by cracking down on treatments and refusing payment more often, much as HMOs held down spending in the 1990s. But both patients and doctors hated this "managed care"—and in any case, Democrats would find a new rationale for the public option in the inevitable voter outcry about private "rationing."

It's true that there was a trigger in the Medicare prescription drug benefit and the world didn't end. But recall the dynamics in 2003: The GOP decided that private stand-alone or Medicare Advantage plans should manage the benefit. As a concession to Democrats, they agreed to trigger a "public option" for drugs—in which the government would have bought them directly, with its typical "negotiating" tactics—if seniors didn't have more than two plans in a given region.

Today, there are 1,689 stand-alone and 2,099 Advantage plans, and on average seniors have 50 to choose from—and costs in 2007 were \$26 billion lower than expected. For all its problems, the Medicare drug plan created more choice for seniors and more competition among providers to offer packages that they found most attractive, holding down costs. In short, it created the incentives for multiple "private options."

ObamaCare doesn't bother with incentives, instead merely increasing government command and control of private insurance while making it more expensive in the process. That's why a trigger will inevitably lead to the public option, and also why ObamaCare will make all of our current health problems worse.

Mr. MCCAIN. So, Mr. President, let me summarize. I come back from this recess—and I see my colleague also from Arizona in the Chamber—both of us come back, as a lot of my colleagues do, in the face of extreme unease, anger, and frustration on the part of the American people, not just over the issue of health care but over the issue, as I pointed out, of this massive spending and debt and deficit we have laid on future generations of Americans.

They want us to act in their interests. So wouldn't it be appropriate for the President, tomorrow night, if I may be so bold, to say: My friends and colleagues, the citizens have spoken. They want us to sit down together, and they want us to do what is doable. They want us to fix this cost escalation of health care in America, which is making it less and less affordable to all Americans. But the message we have gotten is, they are very skeptical about "government-run health care" or a "government option."

When the President says: If you like your health insurance policy, you can keep it, that is not true either. It is not

true either. Because if you had a government option, and it looked more attractive to your employer, and your employer decided to select the government option rather than the health insurance policy you now have, then you cannot keep it. So it is simply not true that under the government option, if you like your health insurance policy, you can keep it.

But the real point is, why don't we sit down—which we did not do; we did not do that at the beginning of this process—why don't we sit down with the smartest people on both sides of the aisle and say: OK, what can we get done? What can we get done here together and go to the American people and say we are going to make significant progress in eliminating this problem of out-of-control costs in health care in America.

I recall when I first came to the Congress of the United States—and it was pretty partisan then—Ronald Reagan had only been elected a couple years before that time, and Social Security was about to go broke. Social Security was going broke, and two old Irishmen—Tip O'Neill, a liberal Democrat from Massachusetts, and the conservative from California—sat down together and said: OK, we are going to sit together. We are going to fix Social Security. And they did. There American people were not only proud and grateful but they benefited.

Let's go back to square one. Let's sit down together and get this issue resolved.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Republican whip is recognized.

#### ORDER OF PROCEDURE

Mr. KYL. Mr. President, I ask unanimous consent to speak in morning business for not to exceed 15 minutes.

Mr. DORGAN. Mr. President, will the Senator yield for a unanimous consent request?

Mr. KYL. Yes.

Mr. DORGAN. Mr. President, I would make a request that Senator WHITEHOUSE be recognized following the presentation by the Senator from Arizona, that I be recognized following Senator WHITEHOUSE, and Senator INHOFE be recognized following my presentation.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. KYL. Thank you, Mr. President. I thank my colleague.

#### REMEMBERING SENATOR EDWARD KENNEDY

Mr. KYL. Mr. President, I want to speak to the same issue my colleague Senator MCCAIN spoke to in a couple minutes. But first I wish to make some brief comments about two of our colleagues who will no longer be with us—of course, our friend and colleague, Senator KENNEDY, and Senator MARTINEZ.

Let me, first of all, speak to Senator KENNEDY's departure from this body due to his untimely death.

During his five decades of public service, Senator KENNEDY served with diligence, tireless passion, and, of course, vigor—the word that immediately evokes the Kennedy spirit.

Because of who he was, he could have gotten by without a lot of hard work. But that was not his way. He believed deeply, so he worked hard—as hard as any Senator I have known.

One thing that has been commented on by many who worked with Senator KENNEDY was his willingness to compromise. I have characterized Senator KENNEDY as a legislator's legislator, often a results-oriented pragmatist, who knew that clashes between the two parties are inevitable and, in fact, an integral part of our political system, and that it was important to reach across the aisle if you wanted to get things done. He believed that people with dramatically different points of view could usually find some common ground.

While Senator KENNEDY and I did not share a perspective on very many issues, and he was always ready to make an ideological or political point, my colleagues and I appreciated his efforts to actually legislate as well. His dedication, his hard work, humor, and high spirit will always be remembered. My wife Caryll and I extend our thoughts and prayers to his family.

#### TRIBUTE TO SENATOR MEL MARTINEZ

Mr. KYL. Mr. President, I also want to say a couple words about our colleague MEL MARTINEZ from Florida who will be leaving the Senate on this coming Thursday. He has been an admirable public servant, both in this body and as Secretary of Housing and Urban Development. To each position he brought his considerable talent and devoted himself to solving problems in a practical, thoughtful, and bipartisan way.

Senator MARTINEZ never sought the limelight; he simply wanted to make a difference. He was disappointed, I know, that he was unable to move immigration reform forward. But we will try to apply what he has taught us about that issue. His positive influence here in Washington will be greatly missed.

A farewell to Senator MARTINEZ would not be complete without a note about his compelling life story and about his wife Kitty. As a Cuban emigre who came to America with few ties, Senator MARTINEZ represents one of the most inspiring aspects of American life: that talent and hard work unlock the door to great success. He has not forgotten those who helped him, just as all of us will not forget him. His wife Kitty has, likewise, made many friends in Washington and will also be missed.

Although I know he will not need it, I wish him all the best in his future endeavors, and I know he will remain an

important voice in our party and on issues important to all Americans.

#### HEALTH CARE

Mr. KYL. Mr. President, my colleague, Senator McCAIN, has spoken to the issue that is on the minds of all Americans today and which the Senate and House of Representatives will again take up as we return from the August recess; that is, how to deal with the issues that confront us in the delivery of health care today without doing damage to the care and the coverage that most Americans have and believe serves them well.

The approach I heard from my constituents over the recess was very similar to what Senator McCAIN has spoken about, which should not seem to be a big coincidence since we represent the same State. On one occasion we called about 50,000 Arizonans, had them on the telephone for about an hour and a half, and asked for their views, and gave our thoughts in response to their questions.

What I have been struck by is the consistency of the views that have been expressed in the various forums I had around the State, consistent with the townhall meetings Senator McCAIN had right in the heart of the Phoenix metropolitan area, views people expressed to me in every location, from the doctor's office I went to, to people meeting with me in my office, to folks at church. The message seems to be pretty much the same. And I think Senator McCAIN articulated it well when he characterized it as anxiety and concern.

One of my colleagues said he denoted in his constituents, in these townhall meetings, real fear. I think that is true. Because even though we know there are some things that need to be done to improve health care delivery in this country, most people, according to surveys, have insurance and believe what they have serves them very well or at least well. Our goal, therefore, is to try to solve the specific problems that exist without doing harm to the system that treats the others.

As I said, a lot of our constituents were very fearful that they were going to have to pay much more in taxes; that their debt burden as a part of what this entire country owes would be increased significantly because of the costs of the health care reforms that have been proposed; that they wouldn't be able to keep the insurance they have even if they like it; that the way they receive care—the advice they get from their doctor about what their family's needs are—would not necessarily be respected if the government has a large role in deciding what to pay for and what not to pay for; and generally that the government's continued takeover piece by piece of the American economy would not serve individual Americans well. To be sure, they agreed that some health care costs are growing too fast and need to be controlled and that

there are some Americans who don't have health coverage and really don't have a way to get it without public health. Those are the two key areas in which they recognize there is a role for government to play in reform.

But they also wonder why certain problems are not being tackled—the problem, for example, of what one characterized as “jackpot justice,” where trial lawyers bring lawsuits and sometimes get big rewards but frequently simply settle the cases, and the net result is that the medical profession in this country—doctors primarily but hospitals and others—spend an enormous amount of money, estimated to be at least \$100 billion a year, on what is called the practice of defensive medicine; that is to say, doing things—ordering tests, referring patients to other physicians and so on—all of which are really unnecessary for the care and treatment of the patient but which will protect the doctor in the event there is a claim of medical malpractice. This happens because the lawyers involved get so-called expert witnesses who come to court and tell the jury that the standard of care in the community is that if the child falls down on the playground and gets a bump on the head, you order a CAT scan. It doesn't matter whether or not from the physician's observations he can see that the child really, if the parents just watch him carefully that evening, should be just fine; no, to protect himself or herself against medical liability or malpractice claims, they order a CAT scan or some other kind of test. The net result of that, as I said, is an expense of over \$100 billion a year in unnecessary medical tests and procedures. The cost of those items, of course, is passed on to all the rest of us.

Another estimate is that 10 percent of every health care dollar is spent on the premiums physicians spend for their malpractice insurance. As lawyers, some of us know you have to pay some money for malpractice insurance before you can start work on January 1. That is fair. But how about \$200,000 in medical malpractice premiums for a neurosurgeon, for example. That is an awful lot of money if you are an OB-GYN, for example. This estimate of 10 percent of health care dollars spent on premiums means that if we could reduce the incidence of malpractice claims, we could reduce that premium cost, the physicians wouldn't have to pass it on to the insurance companies, who wouldn't have to pass it on to us, and again, our health care could be cheaper.

So because of premium costs and because of the practice of defensive medicine, this jackpot justice system has not served us well.

One would think that if we are interested in controlling costs, if we are making insurance more affordable for small businesses—for big businesses, for that matter—for their employees, and for us as individuals, and if we

want to encourage more physicians to stay in practice, then what we would do is tackle this problem. Is there one word about medical malpractice reform in any of the bills, the bill that came out of the HELP Committee in the Senate, the bill currently pending in the Finance Committee, or the bill that came out of the House of Representatives? The answer is no, not a word about medical malpractice reform. Why? Well, Howard Dean, the former Democratic Governor of Vermont and Democratic National Committee chairman, was very honest about this on August 17 at a townhall meeting with Representative MORAN in Virginia. He was asked that question, and he said: When you write a big bill, you don't want to take on too many special interests, and the people who wrote this bill simply didn't want to take on the trial lawyers, and, he said, that is the truth. It is the truth.

The reality is that the President is going to ask everybody else to sacrifice. For example, seniors are going to have to take a \$400 billion to \$500 billion cut in Medicare, which will mean less care for them. If small businesses are going to have to pay a tax on every one of their employees in order to make sure they get covered with insurance; if the pharmaceutical companies are going to have to pony up—I have forgotten how many hundreds of billions of dollars it was for more drugs for seniors, for example; if everybody else is going to have to sacrifice, why didn't we ask the poor trial lawyers to give up just a little bit here? We are not saying malpractice claims couldn't be filed. That is the way doctors and hospitals and others are kept honest. When you make a mistake, you are going to have to pay for it. But we can make sure the system works to prevent the kind of jackpot justice I spoke about.

There are at least five different kinds of medical malpractice reforms that have worked. One was offered by Senator ENZI in the HELP Committee; it is called health courts. The State of Texas and the State of Arizona have both adopted certain kinds of medical malpractice reforms. In Arizona, it has begun to work. In Texas, something like 7,000 doctors have moved into the State, with premiums being reduced by either 21 or 23 percent. In other words, medical malpractice costs can be reduced to provide care, and by reducing that cost, people's premiums can be cut, and that will make insurance more affordable and more people will be able to get it.

My point here is simply to say this: What we found as we talked to our constituents was a fear that in order to solve two or three very discrete problems, there were people here in Washington who wanted to remake the whole system, throw out what we have, and impose on it a new regulatory regime. Whether there is a government option or government insurance plan is only part of the issue. The problem is

that there is government control of everybody irrespective of that, and people are concerned as a result that their care will be rationed, that taxes will go up, and that, in fact, their premiums will go up.

How could that be if we are going to try to make care less expensive? I will give one example. I talked to people who are relatively young and relatively healthy, and they are very aware that if they are put in the same pool with everybody else, with the people who are sicker and older, they are all put into one pot and you can't discriminate on the basis of health condition—and we do believe people with preexisting conditions should be able to get insurance—then, naturally, the people who are younger and healthier are going to be paying more for their insurance than they would if they were in a category all by themselves, and that is what the actuarial data shows us. So it might make insurance more affordable for somebody who is older and sicker, but it will definitely raise the cost of insurance for those who are younger and healthier. There have to be ways to avoid that perverse result. There are, in fact, and Senator MCCAIN talked about a couple of those that I will mention in just a moment.

There ought to be a way to ensure that everyone in this country can get affordable, quality health insurance without taxing all employers, especially small businesses—the very entities we are counting on to bring us out of this recession. We know that almost all of the jobs created in this country in the last 2 or 3 years were created by small business. Large businesses lost—in fact, we have lost about 3 million jobs in this country. In this recession, 3 million jobs have been lost. How are those jobs going to come back? It is going to be through small business. That is where over 80 percent of the jobs are created, and that is where they will be re-created to get us out of this recession. Why, when we are in the middle of this recession, would we want to tax people to say: If you want to hire somebody, it is going to cost you X amount. Why don't we give them an incentive to hire more people, not give them a disincentive through taxation. Why would we raise the taxes of all businesses, including, by the way, raising taxes on insurance? Insurance companies are fun to pick on, I grant. But does the insurance company just pass the cost of that tax that is going to be imposed on it to its premium holders? Of course. There is no free lunch. We end up paying the taxes. As everybody knows, corporations don't pay taxes, people do.

The net result is that when people are concerned about the economy, No. 1, about our rising debt, about the potential they are going to be taxed, and about the need to re-create jobs, what they are telling us and what they told me when I was back home is: Solve those problems first. When you get that solved, then if you still want to

look at health care, go ahead and do that. But in the process of doing that, don't throw the baby out with the bathwater. Don't try to throw out a system that works for most people. If you have a specific problem, target solutions to that problem. You could cover the 12 million people who can't afford insurance and who need to get it today, you could buy them all insurance with the savings you get with malpractice reform. Why don't we do that? The jackpot justice system is a problem in and of itself, and we have a problem because some people can't afford insurance and we need to help them get it. The money we save from one can help pay for insurance for the other. Why not do that? We don't need to change the entire system of health in this country in order to do that.

Since everyone knows Medicare is in trouble, why would we get it in further trouble by cutting it by \$500 billion, and instead applying that savings back in to help make Medicare solvent, provide coverage for people with that money when, in fact, you could get the money elsewhere.

That is what people are concerned about. They see some problems, but they see a solution that does not fit the problems, and they are afraid of it because it is too big, it is too much. People are trying to do it too fast. In fact, one asked why were they trying to rush this bill through before the end of August when it doesn't even take effect in most aspects until the year 2013. Good question. It has been a good thing that the American people have had a chance to consider this, that we have had a chance to read it and we have had a chance to talk about it.

Here is the bottom line. Republicans have a lot of alternatives. Senator MCCAIN talked about them: the malpractice reform; getting rid of the waste, fraud, and abuse in programs such as Medicare; selling insurance across State lines; providing association health plans so that small businesses can compete with the insurance companies in the same way the big businesses compete. These are ideas that can discretely be put into place to solve specific problems, and at the end of the day we will have achieved two things: We will have reduced the cost of health care premiums and the cost of health care for everybody, not just a few, and at the same time we will have been able to, with that savings, provide coverage for people who need it and cannot get it. To do that, it is not necessary to scrap everything we have and create a whole new system where the government takes over health care just as it has insurance and banking and automobiles and everything else.

So that is what I am hearing from my constituents, and I hope, as we are reengaged in this debate, we will do the one fundamental thing our Founding Fathers had in mind when they set up the kind of system we have here, and that is that we will listen to our constituents, never forgetting they are our bosses and we work for them.

I thank the Chair.

The PRESIDING OFFICER (Mr. KAUFMAN). The Senator from Rhode Island is recognized.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent to speak for up to 15 minutes.

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

Mr. WHITEHOUSE. Mr. President, why are we working so hard on health care reform right now? Well, one reason is because the present system is out of control and unsustainable. This is the cost curve of our national health expenditures. In 2009, it hit \$2.5 trillion, and it is going to continue to go up to the point where right now it is estimated that in the year 2016—which is not too far from where we are right now—in the year 2016, a standard family policy on average in Rhode Island will cost that family \$26,000 a year. A middle-class family in Rhode Island cannot afford \$26,000 a year just for health insurance. Something urgent has to be done.

During the 8 years of the Bush administration, it probably increased by nearly \$1 trillion, and nothing got done. Our friends on the other side of the aisle were happy as clams with that state of affairs. Now, in the first year of the Obama administration, with more progress made on health care than at any time since back when the Clintons tried it, we hear once again the catcalls and the criticisms from our colleagues—anything to stand in the way of progress. But that is why it is so important. We simply can't afford not to do so when we look at the risks our country faces economically.

There has been some criticism of the stimulus bill, the Economic Recovery and Reinvestment Act. This is it right here: \$0.8 trillion. From all the noise on the other side of this Chamber, one would think this dwarfed, shadowed the fiscal health of the Republic, but, in fact, it is a tiny little sliver compared to the debt that was run up during the Bush administration. We see that \$8.9 trillion is the difference between what the nonpartisan CBO projected when President Bush took office from President Clinton and when President Bush left us when he was done—\$8.9 trillion. This doesn't even count the Bush hangover of all the spending President Obama has had to do to help save the banks, to help save the financial system, and to help save the American auto industry.

He campaigned on none of that. None of us wanted to do that. When catastrophe asserted itself, we had to respond. The catastrophe took place not on President Obama's watch but beforehand. He has led this effort to put out the fires. The big risk is the \$38 trillion in unfunded liability for Medicare alone. That is part of that climbing cost picture that is driving us out of control.

Of that, the Lewin Group—a pretty respected group around these parts for their opinions on health care—says the

excess costs in the health care system add about \$1 trillion a year: \$151 billion for excess costs for incentives to over-use services; \$519 billion for excess costs from poor care management and lifestyle factors; \$135 billion a year for excess costs due to competition and regulatory factors; \$203 billion a year from excess costs due to transactional inefficiencies.

We can reform this health care system in a way that improves the quality of care, while addressing this \$1 trillion in excess costs, which, according to George Bush's former Treasury Secretary, Paul O'Neil, who ran the Pittsburgh Regional Health Initiative and knows something about health care, is associated with "process failures."

Process failures can be corrected. One of the ways you can correct them is with a competitive public option. We have had a lock in the main middle market of health care by the private insurance market for all these years. This is what we are left with—\$1 trillion in waste from process failures. Obviously, they failed at the job. They have catastrophically, indisputably failed.

All we ask is to put a public option in side by side to compete with them—in the same way a public option in workers' compensation insurance competes in Senator McCain's home State of Arizona with the private insurance providers in workers' compensation. I don't hear complaints from him about the business community and the workers' compensation.

In the home State of Senator ENSIGN, Nevada, there is actually a single-payer public option for workers' compensation health insurance, and his employers seem absolutely fine with it. So it is not as if it is some strange, bizarre idea out on the fringes; it is a way of doing business in some of the home States of the opponents of this.

Our colleagues and their predecessors in this Chamber opposed Medicare when it was first proposed. Now it is probably the most popular program in the country. We have seen them in this Chamber fighting against children's health insurance. It was only thanks to our beloved colleague, Senator KENNEDY, coming back from his sick bed to cast the tie-breaking vote, that we actually were able to win that against Republican opposition.

The ideas they have seem, to me, to be abject failures. One is to continue the lock for private health insurance companies so they are the only place you can get coverage, unless you are old enough for Medicare or you qualify for Medicaid or you are in the military. That is clearly not a sign of success.

As Senator McCain indicated, it would be good to be able to cross State lines and buy insurance from out-of-State insurance companies. Yes, look how well that turned out for us with the credit card industry. We just had to pass legislation, thanks to Chairman DODD, to rein in the abuse and practices of the credit card industry be-

cause you can go to practically unregulated States and get credit cards that don't have basic consumer protections.

We don't want to see that in health insurance. We want careful, thoughtful local regulation of health insurance. We have 100,000 people who are killed every year by medical errors—and who knows how many injured—and the solution our friends across the aisle see is to take away the damages that the worst injured Americans are entitled to. That is how the reform they proposed in the HELP Committee works. It cuts damages, caps them, meaning it only would affect the people for whom the damages are the highest, who are harmed the worst, who would disproportionately be women because of the way it was organized, focusing on economic damages. So if you take a system where you kill 100,000 Americans every year because of medical errors—and injure who knows how many more—and your solution to the problem is to put the cost of it entirely on the backs of the worst victims of that error and injury, I think that is a mistake.

We would prefer, as Democrats—and I think as rational people—to reduce the incidence of malpractice and error, reduce the errors of malpractice claims by reducing the incidence of malpractice and error. We put enormous effort in this bill into putting structures into place to allow that to happen.

In terms of the real fear people heard when they went back home, it was a little disingenuous when that fear was whipped up by our colleagues with false statements about death panels in the legislation, how this was socialized medicine, and how a bureaucrat would jump in between you and your doctor if the bill passed. That is patently false. It spread like wildfire. Who wouldn't be afraid of those things? Now they observe there is real fear out there. I also had the opportunity to travel around my State during this break, similar to many colleagues, and I sat down with my constituents and heard what they had to say about health care reform. I sat down with hospital executives; pediatricians; OB/GYNs; family physicians; critical care doctors; the State medical society; health insurers; CVS, the pharmaceutical chain that makes its home in Rhode Island; the Rhode Island MS chapter; business community leaders; members of our Rhode Island quality institute, which is reforming health care at the State level and it gives great leadership to our country right now; and with members of all walks of life who have come together and are working tirelessly to help build our State's information technology infrastructure.

I learned a great deal from those individuals and institutions. I learned a great deal also at two community dinners I held in West Warwick and in Johnston, RI, where hundreds of Rhode Islanders came out to join me and our senior Senator JACK REED, not only for

spaghetti and meatballs—and they were good. I think I might be the only Senator to introduce meatballs into the townhall formula, and it worked fine. They were for a serious, civil, and constructive debate on the state of our current health care system. It brought out some stories I wish to share quickly this afternoon.

The first story is about Christine, who is a wife and mother, from Coventry, RI. Her family's struggle to maintain health insurance has left her and her husband with very difficult choices and few options. In 2007, Christine was diagnosed with multiple sclerosis. Shortly thereafter, she lost her job. She was shifting the family's coverage to her husband's employer, when her husband was laid off as well. That left Christine and her husband and their 6-year-old son with no health insurance. Still reeling from those bits of bad news, Christine and her husband were faced with decisions no one should be forced to make. Without medical insurance, with no affordable options for health coverage because of Christine's preexisting condition, they faced a choice now of leaving their home—think about that. You have a 6-year-old son who might lose his home—or paying for health insurance. At the moment, they cannot see a way to manage both.

As Christine told me:

I don't want any handouts. Unfortunately, life has handed me and my family a difficult path, and right now my family needs a little help. We should not have to make a decision between our health and our financial stability.

Until her husband finds a job, Christine says that every day they hold their breath and pray nothing will happen because that is all our broken health care system now has to offer them.

I also met Anna from Johnston, RI, who shared the story of her sister Tina. As is the story of so many today, Tina's husband lost his job. Their only option for health insurance was through COBRA. At \$1,500 a month, on top of mortgage and car payments and groceries, Tina knew, financially, this coverage was unsustainable. Finally, she had to give it up.

Shortly after dropping coverage, Tina began to lose weight. Anna explained that, at first, she thought her sister's weight loss was a reaction to the stress of the family's financial situation. But then the weight loss continued, and they realized something was seriously wrong. Despite urging from her family, Tina resisted going to the doctor because she was afraid the medical bills would make a very difficult financial situation unbearable.

Eventually, Tina felt so sick they called the ambulance, and she was taken to the hospital. Tina died 3 days later of a heart attack, complicated by bone cancer and diabetes. When Anna talked to the doctor who treated Tina, they asked the family why Tina had avoided coming to the hospital for so



long because, with proper early intervention, her sister's conditions would have been treatable.

Anna told me she understands people get sick and die, but the manner in which her sister passed away was tragic because it didn't have to happen.

Over the August recess, I also heard from Rhode Islanders through the health care storyboard I ran on my Web site. Two of the stories are remarkable.

The first is from Ken, a recent Rhode Island College graduate from Greenville. He worked hard, dreaming he would be the first in his family to achieve a college degree. A year after graduation, Ken has that college degree, but he cannot find a full-time job with health insurance benefits. In this difficult economy, he works two part-time jobs at minimum wage, and he has no health benefits.

Ken wasn't looking to make a six-figure salary after graduation, but he was looking to be able to get by. On his current income, he has difficulty making ends meet with his day-to-day expenses, and he says it will take years to pay off his student loans at this rate.

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

Mr. WHITEHOUSE. I ask unanimous consent for 5 more minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. WHITEHOUSE. Ken is having a hard time making ends meet with his day-to-day expenses, and it will take years to pay off his student loans. On such a limited income and in this situation, health insurance is simply not an option for Ken.

Ken is discouraged and frustrated. Despite his hard work and achievement, he knows that at any moment he is one sickness or injury away from thousands of dollars in debt or ruined credit that would affect his chances for a prosperous future. He has worked for everything he has earned, but health care costs are so high he is scared about his future, if nothing is done to fix our health care system.

Last is Beth, a small business owner in Providence. She and her husband have two full-time and two part-time employees. They find themselves at the whim of insurance companies. Because they don't have the bargaining power to negotiate the terms of their health insurance package, they have seen 41 percent increases in their insurance rates for 2 years in a row.

Beth told me the cost of health insurance is breaking the backs of small entrepreneurs, those critical drivers of innovation and building blocks of our Nation's economy. She doesn't understand how or why anyone would start their own business under the deep financial burdens imposed on small business by our current health insurance system.

Beth also cannot afford health insurance coverage for her twin 3-year-old

girls. Beth admits she is terrified about what might happen to them without the safety net that health coverage offers. She urges us to work quickly toward reform so others do not have to struggle with the same fear and frustration as her family.

The Senate has been working hard on health reform legislation since the very beginning of this year. The process is trying and tiring and extremely complex. As we turn up the heat even more the next few weeks and become mired in the intense process of drafting a final bill and getting it to the floor, I urge my colleagues to remember health care reform is not about the interest groups, it is not about parliamentary procedures, it is not about secret meetings, and it is not about CBO scores. Reforming our health care system in America is about Christine and Tina and Beth and Ken and thousands like them in every one of our States across the country. And it means injecting some fairness and some reason into a system that has punished the sick, rewarded the greedy, and discouraged those who try to do the right thing.

For me, these stories reinforce the urgency of what we need to get done in the Senate. I am fully committed to completing this task, as I know the Presiding Officer is, and I look forward to getting it done over the next few weeks.

In closing, let me just say this is the first time I have spoken on the Senate floor since our colleague, Senator KENNEDY, has left us. His desk is three down from me. I don't know if the camera shows it now, but there is a black drape over it and some flowers and a copy of Robert Frost's "The Road Less Traveled." I know this poem meant a lot to him, and he certainly meant a lot to me as a very gracious mentor with vast experience who could easily have ignored a new colleague. But he took an interest, and I will never forget his kindness to me.

We all will miss his booming voice. He could fill this Chamber with his voice. We will miss his rollicking good humor. No one enjoyed life and enjoyed his colleagues more than the senior Senator from Massachusetts. We will miss his masterful legislative skills as we try to work our way through the obstructions the other side will be throwing up against progress on health care reform. His wise voice and counsel will be missed.

Finally, we will miss his lion's heart. He knew when the fight was right, he knew when it was worth fighting for, and he was in it to win it.

TED, God bless you. We miss you.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I ask unanimous consent to speak in morning business for 15 minutes.

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

Mr. DORGAN. Mr. President, let me follow on the remarks of my colleague

from Rhode Island as he discussed briefly at the end of his remarks the loss of our colleague and friend, Senator TED KENNEDY.

The desk that is now cloaked in black and adorned with flowers is a desk that was once occupied by Senator John F. Kennedy, then occupied by Senator Robert Kennedy, and for many years occupied by Senator TED KENNEDY.

He was an extraordinary friend to all of us, a remarkable legislator. This is not a case of the Senate just losing one Senator. He was such a much larger presence than that in the public life of our country and particularly in the workings of this Congress.

My thoughts and prayers have been with TED KENNEDY and his family over these many months as he has battled brain cancer. Now, since his death, we have all reflected on what he meant to us and to this country.

Today it seems inappropriate to take the floor of the Senate without at least acknowledging the absence of our friend, TED KENNEDY, and to send our prayers to his family.

#### WASTE, FRAUD, AND ABUSE IN PUBLIC SPENDING

Mr. DORGAN. Mr. President, when Senator KENNEDY would come to the floor with a booming voice, full of passion about an issue, it was an extraordinary thing to watch and to listen to. He had that kind of passion. I do want to say there are a lot of things for us to be passionate about. One of the things I have talked about on the floor of the Senate is the waste, fraud and abuse in public spending. All of us believe in investing in programs that work to try to help make life better in this country and advance the interests of this country. But it makes me furious to see the kinds of things I see from time to time that represent waste, fraud, and abuse and unbelievable incompetence. Let me describe just one.

We know this not because of some extraordinary work by this body. We know this because of some extraordinary work by C.J. Chivers and Eric Schmitt at the New York Times because they wrote a story about it.

Let me tell you the story, and I am sure it will make every American as angry as it makes me. This is a picture of Efraim Diveroli, a 22-year-old CEO of a firm awarded \$300 million in U.S. contracts to provide armaments, bullets, and guns to the Afghan fighters. That is right. A 22-year-old man using a shell corporation established by his father, working out of a building with an unmarked door in Miami, got \$300 million in contracts from the Department of Defense. He was a CEO. By the way, there is no evidence of any other employees except him and his vice president. Yes, his vice president was older, 25 years old and a massage therapist.

Let me say that again. The Department of Defense gave \$300 million in



contracts to a 22-year-old CEO of a company—a company that was run by a 22-year-old CEO—and a 25-year-old vice president massage therapist.

Why do I tell you this today? Because a new story just recently described the fact that Mr. Diveroli pled guilty to a fraud conspiracy charge relating to the \$300 million in U.S. contracts. He faces up to 5 years in prison.

I have spoken about this man and this circumstance probably three or four times on the floor of the Senate to ask the question: How on Earth could this have happened?

Let me just show, if I might, what this was about. This was about products. No, not staplers or reams of paper. These were killer products, ammunition; ammunition that was supposed to be provided to the Afghan fighters. As it turns out, ammunition that spills out of boxes. Here are some other examples.

In this chart, these are bullets, 40-year-old, Chinese-made cartridges they found somewhere in the world and sent them over to Afghanistan and the Afghan fighters.

Here we can see spilling out of boxes 42-year-old Chinese ammunition that was delivered in Afghanistan from these two folks.

The 22-year-old CEO with whom both the Defense Department and the State Department did business, by the way had previous contracts with the State Department. They were unsatisfactory, and despite that, he got \$300 million in contracts from the Defense Department. This photograph is from 2007. That is when he got the \$300 million in defense contracts. This photograph happens to be a police photograph because he was arrested for assaulting a parking lot attendant. At the time, he was found to have had a forged driver's license which made him out to be 4 years older than he really was. He said he forged the license and didn't need it any longer now that he is 21 because he only wanted to buy alcohol in the first place.

They ran the company, AEY—the 22- and 25-year-olds getting \$300 million in defense contracts after they had gotten contracts with the State Department and judged to be unsatisfactory—out of a building in Miami. It was an unmarked door in a Miami Beach building. That is all you could see. The only evidence that exists suggests that this was a company with just two people.

Mr. Packouz, the 25-year-old massage therapist, has also pled guilty. So both have now pled guilty. I have shown examples of the arms they were supposed to have procured for the Afghan fighters, and when they were delivered, the Afghan fighters called them “junk”—junk—stuff that was made in the 1960s in China.

The way they purchased this so-called junk violated U.S. law in the first place. The New York Times originally published this story. That is when I saw it. That is when I came to the floor of the Senate and asked a

very simple question: How did this happen? How on Earth could this have happened? Who is minding the store? If the Army had made the slightest effort to look into the backgrounds of Mr. Diveroli and Mr. Packouz, they never would have granted contracts to them.

The award was made in January 2007 by the Army Sustainment Command. On May 7, 2008, I met with Army LTG William Mortensen to find out why on Earth they gave contracts in this circumstance. Mr. Mortensen was a three-star general, Deputy Commander of the Army Materiel Command, which commanded authority over the Army Sustainment Command. They had awarded this contract. General Mortensen has since retired. He was completely unapologetic about this, by the way. He said the Army contracts were with companies, not individuals, and on paper the Diveroli company looked just fine.

Of course it didn't because they had not looked at the paper. Had they looked at the State Department with which that company previously contracted, they would have found out this is nobody with whom to contract. He told me nobody in the Army had thought to look through the background of Mr. Diveroli and Mr. Packouz, even though this was a company which consisted, as we know, of just two people. He told me, under similar circumstances, the Army would probably make the same decision again and give contracts to such people again. Then he told me if Mr. Diveroli and Mr. Packouz were acquitted, the Army would go back to doing business with them.

If General Mortensen had wanted to know a little bit about with whom they were doing business to the tune of hundreds of millions of dollars he could have gone to MySpace. Mr. Diveroli had a page on MySpace. He describes himself as a super nice guy. He said on MySpace:

I had problems in high school so I was forced to I work and probably grew up way too fast.

He said:

Basically I'm just chilling with my boys.

And he likes to go clubbing and see movies.

He could have checked, of course, more than MySpace.

He could have checked perhaps a criminal record and found he had been charged with domestic violence and with drunk driving. He could have Googled his name and discovered the vice president, in addition to being a massage therapist, was a professional song writer.

With these kinds of backgrounds, I am just wondering, where is there accountability? Where is the accountability? I understand that because two enterprising reporters for the New York Times broke this story, and we probably would not know it now because this did not come from oversight hearings, it did not come from a Truman committee we should have in this

Chamber investigating these things, but it was enterprising reporting that did this. I understand that. So because of that, we have a couple of people charged criminally.

The question I ask is, where is the accountability in the Department of Defense for deciding they are going to move \$300 million through the hands of these two? Who did that? Who is responsible? Were they asked to account for it and to answer for it to the American taxpayers and the government for which they worked?

The answer is no, and that is what is wrong, and it is why I come to the Senate floor to recite this again. There is some good news. Finally, we have criminal charges that have been adjudicated, and the fact is, two people have pled guilty. But will this be happening today somewhere in the Pentagon? Will it? Did it happen with water that was sent by a contractor to all the military bases in Iraq, the non-potable water that has more contamination than raw water from the Euphrates River? Did it happen there? The Army said no. The inspector general, at my request, investigated and said, yes, it did happen.

I can go on at length about dozens and dozens of similar circumstances. The question is, who is accountable for the spending of this money? Who has been made to be accountable? Who had to answer for it?

I ask the Secretary of Defense and others: Is there somebody made accountable for this situation? I understand there is criminal accountability for these two people. But is there accountability for the people who decided to employ them, despite all the evidence that this made no sense for our country?

I ask that question for a very important reason. We are going to have a debate about Afghanistan. I have very strong feelings about that issue as well. What we are seeing now is more and more contracting being done in Afghanistan just as the ratcheting up of contracts occurred in Iraq. More and more and more contracting. Who is minding the store? What kind of oversight can we expect? Or will we a week from now, a month from now, or a year from now read another story by a couple of good reporters who dug it out to say something happened that is unbelievable and the American people got defrauded to the tune of millions of dollars or, in this case, hundreds of millions of dollars.

All of us have responsibility at this point to make accountable those who allowed this sort of thing to happen and not just in this case. I have done 20 hearings now as chairman of the Policy Committee, which have helped to unearth a great amount of evidence of waste, fraud and abuse.

Well, I know my colleague in Oklahoma is patiently waiting, and I wish to give him an opportunity to speak. I only want to say this. This is a conclusion with criminal charges and guilty

pleas with respect to this issue, which I think is a metaphor for a much larger set of problems that we in the Congress and in the administration have a responsibility to address and to address soon. This issue of big Federal budget deficits is very real. They are unsustainable and dangerous. One of the ways to deal with them is to tighten our belts and start cutting spending where spending is being wasted. This was an unbelievable waste of the taxpayers' money, and my hat is off to the reporters who discovered it. I have been following it now for a couple years on the floor of the Senate, and at least I am able to say guilty pleas have been received.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I have been here this afternoon and hope to get a little more time than we are getting. Right now we are into the final debate on the vote that will take place at 5:30. The Senator from Nevada, Senator ENSIGN, has agreed to let me have 10 minutes, so I ask unanimous consent to speak for 10 minutes as in morning business.

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

Mr. DORGAN. Mr. President, could we point out that we are to go to the bill at 4:30. I discussed with my colleague that we have 30 minutes on each side on the bill, and if we could go to the bill and then have my colleague speak on that portion of the bill, I think that would be the right approach.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized for 10 minutes.

#### ISSUES FACING THE SENATE

Mr. INHOFE. I thank the Chair.

Well, first of all, I had a few stories I was going to tell about my very good friend who is deceased now, Senator KENNEDY, and if there is time before my time expires I will get into that. I have a feeling more will take place on that tomorrow or later on tonight.

Let me mention one thing because I think it is so fresh on our minds now, having come back from the August recess. I did my town meetings in smaller communities in Oklahoma. I was in Stigler, Coweta, Chickasha, Grove, Woodward, Guymon, McAlester, and Lawton. I did this because so many times smaller communities are left out, and I wanted to know what kind of response they had. I made the comment when I was in Grove, OK, that the very institutions that have historically set America aside from the rest of the world are the ones that seem to be under attack by this administration. I am talking about free enterprise, talking about the fact of little government, big people, and all these things.

Since the junior Senator from Oklahoma, Mr. COBURN, is one of the two medical doctors in the Senate, I de-

cided to talk about the other issues. My fear is this: There was concern about socialized medicine. Everyone is concerned about what this President wants to do with the health issues in America, but we are forgetting there are other very serious issues. So I covered these, as opposed to the health problems, because these are things we are going to be dealing with in the Senate in the next few days or weeks, and they are very significant.

One of them is the cap-and-trade issue that we have talked about at some length, and I will get into that in a minute; the other is the closing of Guantanamo Bay Naval Station, or Gitmo as it is known to most people, and the other is what has happened to our military. So let me, real briefly, get into these areas. These are three areas where I will be providing leadership. These are the areas of specialty I have and I am very much concerned about.

First of all, I positioned myself in Afghanistan in February, when Secretary of Defense Gates came out with his announcement as to the portion of the President's budget dealing with defense because I knew I was going to be opposed to it, and I thought that would give me a national forum, and it did. I was concerned about such things as the F-22. Right now, the only fifth-generation fighter we have is the F-22. Initially, we were going to have 750 of them. We now have 187, and the President, in his budget, stopped it right there. He didn't say terminate, but I will use the word "terminate," because when you suspend something for an undetermined period of time, I think it is terminated.

At the same time that happened, we know that China is now working on their J-12s and Russia on their PAK-FAs. These are fifth-generation fighters they are going to be using to export to countries that could be potential enemies of ours. I have looked at the C-17 program—stopping that program—the future combat system. We haven't had in America a transition in ground capability in quite some time—about 60 years. So we have been working on the future combat system. That system has been terminated.

I think the one that probably has the greatest danger on the lives of Americans could probably be the system we had negotiated with the Parliaments of Poland and the Czech Republic. The Czech Republic was asked if they would agree to have a radar system to see any kind of incoming missile which might have been coming from Iran, and they agreed to do that. Then Poland agreed to have an interception capability that would knock down such a missile coming from Iran. I don't think there is anyone in America who doesn't realize that Iran is going to have their nuclear capability and delivery systems just as soon as they can. For the sake of Western Europe and the Eastern United States, I think it is critical we put ourselves in a position to have that capa-

bility. Well, he stopped that. So we will be talking about that for quite some time.

Gitmo. I think most people realize now that Guantanamo Bay is an asset we have had since 1903. It has all kinds of capabilities. It is the only place in the world you can put terrorist detainees where you can have a facility built for them—some seven degrees of security. We have a system there where we use military tribunals. I will never understand why President Obama is obsessed with bringing these detainees into the United States either for trial or for incarceration. For a trial, it would be the worst plan in the world because, by definition, a terrorist trains people to become terrorists. We don't need to have terrorists in our prison system teaching other people how to become terrorists.

Some of the places the President talked about sending them included my State, at Fort Sill. We will talk about that maybe some other time. But I do think, when we see just a matter of days ago, the release of Mohammed Jawad from Gitmo, nobody knows—or at least I don't know, and I should know, being the second-ranking member on the Armed Services Committee—why he would be released. We also know Mullah Zakir, who was killing American marines in the Helmand Province for quite some period of time, was released and is now back. He went into Gitmo in 2006, they released him in 2008, and he is back. Now we have received evidence that is conclusive that he is fighting on the side of the Taliban. So you can't turn these guys loose.

The third area I was concentrating on is one I will go back to 8 years ago. Redemption is kind of good for the soul, I think, because 8 years ago I was looking at the science on the notion that manmade gases—anthropogenic gases, CO<sub>2</sub>, methane—caused global warming. It was something everybody believed. Until I looked into the science, frankly, I believed it too. Now we see the science is not there. I made the statement 8 years ago that perhaps those liberals—mostly from Hollywood and that type of mentality—who want us to believe in the notion that manmade gases cause global warming is the most significant hoax ever perpetrated on the American people. I think now there are a lot fewer people today who are upset with the statement I made 8 years ago than there were then. This is something that is critical.

I wish to conclude with that, but first of all I wish to mention that there is a document that is too long to put in the RECORD. It is some 65 pages. I will have it on my Web site. This is a brave paper done by Robert P. Smith. He has a Ph.D., he is a petroleum engineer, and he talks about the energy crisis and what we can do in the United States to resolve that energy crisis—such commonsense things as continuing to conserve, to continue to support the free market, to oppose the cap-and-trade

taxes—which I will talk about in a second—to oppose the alternative energy subsidies because we have to continue to develop and to supply energy for America while we are developing the technologies, so we need to continue coal-powered generation. We need to fast-track oil and gas exploration and use natural gas wisely. It includes nuclear plants.

I would suggest to anyone who is interested in getting into the best piece I have seen on this subject to go to my Web site—[inhofe.senate.gov](http://inhofe.senate.gov)—and we have a lot of that information on this. But he does have only 3 pages out of the 65 pages detailing the idea that global warming is caused by manmade gases, and I think it is done in a way that is very understandable by people who are not necessarily scientists or don't have a background in it. So I strongly recommend this document—called "Energy: Present and Future," by Robert P. Smith—to the reading list of the American people or anyone who is concerned about that issue.

Lastly, prior to the Republicans losing the majority in the Senate, I was the chairman of the Environment and Public Works Committee. That chairman is now Senator BARBARA BOXER. She took over the committee from my leadership.

The PRESIDING OFFICER. The Senator has used 10 minutes.

Mr. INHOFE. I was given an additional 5 minutes from our side, Mr. President.

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

Mr. INHOFE. I thank the Chair. I will conclude with this.

During the time that all the hearings—over 30 hearings—that Senator BOXER has had on the subject of global warming were taking place—and it was not just the Republicans but a total turnaround—the Democrats started to look into this and realized the Democrats, as a party—who always supported cap-and-trade systems, such as the 2003 bill and the 2005 bill and the 2008 bill—are now looking at it and they are cutting to the chase. I will give a few quotes here. These are all quotes from Democrats.

President Obama said: Electricity prices would necessarily skyrocket. Democratic Representative JOHN DINGELL from Michigan said: Cap and trade is a tax and a great big one. Democratic Representative PETE DEFAZIO said: A cap and trade system is prone to market manipulation and speculation without any guarantee of meaningful GHG emission reductions.

The best is from my good friend from North Dakota, Senator BYRON DORGAN, when he said about cap and trade: The Wall Street crowd can't wait to sink their teeth into a new trillion-dollar trading market in which hedge funds and investment banks would trade and speculate on carbon credits and securities. I totally agree with my good friend, Democratic Senator BYRON DORGAN.

Democratic Senator CANTWELL from Washington: A cap and trade program might allow Wall Street to distort a carbon market for its own profits.

We learned, of course, from Lisa Jackson, who is the new Administrator of the Environmental Protection Agency, when I asked her this question in a public hearing. I said: If we should pass the Markey bill in the Senate and it gets signed into law, will this reduce carbon emissions in the world?

She said: No.

Logically, obviously, she is right. If we drive our jobs overseas to places such as China and India, where they have no intention of having any kind of emission requirements, then that would have the effect of increasing, not decreasing, the amount of emissions in the air.

Senator KERRY said: There is no way the United States of America acting alone can solve this problem. So we have to have China; we have to have India.

I say we are not going to have China and India.

Senator MCCASKILL said: If we go too far with this cap and trade, then all we are going to do is chase more jobs to China and India, where they have been putting up coal-fired plants every 10 minutes.

Not quite true. I would say to my good friend, Senator MCCASKILL, it is about two coal-fired generation plants that are built every week in China. We haven't done one in 12 years here. So we know what their intentions are.

So we have had all these hearings, and we have recognized that things have changed now. You look at the groups now, and you have the agricultural community, the American Farm Bureau, and a vast majority of the agricultural groups who oppose it. The GAO says it will send our jobs to China and India. The very eloquent chairman of the National Black Chamber of Commerce did a great job of testifying before our committee and said it would destroy over 2 million jobs. The EPA and the EIA—that is the Energy Information Agency—said it would not reduce our dependence on foreign oil. The EPA said it will do nothing to reduce global temperatures. So when all is said and done, the American people will reject it. We are sure a lot further now.

I have to say this: This was a breath of fresh air, to listen to the American people standing up at these townhall meetings all around the country. In my 12 or 14 meetings I had in my State of Oklahoma, people know the right thing is going to happen. We are here to make that happen.

With that, I thank the Senator from Nevada for allowing me to have 15 minutes of his time, and I yield the floor.

#### 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 resumes consideration of S. 1023, which the clerk will report.

The 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.

Reid motion to commit the bill to the Committee on Commerce, Science, and Transportation, with instructions.

Reid amendment No. 1351 (to the instructions on the motion to recommit), to change the enactment date.

Reid amendment No. 1352 (to amendment No. 1351), of a perfecting nature.

Reid amendment No. 1353 (to amendment No. 1352), of a perfecting nature.

The PRESIDING OFFICER. Under the previous order, the time until 5:30 p.m. will be divided or controlled between the leaders or their designees.

The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, I want to begin the discussion, then I believe my colleague, Senator ENSIGN, who has worked hard on this legislation, will follow. Then Senator KLOBUCHAR who also has played a significant role in this will follow with comments. If others arrive, of course we want them to be able to involve themselves in the debate.

At a time when there is so much discussion about partisanship and how things don't work so well, this legislation, the cloture motion we vote on at 5:30 today, is bipartisan. Unlike some other discussions about partisanship, this is bipartisan. This legislation is called the Travel Promotion Act of 2009. It has 53 cosponsors. There are many Democrats and Republicans cosponsoring this legislation.

Just today the U.S. Chamber of Commerce sent a letter to all Members of Congress saying they strongly support this legislation. The Chamber urges Members to support the legislation and to vote for cloture.

Let me talk just for a moment about what this is. First of all, at a time when we need jobs, this is about jobs. At a time when we need to find ways to address budget deficits, this is one piece of legislation that is not going to cost money. In fact, the Congressional Budget Office scores it as actually a \$425 million reduction in deficits over a 10-year period. Let me say again, it is pretty unusual. It is bipartisan, doesn't cost money—actually saves money—and addresses one of the most critical areas of our need, and that is jobs.

What is the Travel Promotion Act and why the concern? Let me describe

it this way. We all know travel and promoting travel and tourism is job creating. It creates jobs in many areas—yes, hotels and gas stations and restaurants and tourist attractions, but with visitors just traveling across our country means people are spending money. It creates a lot of jobs.

Let me talk especially about the issue of international or foreign travel to the United States. Did you know foreign travel is up very dramatically in this world? There is a great deal of foreign travel—56 million more overseas trips were taken in 2008 than were taken in 2000. So in 8 years the number of overseas trips increased by 56 million people. But at the same time, overseas travel to the United States has decreased. We had 634,000 fewer foreign visitors to the United States. It means a lot of people are traveling, but since the year 2000 we have had a loss in our share of international tourists.

Why is that important? Because when overseas travelers come to this country, on average they spend about \$4,500. That supports a lot of jobs and a lot of businesses in this country. So why do we have 600,000-plus fewer visitors to the United States? In 2001, after the terrorist attack against our country, we tightened visa requirements and so on. The Iraq war occurred. There was a lot of concern by people that maybe the United States didn't want them to come. They have tightened visa requirements.

All of a sudden we discover that more people are traveling overseas, but they are not traveling here. Incidentally, the tourism that is happening internationally is not accidental. Most other countries are very aggressively going after the international traveler, saying: Come to our country.

Let me go through a list of just a few of those. Here is a big travel promotion campaign that talks about "Come to Australia. Arrived looking for an experience to remember, departed with an adventure we'll never forget."

The country of Ireland saying: "Come to Ireland. Go where Ireland takes you."

The list goes on. Virtually every country is saying we want foreign tourists to come to our country. "Sweet secrets from Japan." Come and visit Japan.

We have all seen these. All of these countries are very aggressive. Come to France. I can't read the French piece down here, but I know what it says. It says come to France. Come here, be a part of what we are doing.

Belgium, here is the Belgian approach: "Where fun is always in fashion. Visit Belgium."

Finally, India. "One special reason to visit India in 2009. Any time is a good time to visit the land of the Taj, but there is no time like now."

Virtually every country is saying: Come to our country; come visit us. But we are not, and we propose that we do promote our country because it will create a lot of jobs. Just as important,

when people come here and experience what this country is about, they leave with a wonderful impression about what America is.

So what we have put together is a piece of legislation that is bipartisan. It is funded by and large with an entry-exit fee—that is imposed by most other countries, by the way—a \$10 fee on visa waiver countries, the people who come from those countries who visit our country. It is a minimal fee compared to what many other countries are charging. We establish with that fee a corporation for travel promotion, an independent nonprofit corporation governed by an 11-member board of directors appointed by the Secretary of Commerce. It sets up this travel promotion fund financed by a public-private matching program.

In short, this is a very simple proposition. It will not only create a lot of new jobs in this country at a time when we desperately need new jobs by saying to foreign travelers come to our country, be a part of what America has to offer you, come see our wonderful country, experience what America is about, we know when they come to this country they have an unbelievably good impression of what they have just seen—the greatest democracy on the face of this planet by far, and they experience the magic and wonders of this country.

What we are saying to them is, at a time when travel around the world is up, that is visitors to other countries, and ours is down, let's solve this problem and let's do it without breaking the bank. In fact, this will not cost money; this will save money. Let's do it by working in a bipartisan way on one of the significant problems we face in America, and that is the loss of jobs.

In case someone thinks perhaps there are just a few of us who think this is a good idea, here are a few examples of others who think this is a great idea. The Dallas Morning News:

The travel promotion act is a sensible first step toward putting the welcome mat back on America's doorstep.

What a wonderful way to put it.

The Los Angeles Times:

Considering the U.S. spends hundreds of millions of dollars on public diplomacy with dubious results and nearly nothing on promoting tourism, it might do well to invest a little money in wooing travelers.

Sacramento Bee:

This country needs to reclaim its stand as a global magnet for visitors even in this post-9/11 climate—and Congress can help by passing the Travel Promotion Act by the end of this year.

Duluth News Tribune:

Ideas to bolster economic recovery without plunging the Nation any deeper into debt would be welcomed by taxpayers from coast to coast.

The Detroit Free Press:

Doesn't it make sense to encourage, at no cost to taxpayers, foreign visitors to come here and leave us some money? There is no good reason not to pass this bill.

I needn't go on. This is not rocket science. This is something our country

should do. If, in fact, in a smaller and smaller world, more and more people are traveling, then why should fewer people travel to the United States of America? This ought to be one of the great destination places on the entire planet. I expect and hope most people want to come to this country and see what America has to offer. But I think post-9/11 what we have done with visas and so on, which we are now correcting and have corrected by and large—longer waiting times, we have made them shorter and so on—I think there was a notion out there somehow that the welcome mat doesn't exist. We are changing that. Republicans and Democrats can work together to change that. This legislation is good legislation, and I hope my colleagues will join me today in voting for cloture and moving this bill as soon as possible through the Senate, through the House, and to the President for signature.

When we do, those people who have had to come home to say to their spouse: Honey, I have lost my job—some of those millions of people, are going to be able to come home someday and say: I have a new job. There is some new activity going on in our State. I have a new job that relates to the substantial increase in international tourism to the United States.

That will be a good thing for our country. So as the principal author, along with Senator ENSIGN, of this legislation—and let me say also the chair of the Tourism Subcommittee, Senator KLOBUCHAR—I am pleased to be able to work together with my colleagues to get this legislation completed today.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. ENSIGN. Mr. President, first let me thank the coauthor of this legislation, Senator DORGAN, for his leadership on recognizing how important this legislation is to our country, especially at this critical time when our country need jobs. All of us who just went back to our home States realize there are a lot of people who are truly hurting out there. It is not just people who have already lost their jobs, but there are a lot of people who are afraid they are going to lose their jobs.

There are people who are afraid to invest to create jobs. I would say the number one emotion I heard during the August recess was that of fear. It is fear of what is going to happen in this country. I think Senator DORGAN eloquently put it that this bill is about jobs. It is about creating jobs without adding to the Federal debt.

Another thing I heard throughout the State of Nevada is that people are very concerned about Federal spending and the deficits this year we are facing. This looming Federal debt that people believe is a threat to the future of the United States. This bipartisan bill helps create jobs without adding to the deficit. The bill is paid for through contributions from the private sector plus

\$10 entry fee into the United States. Countries are able to participate in what is called a visa waiver program. It is cheaper for those countries who participate in the visa waiver program because \$10 is actually cheaper than if you were to get a full visa. Most countries charge more than \$10 for such a program; the \$10 entry fee will not deter people from coming to the United States. As a matter of fact, the money is going to let people know that the United States is open for business.

I am obviously from a tourist-driven State. We spend a lot of money advertising, whether it is Las Vegas, Reno or Lake Tahoe, we spend a lot of money advertising to other places, including internationally. Nevada does a lot of advertising. The Las Vegas Convention Authority and private businesses advertise because it works.

What we are saying in this bill is, let's do it as a country. Let us show how many amazing places there are to see. Let's tell the rest of the world about it.

You know the old saying: If you build it they will come? We already have built it, or God built it with our natural resources we have, but you have to let them know they are welcome and it is easy to travel to the United States. That is what this legislation will do.

Plus, when you tell them about the United States, it will paint a mental picture in their minds when they are thinking about where to spend their next holiday or vacation. They say: You know what, I just saw that ad. It is kind of in the back of my mind. I always wanted to go to the United States.

Maybe they want to see some of our national wonders, whether it is Yosemite, Yellowstone, the Grand Canyon, Alaska, or Hawaii. Nevada has Lake Tahoe, one of the most beautiful Alpine lakes in the entire world. I would argue it is the most beautiful Alpine lake in the entire world.

There are so many places to see that are manmade in this country. Washington, DC is one of the most incredible cities in the world. If we tell people about it, and they come and learn about our history and our democracy, they may get a better view of the people and of the Government of the United States. The statistics are clear. People who visit the United States have a much more favorable view of the United States. There are plenty of other places to see, whether it is going to see the amazing culture of New York City or some of the other amazing cities, such as Chicago.

My hometown of Las Vegas is a world-class destination with some of the most amazing restaurants and entertainment on the planet. There are great beaches in California and on the East Coast. There are some of the most amazing golf destinations, whether it is Hilton Head, SC, or the Monterey Peninsula in California.

The United States has some amazing places to see. If we tell people about it,

they will come in greater numbers. The studies are fairly significant on this. If you spend money to bring people, they will come. And when they come, they will bring their money.

Senator DORGAN talked about the average visitor who comes from overseas comes from a long ways away; not just Canada or Mexico. When they come from a long way away, they spend, on average, \$4,500 in the United States. If we can attract some of those 58 million new visitors who are traveling worldwide now since the year 2000, even a small piece of that number, it is going to create tens of thousands of jobs in the United States. Who around here does not think we need jobs? The unemployment rate of Clark County, NV, which is where Las Vegas is located, is 14 percent now.

Tourism, when you total it all together, is the number one industry in the United States. We ought to do something to promote it. That is why this legislation, I believe, is so important. This country is crying out for bipartisanship. This bill does not add to the deficit. That is why this bill makes so much sense at this time in our country's history.

Over the next couple of days, we are going to be debating this bill. Tonight is a procedural vote to get on the bill. I believe all Senators should support it. When we get on the bill, we will have a lot more to say about it, a lot more examples of why this is good legislation.

I appreciate the work that has been done. I will yield the floor to allow the Subcommittee Chairwoman to speak, Senator KLOBUCHAR. She has done great work on this bill. We appreciate her support as well. This is a bipartisan piece of legislation that this country needs right now. Our country needs anything that is going to create jobs and not add to the deficit.

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

THE PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. I yield 10 minutes of our time to Senator KLOBUCHAR.

THE PRESIDING OFFICER. The Senator is recognized.

Ms. KLOBUCHAR. Mr. President, as the Senator from Nevada was discussing, all of us were home in the last month. I heard a lot about health care and I know we will be having an extensive debate and doing some very important work in this area. I heard a lot about the economy.

Well, this bill is about an industry that one out of every eight Americans is employed in—one out of every eight Americans. And if there is something we know we can do, which we know we can do in this bill to help promote more jobs in this country without costing taxpayers any money, this is the time to do it.

I first thank Senator DORGAN from North Dakota for his tireless work for years on this bill. I was listening as Senator ENSIGN went through all of the wonders of Nevada. And we all know

there is some great tourism there. But he failed to mention Teddy Roosevelt Park in North Dakota, a place I have been visited myself. And, of course, I hope many people have come to the Mall of America in Minnesota as well as a lot of our beautiful forests and lakes.

Every State has something to be proud of when it comes to travel. Today we have the opportunity to help this industry with the Travel Promotion Act. We should not let it go to waste. As was mentioned, I am the Chair of the Commerce Subcommittee that deals with tourism. But I also come from a State that values common sense. And supporting legislation that will create jobs, generate spending, and reduce the deficit, all at no cost to the taxpayer, is the definition of common sense.

Look at the numbers. This bill is expected to bring in 1.6 million new international visitors each year—1.6 million. And you know how much they spend? They spend \$4,500, on average, when they come here. You can do the math: some 1.6 million new visitors times \$4,500 every single year in this country. In fact, some economists expect the bill to generate \$4 billion in new spending and \$321 million in new Federal tax revenue.

It is estimated to create 40,000 new jobs. The Congressional Budget Office estimates that this bill will reduce the budget deficit by \$425 million over the next 10 years. Remember those numbers: \$4,500 per person for every new visitor; 1.6 million new people every year coming to our country; \$4 billion in new spending, 40,000 new jobs. Costs to the taxpayer: zero.

During these tough economic times, how could we not pass this bill right now when we know it would do so much good? This past summer I visited, along with my family, many areas in our State and we did tourism hearings and various events around this bill.

In Northern Minnesota, I will be honest, at first I thought: Well, they want tourism, it is a big industry in our State, but do they care about this bill. That is when I found out that they do care about this bill. Because so many visitors traditionally have come down from Canada. And some of the barriers in getting the visas processed, and the barriers at the border have affected tourism up in northern Minnesota, in places such as Grand Marais and International Falls, and Bemidji, and the Brainerd Lakes area, home of the statue of Paul Bunyan and Babe the Blue Ox.

Minnesota shares this border with Canada. I was very surprised at how much interest there was in getting this bill passed. They understand that we want to promote our country internationally, like other countries which Senator DORGAN and Senator ENSIGN have pointed out have done for so long. But they also want to make it easier to process these visas.

As you know, this problem started way before the economy started having

trouble. It occurred after 9/11 where, for very good reasons, there were some tighter visa requirements put in place. The problem is, we have gotten so behind that a lot of people who are living in, say, France think: Well, am I going to go to America where it is maybe going to take months to process my visa? Maybe I will go over to England or maybe I will go to Japan. And so we need to speed up that process.

We know that tourism creates good jobs that cannot be outsourced. It increases sales for local businesses and it brings in tax revenue for local and State economies. One of my favorite examples is Duluth. It is not Las Vegas but listen to this story. Duluth is a port city that was hit hard by recessions of the 1970s and the early 1980s.

My dad is from northern Minnesota. We would go up there a lot. I could see how much that community was hurting during that time. At one point it was so bad that they put a famous billboard on the edge of town that said: Will the last one out please turn off the lights.

Well, the lights are still on in Duluth; they are as bright as ever. A lot has to do with the promotion of tourism. The city has transformed itself on the beautiful shores of Lake Superior into a popular tourist destination, welcoming nearly 4 million visitors each year with an annual economic impact of over \$700 million.

We know that the tourism industry is feeling the effects of the economic downturn. On top of that, as I mentioned, the United States has seen its decline in the tourism industry in the past decade. As we see here, the U.S. share of the world travel market has decreased by nearly 20 percent, costing us hundreds of thousands of jobs and billions of dollars in revenue.

When a traveler decides to go somewhere else besides the United States, there is a ripple effect throughout our economy. You think about the hotels, of course; you think about the airlines. But you know who else you should be thinking about? You should be thinking about that person who is working making beds in the hotel or the waitress who is working in the restaurant where people would stop by on their drive or you think about the florist who is getting those flowers ready for the business conference. These are all jobs, those are all jobs in this economy.

Last year nearly 200,000 travel-related jobs were lost, and the Commerce Department predicts that we will lose another 247,000 jobs this year. We can do something about this. We can bring in more travelers, we can create more jobs, and we can boost our economy. That is why we need to pass the Travel Promotion Act.

First, this bill will create the Corporation for Travel Promotion, a public-private partnership to promote the United States as an international travel destination, and finally establish a coordinated national tourism program.

Senator DORGAN has some amazing blowups of some of the work that you

have seen in other countries. Just look. Indonesia has its own tourism program. The Bahamas entice people to go there; Scotland, Taiwan, South Korea; Australia with their kangaroo. What do we have right now? Nothing. Individual cities are going out there, places such as New York, places such as Las Vegas. It is not so easy for some small resorts in Minnesota or North Dakota or Vermont or New Hampshire to do that.

But this is the chance where we can actually promote our country internationally. And we are in major competition for international travel, but we are not competing. In 2005, Greece spent more than \$150 million on travel promotion; France spent \$63 million. That is what we are up against. It is time for the United States to catch up to the rest of the world. It is time for us to play on an even playing field.

Second, the bill will establish the Office of Travel Promotion in the Department of Commerce to work with the Corporation for Travel Promotion and the Secretaries of State and Homeland Security to make sure that international visitors are processed efficiently. It is time to cut through the redtape so we can get the people who are going to these countries to come to our country.

We have always been a country that has opened our arms to people who want to come and visit. We have been proud of that, because we know that it does not only have an economic benefit, it has also a diplomatic benefit. People who visit the United States are 74 percent more likely to have a favorable opinion of our country than those who have not visited.

As we enter a new era in our international relations, travel can play an important role in building bridges between Americans and people from across the globe.

Finally, as I mentioned earlier, this legislation will not cost taxpayers a dime. I say to Senator DORGAN, it is a very good way to begin this session, to begin it by looking at something that is paid for by combination of private sector contributions and a small fee on international travelers, non-U.S. taxpayers, who are entering the United States. This is commonsense legislation.

When you think about the positive ripple effect that will happen as more international visitors visit our country, it will increase sales for businesses ranging from airlines to hotels, to those little flower shops. It will increase revenues in our local economy, and it will increase jobs.

The United States is home to some of the world's wonders. And the Travel Promotion Act will give us the tools we need to promote the United States as a premiere travel destination.

As Chair of the Commerce Subcommittee that includes tourism, I have seen how important tourism is to communities, both small and large across our country. We have the oppor-

tunity to boost travel and boost our economy. We cannot let that go to waste.

I am glad we are debating this bill today. I am looking forward to this vote and the days that we have here to focus on this. But I urge my colleagues to support this. They have been home. They know people are crying out for jobs. They know this is something at no cost to the taxpayers, bipartisan support, which will help to get us there. Let's get this done.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. How much time remains?

The PRESIDING OFFICER. There is 8 minutes, 15 seconds.

Mr. DORGAN. Mr. President, first, let me thank Senator KLOBUCHAR for her work, and Senator ENSIGN. I think they have said what needs to be said.

If 48 million more people are now traveling internationally, foreign travelers moving around the world, 48 million more, but 600,000 fewer are traveling in the United States as foreign travelers, then something is wrong and we need to fix it.

I want to market this country to foreign travelers, to say: Come to all of America. Yes, come to see the Statue of Liberty, and come to see New York City and its vibrancy, and the Empire State Building, and Las Vegas, and Universal Studios in Los Angeles, and the Golden Gate Bridge. And in my State, the Pembina Gorge, the Red River Valley, and the Badlands.

I would love to have foreign tourists come to experience the history and the culture the values of all of our country. I have told the story before on the floor of the Senate about Theodore Roosevelt. Theodore Roosevelt was in his home in New York when on the same day, on different floors of his home, his mother died and his wife died. In his diary for that day, there is a big mark. It is just an X for that day. He lost both his wife and his mother. Same day, different floors of his house.

A broken spirit, he went to what was then North Dakota and began to ranch in the Badlands of North Dakota, in what is now the Theodore Roosevelt National Park.

I would love to encourage foreign tourists to come to the heartland of America, the northern Great Plains, and see what restored the spirit of Theodore Roosevelt. What a great way to understand and see the history and the culture and values of this country. Isn't it interesting and alarming that 48 million more people are traveling around the world as foreign tourists and 600,000 fewer are traveling in the United States? The United States, which should be the premier destination for travel of anywhere on this Earth, and yet we have 633,000 fewer foreign travelers than we had 9 years ago. There is something not connected here. We propose to connect it with something that is bipartisan, something that doesn't cost money but



something that reduces the Federal budget deficit, something that creates jobs when we have lost so many, to be able to do that working together, to say: Here is something on which we can agree. Here is something we think would boost America's economic strength, here is something we believe would contribute to building new jobs, and, most importantly for me, here is something that when people come to our country and leave, it will allow them to leave America with a positive impression about what this country is, who the American people are, what they believe, what they practice. This is a remarkable place. To come here and then leave here after having visited America is to experience one of the great travel opportunities on this planet.

When we look at a problem and see that something is not working right, the question is, How do we fix it? I have said so often before, but I will say it again—because I know we have had some discussion today in opposition to this that I think mischaracterizes it—Mark Twain, when asked if he would engage in a debate, said: Of course, as long as I can take the negative side.

They said: We haven't even told you the subject.

He said: It doesn't matter. The negative side will take no preparation at all.

So it is with legislation. It is so much easier with no preparation to come and say: I am opposed to this; I don't support this; this won't work. The fact is, this is a problem that hurts this country. Losing our share of international tourism at a time when more people are traveling around the world, finding fewer people traveling to our country, that is a problem. We can fix it in a way that doesn't spend more, doesn't increase the Federal budget deficit, but attracts more people to this country and creates more jobs. What a remarkable piece of legislation that is a good investment in the future.

We have a lot to be proud of in this country, all of us. We take it for granted every day because we wake up in this country, but, boy, do we have a lot to be proud of. We want to show it off to foreign visitors.

Since 9/11, I understand there has been a notion somehow that it is harder to come to America. It is more hassle. What we want to say is: That is done. It is not a hassle. We invite you to come here. Come here and be a part of our experience.

Here is what we see in the Sidney Morning Herald: "Coming to America Isn't Easy"; in the Guardian, United Kingdom: "America—more hassle than it's worth?"; the Sunday Times of London: "Travel to America? No thanks." These are all 2008 headlines. We want to say: This country has a welcome mat out for you. Come here. Experience what we have to experience in America. We invite you to be a part of our experience. We want you to come to the United States when you are considering traveling internationally.

That is what this legislation is about. This is not complicated. It is the right thing to do. It is the reason there are so many Democrats and Republicans who have joined together in something we think will strengthen the country.

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

The PRESIDING OFFICER. The Senator from Nevada.

Mr. ENSIGN. Mr. President, I wish to make a couple other points before the vote.

Some folks have questioned why we need the Travel Promotion Act. They say that tourism will take care of itself and that this is not a role for the Federal Government. One of the reasons I remember for years why I wanted to go to Australia was because they advertised in the United States. The advertisements talked about the various places, whether it was the Great Barrier Reef, some of the sites of Sydney, Australia, or the gorgeous beaches they have. The United States and our resources here are so vast for people to come and see, I think to not tell folks of the world what we have here or to remind them of what we have is a disservice to our country. If we remind them, whether by brochures, internet advertising, television advertising, or whatever the advertising media we choose, we will attract people here.

There is no question that a lot of folks would love to visit the United States. It may just take a little spark to get them to realize that is someplace they want to go. I have thought about that. Hey, let's take the kids. Let's go to America. Let's see some of the incredible sites. We have heard about the Grand Canyon. We have heard about some of the national parks. Let's go to Washington, DC, and see the Capitol, that beacon of democracy throughout the world. Let's remind folks of the types of things we have here in New York City.

When people come here, not only will they bring their money and create jobs, but I believe, very importantly, people will come away from America with a different attitude about our country. They will come away talking about an America that is different than what they get told about in their news media. If you are in Europe and other places, their news media is not necessarily kind to the United States. When people come here and meet Americans, they see our places that we have and learn some of the history of our country. They come away with a different attitude. That is important today when America needs friends in the world. I believe this legislation is important not only for the jobs it will create but for America's image in the world. This legislation really is needed at this point.

In 1996, we eliminated a Federal program that was basically about promoting travel to the United States. We have had private programs and we have had public programs. None of them

worked very well on their own—privately, because they couldn't get the funding necessary; on a public side, it was because the government doesn't run those things very well.

This is a public-private partnership that I believe can work. That is the reason I support this. It is the reason I think a public-private partnership, where some of the public funding is matched with private expertise, can bring more tourists to the United States.

Senator KLOBUCHAR mentioned that 1.6 to 1.8 million new visitors will come to the United States because of this legislation. That creates many jobs. That brings a lot of revenue. That also creates a lot more people who have visited here and will go back to their countries and talk positively about the United States. I believe in our country, and I believe in the goodness of our country. When people are exposed to that goodness, I believe they will go home and talk about the goodness of the country and the goodness of the people in the United States.

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

Mr. ENSIGN. I am happy to yield.

Mr. DORGAN. I should also mention that Senator REID, along with Senator ENSIGN, has played a significant role in working on this legislation. That is very important to mention. Obviously, both come from a State that relies a great deal on tourism. My State's tourism industry is second in the State. It plays a very large role in every State, even though most of us don't have a traditional tourist destination city like Las Vegas, for example.

Early on Senators talked about how companies advertise because advertising works. It is the case that companies advertise only on behalf of their company. I just described circumstances of aggressive efforts for countries to advertise on behalf of their countries saying: Come to Italy, experience what Italy has to offer. Come to France. Come to India. The countries are very aggressive in saying: If you are thinking of traveling around this planet, take a look at this; come to see the Eiffel Tower.

Our country is not doing that. We are not involved in trying to reach out to people to say: You are welcome in this country. We have so much to offer, so much for you to see. We want you to come here and experience it, to understand it.

This legislation creates a public-private partnership in which our country will advertise to the world and say: Come to America. Isn't that the case with respect to advertising of companies versus countries?

Mr. ENSIGN. My friend is correct. It is absolutely the case. It has been proven time and time again. These countries wouldn't continue to spend the money if it wasn't working. Certainly, companies wouldn't continue to spend the money if it wasn't working to bring more people, for instance, to Las



Vegas. The individual companies, as well as the Convention and Visitors Authority, spend a lot of money to bring people to Las Vegas. Most Americans have heard the slogans: What happens in Vegas stays in Vegas. That became a very famous slogan. But it is the sights, the sounds, the smells, everything together that attracts people to come.

If tourists come to the Grand Canyon, most people will also go to California, Las Vegas, New York City or someplace else. When folks come from overseas, they usually don't just visit one place, they visit several places. If we attract people using some of the iconic places we have in the United States, other places around the country will benefit. That is why a national advertising campaign is very important for the country.

Mr. DORGAN. If the Senator will yield further, the fact is, we have lost a lot of jobs in the deepest recession since the Great Depression. All of us are striving to find ways to put people back to work. There is not going to be some Big Bang theory by which everyone goes back to work. We can do this incrementally. We need manufacturing to be restored. We need tourism, a significant job creator. A lot of people don't understand that it is not some big hotel that benefits from tourism. In most cases, it is a small business someplace struggling to make a living. It is a lot of small businesses, rental car companies, and so on. That is why we have such faith that if we do what we say we can do in this legislation, we will put a lot of people back to work.

Ms. KLOBUCHAR. Will the Senator yield for a question?

Mr. ENSIGN. Yes.

Ms. KLOBUCHAR. As Senator DORGAN was discussing, it seems to me that the people don't always think about the ripple effect. I know Nevada has suffered because of some of the economic downturn with tourism. Could the Senator talk a little bit about what he has seen in terms of other businesses that have lost business when we don't promote tourism the way we are supposed to? I think that is something people don't think about. They think about the big airlines, the big hotels, but they don't think about the ripple effect on some of the other jobs that matter.

Mr. ENSIGN. Tourism is such a huge part of our economy today. For instance, somebody who cleans hotel rooms is out of a job, they don't have that money to go down to a fast-food restaurant or go to a store to buy clothes. They have to tighten their belts. Many people also work for tips.

Those tips have gone down, that ripple effect has happened through the American economy today. Nevada has felt it probably more than any other.

But there is no question of the ripple effect. It affects restaurants. I am a veterinarian; it affects the veterinary business. It affects dentists. It affects the construction industry. It is almost

like a negative ripple effect when those jobs are being lost in the tourism industry. What we are trying to with this legislation is to create a positive ripple effect where we actually create tourism jobs that will then help to create other jobs in other sectors. So I think that is a great question on the ripple effect with the tourism industry.

Mr. DORGAN. Mr. President, let me mention again the U.S. Chamber of Commerce has sent out a letter today in strong support of this legislation precisely because of the job-creating nature of this legislation.

Mr. ENSIGN. Mr. President, I yield the floor, and I guess all time has expired.

The PRESIDING OFFICER. All time has expired.

#### CLOTURE MOTION

Under the previous order, the motion to proceed to the motion to reconsider the vote by which cloture was not invoked on amendment No. 1347 is agreed to, the motion to reconsider is agreed to, and the Senate will vote on the motion to invoke cloture, which the clerk will report.

The assistant legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the Dorgan amendment, No. 1347, to S. 1023, the Travel Promotion Act of 2009.

Harry Reid, Byron L. Dorgan, Barbara Boxer, Ron Wyden, Mark Begich, Evan Bayh, Charles Schumer, Max Baucus, Jon Tester, Patty Murray, Jack Reed, Amy Klobuchar, Patrick Leahy, Barbara Mikulski, Robert Menendez, Jeff Bingaman, Joseph Lieberman.

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

The question is, Is it the sense of the Senate that the debate on amendment No. 1347, offered by the Senator from Nevada, Mr. REID, for Mr. DORGAN, to S. 1023, the Travel Promotion Act of 2009, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

The yeas and nays resulted—yeas 80, nays 19, as follows:

[Rollcall Vote No. 271 Leg.]

#### YEAS—80

Akaka	Cochran	Johanns
Alexander	Collins	Johnson
Baucus	Conrad	Kaufman
Bayh	Corker	Kerry
Begich	Dodd	Klobuchar
Bennet	Dorgan	Kohl
Bennett	Durbin	Landrieu
Bingaman	Ensign	Lautenberg
Bond	Feingold	Leahy
Boxer	Feinstein	Levin
Brown	Franken	Lieberman
Burr	Gillibrand	Lincoln
Byrd	Graham	Lugar
Cantwell	Hagan	Martinez
Cardin	Harkin	McCaskill
Carper	Hatch	Menendez
Casey	Inouye	Merkley
Chambliss	Isakson	Mikulski

Murkowski	Schumer	Udall (NM)
Murray	Shaheen	Vitter
Nelson (NE)	Shelby	Voinovich
Nelson (FL)	Snowe	Warner
Pryor	Specter	Webb
Reed	Stabenow	Whitehouse
Reid	Tester	Wicker
Rockefeller	Thune	Wyden
Sanders	Udall (CO)	

#### NAYS—19

Barrasso	DeMint	McCain
Brownback	Enzi	McConnell
Bunning	Grassley	Risch
Burr	Gregg	Roberts
Coburn	Hutchison	Sessions
Cornyn	Inhofe	
Crapo	Kyl	

The PRESIDING OFFICER. On this vote, the yeas are 80, the nays are 19. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Cloture having been invoked, the motion to commit fails.

#### CONGRATULATING SENATOR LAUTENBERG

Mr. REID. Mr. President, our colleague FRANK LAUTENBERG has given so much to his country. FRANK's parents settled as poor immigrants from Eastern Europe. If there were ever an example of someone who has come from the most basic circumstances to a man of wealth, a man of stature, it is FRANK LAUTENBERG. He has done it all. He fought bravely in World War II, put himself through Columbia University with the GI Bill of Rights, after having earned that with his service to our country in World War II.

As I have mentioned, he had great success in business. He has a mind that is very insightful, and he sees the big picture. He was one of the first to succeed in a business that now a lot of people are succeeding in, but he was one of the first there.

After having done so well in the great free enterprise system, he decided to turn to public service, and he was elected by the State of New Jersey to the U.S. Senate. He left the Senate in 2000 but came back when the State asked him to serve again. We needed FRANK LAUTENBERG. He came back, and he has served with such remarkable stature since then.

When I first came to the Senate, I had the good fortune to serve with him on the Environment and Public Works Committee. His love of the matters within the jurisdiction of that committee is significant. He legislates with his heart, but it is always backed up with his brilliant mind. He has been chairman of the Budget Committee.

Just weeks ago, he set the record for casting the most votes by any U.S. Senator in the history of the State of New Jersey. Like any great legislator, Senator LAUTENBERG is best understood not by the number of times he has said "yea" or "nay" but what those laws say about his commitment to the people of New Jersey and all Americans.

He was a leader in establishing the threshold of drunk driving, saving

countless lives. His work has helped to clean up toxic sites in communities across his State and our country. It has kept our drinking water clean and made our buildings more energy efficient.

The thing that I personally will always look at FRANK LAUTENBERG for having done is taking care of one of my children. One of my boys was allergic to tobacco smoke. When we would fly across the country, they had those artificial barriers where you could not smoke past a line. But it didn't matter because the smoke went everywhere. On every trip, my boy was miserable; it made him sick. Because of FRANK LAUTENBERG, millions of Americans are now protected from secondhand smoke. He wrote the law banning smoking on airplanes.

In addition to his being such a good friend, I commend and applaud the people of New Jersey for sending this good man to the Senate. He is someone who is deserving of all the accolades being given to him. I am proud to have known him.

The PRESIDING OFFICER (Mr. TESTER). The Senator from New Jersey is recognized.

Mr. MENENDEZ. Mr. President, I wish to say briefly that we are incredibly proud in New Jersey that FRANK LAUTENBERG is our Senator. It is not just the number of votes he cast, it is what he has stood up for. Senator LAUTENBERG has been known as standing up for New Jerseyans first, but he has also stood up for the Nation, millions of people, since he passed the ban on smoking on airlines and what he has done with Superfund sites and what he has done on domestic violence abusers, who can no longer possess a gun, which means people are alive today as a result of Senator LAUTENBERG's work in New Jersey and across the Nation. The landmark legislation he has participated in over his career in the Senate is exemplary.

I wanted to join in the tribute because it is not just his number of votes, it is the type of effect he has had on the lives of people in New Jersey and across the country.

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

Mr. LAUTENBERG. Mr. President, I thank the majority leader for his kind remarks and for the leadership he has provided for all of us. I never dreamed I would be here this long. I had 30 years in business before I got to this place.

HARRY REID mentioned twice something about wealth. The wealth I acquired by being in this place—by being able to say to my country that I have had a chance to give back for the wonderfully good fortune that has occurred in the lives of myself, my children, my parents—if they could see this. My mother was critical when I ran for the Senate. She expressed a little disappointment. I said, "Mom, how can that be?" She said, "Because I thought you would be running for President." In any event, my dad would not have

believed it, but he would have encouraged it nevertheless.

I thank my colleagues on both sides of the aisle for the patience sometimes that I exhaust on my friends, and I thank particularly my friend and colleague, BOB MENENDEZ, with whom I had the pleasure of serving while he was in leadership in the House, and especially since he has been here in the Senate, with the important responsibilities we have.

It is a good day, and I am glad to be back here to get on with the people's business. I thank you all for your patience and friendship, and particularly our majority leader.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. 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

Mr. REID. Mr. President, I am very grateful we have moved forward on a very important bill for the country—the Travel Promotion Act. I commend and applaud Senator DORGAN for his good work on the legislation. It is extremely important. He was a real advocate, as he is on issues which he sinks his teeth into.

Travel and tourism generate \$1 trillion in the economy every year. Whether it is the State of Minnesota, Nevada—you can pick any of the States—tourism is the No. 1, 2, or 3 most important driving economic factor in the States. This year, tourism will create 40,000 new jobs. The bill will also cut the deficit by \$425 million over the next 10 years. That is significant. We would be taking the strategies that have made Las Vegas such a success and bringing them to our entire Nation's tourism industry.

Nevada's tourism has been hit hard by the slowing worldwide economy, and when tourism in Nevada hurts, the entire State suffers. Hard-working people have lost their jobs. The State's budget has taken a major hit. Because that budget is largely funded by tourism, funding for vital programs in our State is at risk.

Nevada is not alone. Tourism is one of the top industries in every State. That is why this bill is so important. It is an opportunity to not only give American tourism a boost, but it is one of the many ways we are working to create jobs and help our economy rebuild.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

#### LABOR DAY

Mr. BROWN. Mr. President, over the last few months, I have stood in the Chamber and read letters sent to me by Ohioans from all over my State, stories explaining how health insurance costs are threatening the economic stability of middle-class families. These stories reflect the many challenges facing our Nation's middle class and facing my State's workers.

The fight for health insurance reform is part of a larger effort to put our Nation on a new, progressive path that invests in our labor force, honors our industrial and manufacturing traditions, and helps rebuild our middle class.

Yesterday, I joined President Obama in Cincinnati at the largest Labor Day picnic in the country to honor the achievement and contribution of the American worker. Labor Day is an important American tradition that also recognizes the courage of generations of workers and activists who demanded a standard of living deserving of all Americans.

In Ohio, the tradition of Labor Day began in 1890, when Cleveland's first African-American lawyer and Ohio's first African-American State senator, John Patterson Green, introduced "Labor Day in Ohio" to celebrate the contribution of workers. The bill passed the general assembly on April 28, 1890, 4 years before Congress declared Labor Day a national holiday. It is easy to surmise that Labor Day began in Ohio. As the "father of Labor Day in Ohio," John Patterson Green, who befriended captains of industry, civil rights pioneers, and sitting Presidents alike, exemplifies how simple recognition can give powerful meaning to working men and women.

Yesterday, in Cincinnati, during the Nation's largest Labor Day picnic, the President spoke to thousands of workers gathered in support of policies that put American workers, and business, first. The President reminded us that:

Much of what we take for granted—the 40-hour work week, the minimum wage, health insurance, paid leave, pensions, Social Security, Medicare—all bear the union label. So even if you're not a union member, every American owes something to America's labor movement.

At Labor Day events across the State, workers and their families, friends, and neighbors gathered together, regardless of profession—electricians, communications workers, steelworkers, teachers, truckdrivers, and laborers—to celebrate all working men and women. That is what Labor Day is. The celebrations brought together the families of union brothers and sisters who fight for each other.

That is what the labor movement is about—to recognize and speak out for health care that works for workers. That is why this Labor Day is ever more meaningful.

I recently—before Labor Day—visited Open M, a free health clinic in Akron, where I met Christine, who runs a small gift basket delivery business by herself but cannot afford health insurance. Fourteen years ago, while working, Christine was seriously injured in a car accident, leaving her with multiple knee surgeries, foot and back problems, and a cane to help her walk. She had to pay these expenses out of her pocket, draining her savings and compromising her economic security.

Last week, I spoke at the Center for Working Class Studies at Youngstown State University, one of the Nation's first and certainly one of the Nation's premier academic programs devoted to the many phases of the American worker—the factory worker in Lordstown or the home care nurse in Niles, the teacher in Youngstown or the truckdriver in Boardman. The center tells the story of working-class communities to a nation that it helped build.

Ohioans from across the Mahoning Valley showed up and listened while others told the story of working-class families struggling with the crushing costs of health care.

John from Champion, OH, described how his sick nephew lacks health insurance and cannot afford the neurologist he is supposed to see. He said that if health reform doesn't pass soon, his nephew probably won't live long enough to receive the care he so desperately needs.

Michelle from Youngstown asked the question at the root of all of the struggles that define the progressive labor movement. In her early thirties, she is one of the nearly 50 million Americans who are uninsured. She asked:

Isn't health reform a moral issue, where people in need and deserve care should have access to it?

The question of morality—whether coal miners' lives should be protected or food safety should be essential or the right to fair wages should be absolute—has long defined the labor movement's progressive mission.

The passing of Senator KENNEDY, a champion of the American worker, reminds all of us what government can, and should, do on behalf of American workers.

The history of our Nation shows that our workers helped transition our Nation from one industry to the next, driving innovation and creating economic prosperity for workers, communities, and industries, creating the middle class.

The history of our Nation shows that those who worked hard and played by the rules had something to show for it—a secure and good-paying job that supported their family and gave meaning to their community.

But today the American worker is confronted with economic challenges that threaten to undermine our economic security. Workers from Lorain to Wilmington, from Xenia to Zanesville, deserve a government that does more and does better for them.

Today President Obama and many in Congress are working to ensure workers be justly rewarded for their labor. As Ohioans understand, manufacturing recognizes the value of an honest day's pay for an honest day's work. We know that manufacturing is a ticket to the middle class. We know a strong middle class makes a stronger nation. That is why Americans deserve a manufacturing policy that works for them.

Manufacturing accounts for more than 10 percent of our entire economy and nearly three-fourths of our Nation's industrial research and development. Manufacturing jobs pay 20 percent more on average than service jobs. For every massive auto plant you see driving from east to west along the Ohio Turnpike, from Youngstown past Toledo, there are dozens of manufacturers making component parts and services for emerging industries in clean energy, aerospace, and biotechnology.

I applaud the administration's decision to tap Ron Bloom to direct a national strategy which will help manufacturers transition to the 21st century economy. It is not an easy task. It is one that requires hard work and progressive vision.

But in no uncertain terms, our Nation must establish a national policy to once again invest in our most important American asset—the American worker.

In the Economic Policy Subcommittee that I chair, we have looked at the elements of a national manufacturing strategy—investing in innovation, strengthening our component parts supply line, connecting workers with jobs in emerging industries, improving assistance for distressed communities, and revamping how our Nation does trade.

Done right, we can reinvest in our workers' capacity to build the next generation of technologies and rebuild our next generation of middle-class families.

Done right, we can create new industry, and we can create good-paying jobs and secure jobs.

Done right, we can ensure the future of our Nation's global economic competitiveness.

Let us honor the story of the American worker who built this country, who sustains our middle class by reinvesting in them. Labor Day is a time to honor a movement that respects the dignity of work and reflects the decency and dedication of our workers.

This year's Labor Day comes at a historic time in the progressive labor movement's ongoing march toward economic security and a new era of productivity for our Nation.

Along with a national manufacturing policy, health insurance reform must be part of this Nation's legacy of giving meaning to workers and giving hope to the middle class.

The vote on health insurance reform will be, next to my vote in opposition to the Iraq war 6 years ago as a Mem-

ber of the House of Representatives, the most important vote I cast in this Chamber. I hope at this time next year I will be reading the stories of Ohio workers who live with the health care they deserve and the dignity they have earned.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### MORNING BUSINESS

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

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

#### RENO HIGH SCHOOL 130TH ANNIVERSARY

Mr. REID. Mr. President, I rise to call the attention of the Senate to the 130th anniversary of Reno High School. Located in Washoe County, NV, Reno High School is the first and oldest high school in the city.

Until 1879, all Reno students went to school in a one-room building. That year they moved into a building officially named Central School, which gave high school-aged students their own floors. Though the school accommodated students from elementary through high school, it was often referred to as Reno High School throughout the community. In 1912, Reno's high school students moved into their own building and this school was properly dedicated as Reno High School.

I would like to take a moment to celebrate and cherish the rich history of Reno High School. It serves as a wonderful example of how a school can succeed through the hard work of its community members. Over the course of its history, Reno High School has educated thousands of bright individuals, cultivating their talent, and providing them with a nurturing environment in which to grow.

Notable alumni include U.S. Treasury Secretary Eva Adams, Pulitzer Prize winners Ann Telnaes and Warren LeRude, and Nevada State senator Bill Raggio. Its ranks also include a long list of local leaders who have made the Reno High School Alumni Association a robust organization, which now boasts the beautiful Link Piazza Alumni Center on campus. This freestanding building, completed in 2000, houses memorabilia dating back to Reno's earliest academic beginnings.

This school year begins by bringing students and alumni together in numerous events acknowledging the

school's heritage. Festivities will honor the school's legacy by looking at the past, the present, and the great memories in between. I am confident that Reno High School will continue to be a beacon of academic excellence in the State of Nevada, as it has been during the last 130 years.

I ask my colleagues to join me in offering our heartfelt congratulations to the faculty, staff, students, families, and proud alumni of Reno High School. The leadership, dedication, and enthusiasm you possess and share with the community help continue the school's legacy and make Nevada a better place to live.

#### NOMINATION OF CARMEN R. NAZARIO

Mr. GRASSLEY. Mr. President, I, Senator CHUCK GRASSLEY, do not object to proceeding to the nomination of Carmen R. Nazario to be Assistant Secretary for Family Support of the Department of Health and Human Services, Calendar No. 304, dated September 8, 2009.

#### REMEMBERING SENATOR EDWARD M. KENNEDY

Mr. FEINGOLD. Mr. President, today I rise to bid farewell to TED KENNEDY, a man who spent so many hours on this floor. It was here that he engaged in the cause that shaped his life, and now shapes our memories his commitment to everyday people in their pursuit of the American dream.

It is hard for me, as it is for all my colleagues, to imagine this place without TED KENNEDY. To serve here with him was a great honor. At the age of 14, I was already wearing a TED KENNEDY for President button. Then when I arrived here, this man, this lion of the Senate, was so friendly and funny and generous. He helped to teach me the ropes in the Senate, and I felt so fortunate to know him as a person, not just to admire him from afar.

He and his family are one of the reasons I stand here today. His work in the Senate, his brother John's call for a new generation to serve their country, and his brother Bobby's call for social justice all these inspired me to run for office to in some way serve my country as Senator KENNEDY and his family had. One of the greatest honors of my life was winning the Profiles in Courage Award with Senator MCCAIN, and being recognized by members of the Kennedy family for our work on campaign finance reform.

Having Senator KENNEDY there that day was part of what made that such an honor. There was no one else like him; he was truly one of a kind. Who else could be such a fierce advocate, and at the same time such a skilled negotiator? Who else could engage in such heated debate, but still count so many of us, on both sides of the aisle, as devoted friends? No one but TED KENNEDY could do that.

His qualities were legendary he was the hardest worker, he was the quickest debater, and he was the guy who lit up a room with his warmth and wit. It was all there in one extraordinary man, who became one of the greatest United States Senators in our Nation's history. Even putting aside TED's legendary personal qualities, his legislative record speaks volumes about how effective he was. It is a record for the ages, with hundreds of his legislative efforts becoming law.

His achievements in civil rights, education, health care, and workers' rights speak to the absolute commitment he had to the people he saw who struggled to live the American dream; the dedicated people who are the lifeblood of this country, but who struggle—especially in times like these—when they lose their job, or their health insurance or their home. In TED KENNEDY, those Americans found their champion, and we thank him for everything he achieved on their behalf.

I admired so many things TED KENNEDY did, but most of all I was inspired by his work on civil rights. His commitment, through his 47 years in the Senate, to the cause of equality for every American, was perhaps his greatest achievement of all. In his very first speech on the Senate floor, just 4 months after his brother John's assassination, he called for the passage of the Civil Rights Act of 1964. He played a key role in the Voting Rights Act of 1965, was the chief sponsor of the Voting Rights Amendments Act of 1982, and just a few years ago was a key cosponsor of the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006. He was one of the chief cosponsors of the Americans with Disabilities Act of 1990, the chief sponsor of the Civil Rights Restoration Act of 1988, and a key proponent of the Civil Rights Act of 1991. And the list goes on, Mr. President. There simply is no doubt that he was the most important legislative architect of the expansion of civil rights in the last half century. I am committed to helping to continue that work here in the Senate in his memory.

TED was also someone who suffered many personal tragedies, but he bore those burdens with a quiet dignity that came from his tremendous inner strength. You couldn't know him without being awed by that strength, and sensing it whenever he entered the room, or when he took up an issue. When he spoke, his words echoed not just in this Chamber, but across the country and around the world. This was a man who could change the momentum on a bill or an issue just through his own personal will. He was a powerful person determined to help the powerless in our society, and we loved him for it.

I think "beloved" is the best word to describe how we felt about him here in the Senate, and how so many Americans felt about him around the coun-

try. We are grateful that he lived to achieve so much, and to inspire so many.

And now we wish, as he did when he laid his brother Robert Kennedy to rest, that "what he wished for others will someday come to pass for all the world." And now we pledge, as he did at the Democratic Convention in 1980, that "the work goes on, the cause endures, the hope still lives and the dream shall never die." And now, as we grieve his loss, we say goodbye to our friend, Senator EDWARD M. KENNEDY. We thank him for his lifetime of service to our country, and for his profound commitment to the cause of justice here in the United States and throughout the world.

#### ADDITIONAL STATEMENTS

##### REMEMBERING ALLAN TESCHE

• Mr. BEGICH. Mr. President, I wish to commemorate the life of a very special friend from my home State of Alaska, Allan Tesche.

Former Anchorage Assemblyman Allan Tesche passed away July 14, 2009, after complications from heart surgery.

Allan Tesche was the embodiment of a true Alaskan and an incredible public servant. While I was mayor of Anchorage, Allan served on the Assembly. During this time, I got to know Allan and his family well. He was committed to the residents of Anchorage, and his dedication to making our city a better place was second to none. He and his wife Pam were active members of the community and raised their two children in Anchorage.

On behalf of his family, many friends, and colleagues, I ask today we honor Allan Tesche's memory. I ask his obituary, published July 26, 2009, in the Anchorage Daily News, be printed in the RECORD.

The information follows:

[From the Anchorage Daily News, July 26, 2009]

Allan Edward Tesche, 60, died in Houston, Texas on July 14, 2009, from complications from heart surgery. A memorial service will be at 2 p.m. Monday at Central Lutheran Church. Allan was born Aug. 3, 1948, to Marilyn and Frederick Rutledge Tesche in Los Alamos, N.M. He graduated with honors from the University of California at Davis in 1970. In the Peace Corps, he spent two years in El Salvador supporting Community Development projects. Upon his return, he enrolled in law school at the University of California at Davis, where he was an honorary member of The Chicano Law Students Association. In his second year he was recruited by the Greater Anchorage Area Borough to serve a six-month internship in the Anchorage Borough Attorney's Office; thus began his long association with Alaska government. Allan was invited by Mayor Jack Rodrick to return after graduation as a staff attorney. Allan's work on borough-city unification in 1975-76 led Mayor George Sullivan to elevate him to deputy municipal attorney, a position he held until his appointment to lead the Mat-Su Borough Legal Department in 1980. In 1982, Allan returned to Anchorage

to head the Department of Property & Facilities. In 1988, he left city employment to join law firm Russell & Tesche, where he practiced until retiring in 2006.

In 1978, Allan married Pamela Dunham. Together they raised two children, operated the G Street B&B and went on family adventures. After seeing the community work of friend Nick Aguilar in San Diego, Pam supported Allan's plunge into local politics. Allan served nine years on the Anchorage Assembly. He championed many progressive policies and is credited with the adoption of property tax relief, liquor and tobacco control measures and urban beautification initiatives. Allan was a member of Central Lutheran Church, where he mentored neighborhood youths and served as Church Council president. After leaving the Assembly, Allan helped launch municipal consulting firm RMA Consulting Group and served as acting city administrator for the City of Akutan. He worked for Akutan until his death, and his efforts supporting new developments in Akutan are an ongoing testimony.

Allan is survived by his wife, Pamela; son, Frederick; daughter, Mary; brothers, Frederick and wife Sharon of Saluda, N.C., Thomas and wife Kim of Covington, Ky., and Daniel of Clovis, Calif.; sister, Caroline of Tampa, Fla.; father and mother-in-law, Richard and Carrie Dunham of Whidbey Island, Wash.; brothers- and sisters-in-law, Paul and Kathleen Dunham of Fresno, Calif., Larry and Susan Goodman of Seattle, Cynthia and Eric Olsen of Spokane, Wash., and Linda Wesson of Clovis, Calif.; and by his nieces and nephews.●

#### RECOGNIZING J. THOMAS CALHOON

● Mr. CARPER. Mr. President, today I wish to speak about a member of our country's greatest generation, the generation of my parents who selflessly served our Nation during a time of great turmoil in the world. This generation made countless contributions to our society and continues to give unselfishly today. I offer my warmest wishes to one of them—Mr. J. Thomas Calhoon, of Hilliard, OH—on his 84th birthday, on this Friday, the eighth anniversary of the attacks of September 11. I want to thank him for the many sacrifices he has made and continues to make for our great country.

Born on September 11, 1925, in Wellsville, OH, Tom Calhoon was raised in East Liverpool, OH, and graduated from Grandview High School, class of 1943.

On December 15, 1943, Tom enlisted in the U.S. Marine Corps. While serving in Japan during World War II, Corporal Calhoon sustained extensive combat injuries in Okinawa in June of 1945, including the loss of his right leg and a bullet in his left arm that remains there today. He spent over 2 years in hospitals throughout the United States, including Philadelphia Hospital, where he met his wife, Sarah Mae Shoemaker, who was a volunteer.

He survived his injuries, and on August 29, 1947, Tom and Sarah were married and went on to have four sons, Thomas, Samuel, Donald, and Robert, and a daughter, Sarah. All five are children any parent would be proud of. Today, the Calhoon family has expanded to include seven grandchildren and two great-grandchildren due later this fall.

During his time in the Marines, Cpl Tom Calhoon received two Purple Hearts and was a rifleman and an expert with the bayonet. After being discharged, he enrolled, in the fall of 1948, at the Ohio State University, of which he and all five of his children are alumni. It was at the Ohio State University that I first met two of his sons, one of whom is a close friend to this day.

Corporal Calhoon worked in public relations and advertising for 50 years in Columbus, OH. In addition to this full-time career, he spent countless hours of his time volunteering. As a member of the Lions Club, he received three national awards, including a Life Membership from the International Association of Lions Clubs Award in 1998 for 50 years of Outstanding Dedicated Service. He also served as president of the Tri-Village Lions, former director of the Franklin County Agriculture Society, is a life member of the Northwest Franklin County Historical Society, and a former director of Pilot Dogs, Inc.

An avid hunter and fisherman, Tom enjoys reading and watching war movies, which I hope he is getting to do on his birthday. Best wishes to you and your family, Tom, for many more.●

#### TRIBUTE TO DORIS WALLACE

● Mr. CRAPO. Mr. President, today I honor a woman who has contributed so much to the fabric of my home State of Idaho. Doris Wallace, the manager of the Eastern Idaho State Fair in Blackfoot, ID, will retire at the end of this month, following the completion of the 2009 Eastern Idaho State Fair. That will mark her 26th year with one of Idaho's most well-known fairs. The eastern Idaho State Fair covers 16 counties in eastern Idaho. Each county holds their individual county fairs with the blue ribbon winners advancing to competition at the Eastern Idaho State Fair.

Doris is a hometown girl, born in Blackfoot and raised in Bingham County. She married Ray Wallace. Together they have three children: Nicole, Stephanie, and Todd.

She began her career at the Eastern Idaho State Fair in 1983 when she began working as the office secretary. She was the "front desk" for the fair, and her personality, patience and friendliness represented the entire fair to those who entered her office to ask questions and complain about situations.

In 1987, Doris became the assistant manager, where she became the center of the fair operations. Her responsibilities included the exhibitor's handbook, all financial transactions, commercial and concession vendors and coordinator for spring, summer, and fall events taking place on the fairgrounds.

In 2000, Doris was promoted to fair manager by a five-member Fair Board. As manager, Doris used her years of experience to enhance an already-thriving annual event. She has encouraged participation of 4-H and Future Farmer of America projects and activities

including the 4-H dog show, 4-H horse show, and 4-H livestock, canning, cooking and sewing demonstration projects. Future Farmers of America leave their classrooms on Friday to spend the day on the fairgrounds to personally experience and participate in judging competitions.

In 2002, she was able to plan the celebration of the 100th anniversary of the Eastern Idaho State Fair. She produced an extravaganza of historical and colorful memories, which have made the fair a family tradition for those living in eastern Idaho.

Doris has competently managed fair operations of the Eastern Idaho State Fair, which attracts 250,000 fairgoers over the 8-day fair, beginning each year on Saturday proceeding Labor Day. Events include traditional horse pulling, pari-mutuel horse racing, Indian relay races, junior and adult rodeos, professional entertainers, petting zoos and educational exhibits. The traditional tractor pull, demolition derby, and extreme bike riders are all part of Doris's management responsibilities as she has provided a fair of diverse attractions for a fairgoing audience of diverse ages, backgrounds and interests.

As manager, Doris supervises six full-time employees and approximately 400 employees during the fair week, including ticket takers, car parkers, custodial services, ground crews, and security.

Throughout her life and particularly during her career at the Eastern Idaho State Fair, Doris has contributed enormously, both privately and professionally, to the fair community, the city of Blackfoot, and all of eastern Idaho. Please join me in congratulating Doris Wallace on her years of service at the Eastern Idaho State Fair and wishing her well in her pending retirement.●

#### MESSAGE FROM THE HOUSE DURING ADJOURNMENT

##### ENROLLED BILL SIGNED

Under the authority of the order of the Senate of January 6, 2009, the Secretary of the Senate, on August 10, 2009, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker had signed the following bill:

H.R. 3325. An act to amend title XI of the Social Security Act to reauthorize for 1 year the Work Incentives Planning and Assistance program and the Protection and Advocacy for Beneficiaries of Social Security program.

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

#### MESSAGE FROM THE HOUSE

At 3:51 p.m., a message from the House of Representatives, delivered by

Mrs. Cole, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 179. Concurrent resolution providing for a joint session of Congress to receive a message from the President.

#### 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-2636. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Sodium Lauryl Sulfate; Exemption from the Requirement of a Tolerance" (FRL No. 8430-5) as received during adjournment of the Senate in the Office of the President of the Senate on August 13, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2637. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Certain Chemical Substances; Withdrawal of Significant New Use Rules" (FRL No. 8433-9) as received during adjournment of the Senate in the Office of the President of the Senate on August 31, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2638. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Chlorantraniliprole; Pesticide Tolerances" (FRL No. 8413-6) as received during adjournment of the Senate in the Office of the President of the Senate on August 31, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2639. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "1,2-ethanediamine, N,N,N',N'-tetramethyl, Polymer with 1,1'-oxybis[2-chloroethane]; Exemption from the Requirement of a Tolerance" (FRL No. 8430-6) as received during adjournment of the Senate in the Office of the President of the Senate on August 31, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2640. A communication from the Administrator of Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Nectarines and Peaches Grown in California; Changes in Handling Requirements for Fresh Nectarines and Peaches" ((Docket No. AMS-FV-08-0108)(FV-09-916/917-1 FIR)) as received during adjournment of the Senate in the Office of the President of the Senate on August 31, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2641. A communication from the Acting Administrator of Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Nectarines and Peaches Grown in California; Decreased Assessment Rates" ((Docket No. AMS-FV-09-0013)(FV-09-916/917-2

IFR)) as received during adjournment of the Senate in the Office of the President of the Senate on August 31, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2642. A communication from the Administrator of Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Grapes Grown in a Designated Area of Southeastern California; Decreased Assessment Rate" ((Docket No. AMS-FV-08-0107)(FV-09-925-2 FIR)) as received during adjournment of the Senate in the Office of the President of the Senate on August 31, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2643. A communication from the Administrator of Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Apricots Grown in Designated Counties in Washington; Decreased Assessment Rate" ((Docket No. AMS-FV-09-0038)(FV-09-922-1 IFR)) as received during adjournment of the Senate in the Office of the President of the Senate on August 31, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2644. A communication from the Administrator of Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Onions Grown in South Texas; Decreased Assessment Rate" ((Docket No. AMS-FV-09-0044)(FV-09-959-2 IFR)) as received during adjournment of the Senate in the Office of the President of the Senate on August 31, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2645. A communication from the Administrator of Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Irish Potatoes Grown in Colorado; Modification of the Handling Regulation for Area No. 2" ((Docket No. AMS-FV-08-0094)(FV-09-948-1 FIR)) as received during adjournment of the Senate in the Office of the President of the Senate on August 31, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2646. A communication from the Administrator of Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Grapes Grown in a Designated Area of Southeastern California and Imported Table Grapes; Relaxation of Handling Requirements" ((Docket No. AMS-FV-08-0106)(FV-09-925-1 FIR)) as received during adjournment of the Senate in the Office of the President of the Senate on August 31, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2647. A communication from the Acting Administrator of Cotton and Tobacco Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "User Fees for 2009 Crop Cotton Classification Services to Growers" ((Docket No. AMS-CN-09-0011)(CN-09-001)) as received during adjournment of the Senate in the Office of the President of the Senate on August 31, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2648. A communication from the Acting Administrator of Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Almonds Grown in California; Revision of Outgoing Quality Control Requirements"

((Docket No. AMS-FV-08-0045)(FV08-981-2 IFR)) as received during adjournment of the Senate in the Office of the President of the Senate on August 31, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2649. A communication from the Acting Administrator of Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Peanut Promotion, Research, and Information Order; Section 610 Review" ((Docket No. AMS-FV-08-0110)(FV-08-704)) as received during adjournment of the Senate in the Office of the President of the Senate on August 31, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2650. A communication from the Acting Administrator of Cotton and Tobacco Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Cotton Board Rules and Regulations: Adjusting Supplemental Assessment on Imports (2009 Amendments)" ((Docket No. AMS-CN-09-0015)(CN-09-002)) as received during adjournment of the Senate in the Office of the President of the Senate on August 31, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2651. A communication from the Acting Associate Administrator of Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Country of Origin Labeling of Packed Honey" ((Docket No. AMS-FV-08-0075)(FV-08-330)(RIN0581-AC89)) as received during adjournment of the Senate in the Office of the President of the Senate on August 31, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2652. A communication from the Administrator, Risk Management Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Common Crop Insurance Regulations; Grape Crop Insurance Provisions and Table Grape Crop Insurance Provisions" ((7 CFR Part 457)(RIN0563-AC09)) as received during adjournment of the Senate in the Office of the President of the Senate on August 18, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2653. A communication from the Director of the Regulatory Review Group, Commodity Credit Corporation, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Farm Storage Facility Loan and Sugar Storage Facility Loan Programs" ((7 CFR 1436)(RIN0560-AH60)) as received during adjournment of the Senate in the Office of the President of the Senate on August 31, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2654. A communication from the Acting Assistant Director of Directives and Regulations, Forest Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Sale and Disposal of National Forest System Timber; Downpayment and Periodic Payments" ((36 CFR Part 223)(RIN0596-AC80)) as received during adjournment of the Senate in the Office of the President of the Senate on August 20, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2655. A communication from the Administrator of Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Olives Grown in California; Increased Assessment Rate" ((Docket No. AMS-FV-08-0105)(FV09-932-1 FIR)) as received during adjournment of the Senate in the Office of the President of the Senate on August 31,



2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2656. A communication from the Executive Director, Commodity Futures Trading Commission, transmitting, pursuant to law, a report entitled "Fiscal Year 2009 FAIR Act Inventory"; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2657. A communication from the Administrator, Food and Nutrition Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Special Supplemental Nutrition Program for Women, Infants and Children (WIC): Implementation of Nondiscretionary WIC Certification and General Administrative Provisions" ((RIN0584—AD73)(7 CFR Part 246)) as received during adjournment of the Senate in the Office of the President of the Senate on August 31, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2658. A communication from the Secretary of the Department of Agriculture, transmitting, pursuant to law, a report entitled "Herger—Feinstein Quincy Library Group Forest Recovery Act Pilot Project Status Report to Congress for Fiscal Year 2008"; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2659. A communication from the Secretary of Defense, transmitting a report on the approved retirement of Lieutenant General Loyd S. Utterback, United States Air Force, and his advancement to the grade of Lieutenant general on the retired list; to the Committee on Armed Services.

EC-2660. A communication from the Principal Deputy, Office of the Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, notification of the Department's intent to close the Defense commissary store at Neubrucke, Germany; to the Committee on Armed Services.

EC-2661. A joint communication from the Deputy Secretary of Defense and the Deputy Secretary of Veterans Affairs, communicating, pursuant to law, a report relative to the extension of the Senior Oversight Committee; to the Committee on Armed Services.

EC-2662. A communication from the Acting Assistant Secretary of the Army (Acquisition, Logistics and Technology), transmitting, pursuant to law, the Annual Status Report on the Disposal of Chemical Weapons and Material for Fiscal Year 2008; to the Committee on Armed Services.

EC-2663. A communication from the Assistant Secretary of Defense (Reserve Affairs), transmitting, pursuant to law, a report relative to the quarterly reporting of withdrawals or diversions of equipment from Reserve component units; to the Committee on Armed Services.

EC-2664. A communication from the Assistant Secretary of Defense (Reserve Affairs), transmitting, pursuant to law, a report relative to specifying for each Reserve component the additional items of equipment that would be procured, and the additional military construction projects that would be carried out; to the Committee on Armed Services.

EC-2665. A communication from the Deputy Secretary of Defense, transmitting the report of the authorization of an officer to wear the authorized insignia of the grade of major general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC-2666. A communication from the Deputy Under Secretary of Defense (Acquisition and Technology), transmitting, a report relative to the Department's purchases from foreign entities in fiscal year 2008; to the Committee on Armed Services.

EC-2667. A communication from the Deputy Under Secretary of Defense (Acquisition

and Technology), transmitting, pursuant to law, the report of Inventories of Contracts for Services for the Departments of the Army, Navy, and Air Force; to the Committee on Armed Services.

EC-2668. A communication from the Federal Register Liaison Officer, Office of the Secretary, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "TRICARE: Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) Changes Included in the John Warner National Defense Authorization Act (NDA) for Fiscal Year 2007; Authorization for Forensic Examinations" (RIN0720-AB18) as received during adjournment of the Senate in the Office of the President of the Senate on August 10, 2009; to the Committee on Armed Services.

EC-2669. A communication from the Federal Register Liaison Officer, Office of the Secretary, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Private Security Contractors (PSCs) Operating in Contingency Operations" (RIN0790-AI38) as received during adjournment of the Senate in the Office of the President of the Senate on August 10, 2009; to the Committee on Armed Services.

EC-2670. A communication from the President of the United States, transmitting, pursuant to law, a report on the continuation of a national emergency declared in Executive Order 13222 with respect to the lapse of the Export Administration Act of 1979; to the Committee on Banking, Housing, and Urban Affairs.

EC-2671. A communication from the Deputy Secretary, Office of the Chief Accountant, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Commission Guidance Regarding the Financial Accounting Standards Board's Accounting Standards Codification" ((17 CFR Parts 211, 231, and 241) (Release Nos. 33-9062; 34-60519; FR-80)) as received during adjournment of the Senate in the Office of the President of the Senate on August 31, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-2672. A communication from the Assistant to the Board, Board of Governors, Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled "Truth in Lending" (Regulation Z; Docket No. R-1365) as received during adjournment of the Senate in the Office of the President of the Senate on August 31, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-2673. A communication from the Secretary of the Department of Commerce, transmitting, pursuant to law, a report on the continuation of a national emergency declared in Executive Order 13222 with respect to the lapse of the Export Administration Act of 1979; to the Committee on Banking, Housing, and Urban Affairs.

EC-2674. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency that was declared in Executive Order 13313 with respect to the Middle East peace process; to the Committee on Banking, Housing, and Urban Affairs.

EC-2675. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency that was declared in Executive Order 13396 with respect to Cote d'Ivoire Sanctions; to the Committee on Banking, Housing, and Urban Affairs.

EC-2676. A communication from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled "Procedures to Enhance the Accuracy and Integrity of Information Furnished to Consumer Reporting Agencies Under Section 312

of the Fair and Accurate Credit Transactions Act; Final Rule" (RIN3064-AC99) as received during adjournment of the Senate in the Office of the President of the Senate on August 12, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-2677. A communication from the Assistant to the Board, Board of Governors, Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled "Truth in Lending" (Regulation Z; Docket No. R-1353) as received during adjournment of the Senate in the Office of the President of the Senate on August 31, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-2678. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "National Flood Insurance Program (NFIP); Assistance to Private Sector Property Insurers; Write-Your-Own Arrangement" (RIN1660-AA58) as received during adjournment of the Senate in the Office of the President of the Senate on August 19, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC-2679. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" ((44 CFR Part 64) (Docket ID FEMA-2008-0020; Internal Agency Docket No. FEMA-8083)) as received during adjournment of the Senate in the Office of the President of the Senate on August 19, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-2680. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" ((44 CFR Part 64) (Docket ID FEMA-2008-0020; Internal Agency Docket No. FEMA-8085)) as received during adjournment of the Senate in the Office of the President of the Senate on August 19, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-2681. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" ((44 CFR Part 64) (Docket ID FEMA-2008-0020; Internal Agency Docket No. FEMA-8087)) as received during adjournment of the Senate in the Office of the President of the Senate on August 31, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-2682. A communication from the Regulatory Specialist, Office of the Comptroller of the Currency, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Procedures to Enhance the Accuracy and Integrity of Information Furnished to Consumer Reporting Agencies Under Section 312 of the Fair and Accurate Credit Transactions Act" (RIN1557-AC89) as received during adjournment of the Senate in the Office of the President of the Senate on August 13, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-2683. A communication from the Regulatory Specialist, Office of the Comptroller of the Currency, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Risk-Based Capital Guidelines; Capital Adequacy Guidelines; Capital Maintenance; Capital—Residential Mortgage Loans Modified Pursuant to the Making Home Affordable Program" (RIN1550-AC34) as received during adjournment of the Senate in the Office of the President of the Senate on August 13, 2009; to the



Committee on Banking, Housing, and Urban Affairs.

EC-2684. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to Singapore; to the Committee on Banking, Housing, and Urban Affairs.

EC-2685. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to Japan; to the Committee on Banking, Housing, and Urban Affairs.

EC-2686. A communication from the General Counsel of the Department of Housing and Urban Development, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary for Housing and a nomination and confirmation in the position of Assistant Secretary for Housing and Federal Housing Commissioner; to the Committee on Banking, Housing, and Urban Affairs.

EC-2687. A communication from the General Counsel of the Department of Housing and Urban Development, transmitting, pursuant to law, the report of a confirmation in the position of Assistant Secretary for Policy Development and Research in the Department of Housing and Urban Development; to the Committee on Banking, Housing, and Urban Affairs.

EC-2688. A communication from the General Counsel of the National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled "Credit Union Reporting" (RIN3133-AD56) as received during adjournment of the Senate in the Office of the President of the Senate on August 31, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-2689. A communication from the General Counsel of the National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled "Truth in Savings" (RIN3133-AD57) as received during adjournment of the Senate in the Office of the President of the Senate on August 10, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-2690. A communication from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled "Risk-Based Capital Guidelines; Capital Adequacy Guidelines; Capital Maintenance; Capital—Residential Mortgage Loans Modified Pursuant to the Making Home Affordable Program" (RIN3064-AD42) as received during adjournment of the Senate in the Office of the President of the Senate on August 12, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-2691. A communication from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled "Interest Rate Restrictions on Insured Depository Institutions That Are Not Well Capitalized" (12 CFR Part 337) as received during adjournment of the Senate in the Office of the President of the Senate on August 12, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-2692. A communication from the Secretary of Energy, transmitting, pursuant to law, a report entitled "Smart Grid System Report"; to the Committee on Energy and Natural Resources.

EC-2693. A communication from the Secretary of Energy, transmitting, pursuant to law, a report relative to the procurement of additional services on a noncompetitive basis from the United States Enrichment Corporation; to the Committee on Energy and Natural Resources.

EC-2694. A communication from the Acting Administrator, Energy Information Adminis-

tration, Department of Energy, transmitting, pursuant to law, the Annual Energy Review 2008; to the Committee on Energy and Natural Resources.

EC-2695. A communication from the Deputy Chief, National Forest System, Department of Agriculture, transmitting, pursuant to law, a report relative to the boundary for the North Fork Smith and Upper Rogue Rivers in Oregon; to the Committee on Energy and Natural Resources.

EC-2696. A communication from the Secretary of the Interior, transmitting, pursuant to law, a report relative to the acceptance of gifted land in Socorro County, New Mexico adjacent to the Chupadera Wilderness; to the Committee on Energy and Natural Resources.

EC-2697. A communication from the Chairman of the Federal Energy Regulatory Commission, transmitting, pursuant to law, a report relative to the progress made in licensing and constructing the Alaska Natural Gas Pipeline; to the Committee on Energy and Natural Resources.

EC-2698. A communication from the Environmental Project Manager, Federal Energy Regulatory Commission, transmitting, a report relative to construction clearances; to the Committee on Energy and Natural Resources.

EC-2699. A communication from the Deputy Chief, National Forest System, Department of Agriculture, transmitting, pursuant to law, a report relative to the boundary for the Carp, Indian and Whitefish Rivers in Michigan; to the Committee on Energy and Natural Resources.

EC-2700. A communication from the Acting Assistant Secretary of Land and Minerals Management, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Technical Changes to Production Measurement and Training Requirements" (RIN1010-AD55) as received during adjournment of the Senate in the Office of the President of the Senate on August 31, 2009; to the Committee on Energy and Natural Resources.

EC-2701. A communication from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Utah Regulatory Program" ((SATS No. UT-045-FOR) (Docket No. OSM-2008-0011)) as received during adjournment of the Senate in the Office of the President of the Senate on September 1, 2009; to the Committee on Energy and Natural Resources.

EC-2702. A communication from the Executive Director of the Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Final Rule; Annual Update of Commission Filing Fees" ((18 CFR Part 381) (Docket No. RM09-17-000)) as received during adjournment of the Senate in the Office of the President of the Senate on August 19, 2009; to the Committee on Energy and Natural Resources.

EC-2703. A communication from the Assistant Secretary for Fish and Wildlife Parks, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "2009-2010 Hunting and Sport Fishing Regulations for the Upper Mississippi River National Wildlife and Fish Refuge" (RIN1018-AW48) as received during adjournment of the Senate in the Office of the President of the Senate on August 19, 2009; to the Committee on Environment and Public Works.

EC-2704. A communication from the Assistant Secretary for Fish and Wildlife Parks, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "2008-2009 Refuge-Specific Hunting and Sport Fishing Regulations - Modifications" (RIN1018-AV80) as received during adjournment of the Senate in the Office of the Presi-

dent of the Senate on August 31, 2009; to the Committee on Environment and Public Works.

EC-2705. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Outer Continental Shelf Air Regulations Consistency Update for California" (FRL No. 8941-3) as received during adjournment of the Senate in the Office of the President of the Senate on August 31, 2009; to the Committee on Environment and Public Works.

EC-2706. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District and Santa Barbara County Air Pollution Control District" (FRL No. 8948-6) as received during adjournment of the Senate in the Office of the President of the Senate on August 24, 2009; to the Committee on Environment and Public Works.

EC-2707. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, Antelope Valley Air Quality Management District" (FRL No. 8945-1) as received during adjournment of the Senate in the Office of the President of the Senate on August 24, 2009; to the Committee on Environment and Public Works.

EC-2708. A communication from the Acting Assistant Secretary of Land and Minerals Management, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Geological and Geophysical (G&G) Explorations of the Outer Continental Shelf-Changing Proprietary Term of Certain Geophysical Information" (RIN1010-AD41) as received during adjournment of the Senate in the Office of the President of the Senate on August 31, 2009; to the Committee on Environment and Public Works.

EC-2709. A communication from the Acting Director of Human Resources, Office of Administration and Resources Management, Environmental Protection Agency, transmitting, pursuant to law, (2) reports relative to nominations and (2) reports relative to confirmations within the Environmental Protection Agency; to the Committee on Environment and Public Works.

EC-2710. A communication from the Program Manager, Administration for Children and Families, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Temporary Assistance for Needy Families Carry-Over Funds" (RIN0970-AC40) as received during adjournment of the Senate in the Office of the President of the Senate on August 31, 2009; to the Committee on Finance.

EC-2711. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Modification of Revenue Procedure 2007-44" (Notice No. 2009-36) as received during adjournment of the Senate in the Office of the President of the Senate on August 31, 2009; to the Committee on Finance.

EC-2712. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Special Rules Governing Eligible Combined Plans" (Notice No.

2009-71) as received during adjournment of the Senate in the Office of the President of the Senate on August 31, 2009; to the Committee on Finance.

EC-2713. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Applicable Federal Rates - September 2009" (Notice No. 2009-29) as received during adjournment of the Senate in the Office of the President of the Senate on August 31, 2009; to the Committee on Finance.

EC-2714. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Work Opportunity Tax Credit" (Notice No. 2009-69) as received during adjournment of the Senate in the Office of the President of the Senate on August 31, 2009; to the Committee on Finance.

EC-2715. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Examination of Returns and Claims for Refund, Credit, or Abatement; Determination of Tax Liability" (Notice No. 2009-34) as received during adjournment of the Senate in the Office of the President of the Senate on August 13, 2009; to the Committee on Finance.

EC-2716. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Qualifying Advanced Energy Project Program" (Notice No. 2009-72) as received during adjournment of the Senate in the Office of the President of the Senate on August 31, 2009; to the Committee on Finance.

EC-2717. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Tier I Issue - Section 936 Exit Strategies" ((LMSB-4-0809-031)(Uniform List No. 482.11-00; 482.11-08; 482.12-00; 482.09-00; 367.30-00; 367.05-00)) as received during adjournment of the Senate in the Office of the President of the Senate on August 31, 2009; to the Committee on Finance.

EC-2718. A communication from the Secretary of Labor, transmitting, pursuant to law, the 2008 Annual Report of the Assistant Secretary for Veterans' Employment and Training of the Department of Labor; to the Committee on Health, Education, Labor, and Pensions.

EC-2719. A communication from the Railroad Retirement Board, transmitting, pursuant to law, the Board's annual report for fiscal year 2008; to the Committee on Health, Education, Labor, and Pensions.

EC-2720. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "Changing the Future of Drug Safety: FDA Initiatives to Strengthen and Transform the Drug Safety System"; to the Committee on Health, Education, Labor, and Pensions.

EC-2721. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the Prescription Drug User Fee Act of 1992 (PDUFA) for fiscal year 2008; to the Committee on Health, Education, Labor, and Pensions.

EC-2722. A communication from the Program Manager, Office of Civil Rights, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Breach Notification for Unsecured Protected Health Information"

(RIN0991-AB56) as received during adjournment of the Senate in the Office of the President of the Senate on August 31, 2009; to the Committee on Health, Education, Labor, and Pensions.

EC-2723. A communication from the Assistant General Counsel of the Division of Regulatory Services, Office of Postsecondary Education, Department of Education, transmitting, pursuant to law, the report of a rule entitled "International Education Programs" (RIN1840-AC97) as received during adjournment of the Senate in the Office of the President of the Senate on August 18, 2009; to the Committee on Health, Education, Labor, and Pensions.

EC-2724. A communication from the Acting Director, Legislative and Regulatory Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits" (29 CFR Part 4022) as received during adjournment of the Senate in the Office of the President of the Senate on August 31, 2009; to the Committee on Health, Education, Labor, and Pensions.

EC-2725. A communication from the Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Applications for Food and Drug Administration Approval to Market a New Drug; Postmarketing Reports; Reporting Information About Authorized Generic Drugs" (RIN0910-AG19) as received during adjournment of the Senate in the Office of the President of the Senate on August 10, 2009; to the Committee on Health, Education, Labor, and Pensions.

EC-2726. A communication from the Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Advisory Committee; Risk Communication Advisory Committee; Termination and Recharter" (Docket No. FDA-2009-N-0310) as received during adjournment of the Senate in the Office of the President of the Senate on August 13, 2009; to the Committee on Health, Education, Labor, and Pensions.

EC-2727. A communication from the President of the United States, transmitting, pursuant to law, a report relative to an alternative plan for pay increases for civilian Federal employees covered by the General Schedule and certain other pay systems in January 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-2728. A communication from Chairman of the National Transportation Safety Board, transmitting, pursuant to law, a report entitled "Fiscal Year 2008 Annual Report on the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002"; to the Committee on Homeland Security and Governmental Affairs.

EC-2729. A communication from the Secretary of Transportation, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from October 1, 2008 through March 31, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-2730. A communication from the Director, Strategic Human Resources Policy Division, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Prevailing Rate Systems; Redefinition of the Boise, ID and Utah Appropriated Fund Federal Wage System Wage Areas" (RIN3206-AL82) as received during adjournment of the Senate in the Office of the President of the Senate on August 31, 2009; to the

Committee on Homeland Security and Governmental Affairs.

EC-2731. A communication from the Director, Strategic Human Resources Policy Division, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Prevailing Rate Systems; Redefinition of the Lake Charles—Alexandria and New Orleans, LA Appropriated Fund Federal Wage System Wage Areas" (RIN3206-AL81) as received during adjournment of the Senate in the Office of the President of the Senate on August 31, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-2732. A communication from the Director, Strategic Human Resources Policy Division, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Time-in-Grade Eliminated" (RIN3206-AL18) as received during adjournment of the Senate in the Office of the President of the Senate on August 31, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-2733. A communication from the Director, Strategic Human Resources Policy Division, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Noncompetitive Appointment of Certain Military Spouses" (RIN3206-AL73) as received during adjournment of the Senate in the Office of the President of the Senate on August 31, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-2734. A communication from the Regulatory and Policy Specialist, Bureau of Indian Affairs, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Job Placement and Training" (RIN1076-AE88) as received during adjournment of the Senate in the Office of the President of the Senate on August 31, 2009; to the Committee on Indian Affairs.

EC-2735. A communication from the Acting General Counsel, National Indian Gaming Commission, transmitting, pursuant to law, the report of a rule entitled "Amendments to Various National Indian Gaming Commission Regulations" (RIN3141-0001) as received during adjournment of the Senate in the Office of the President of the Senate on August 10, 2009; to the Committee on Indian Affairs.

EC-2736. A communication from the Acting Principal Deputy Assistant Secretary of Indian Affairs, Office of the Secretary, Department of the Interior, transmitting, pursuant to law, a proposed settlement agreement entered into by the Department of Justice and the Confederated Tribes of the Warm Springs Reservation of Oregon on January 16, 2009; to the Committee on Indian Affairs.

EC-2737. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, an annual report entitled "Report to the Congress on the Refugee Resettlement Program"; to the Committee on the Judiciary.

EC-2738. A communication from the Director, Administrative Office of the United States Courts, transmitting, pursuant to law, a report entitled "2008 Report of Statistics Required by the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005"; to the Committee on the Judiciary.

EC-2739. A joint communication from the Secretary General and the President of the Inter-Parliamentary Union Campaign, transmitting, a report entitled "A Parliamentary Response to Violence Against Women"; to the Committee on the Judiciary.

EC-2740. A communication from the President, American Academy of Arts and Letters, transmitting, pursuant to law, a report relative to the Academy's activities during the year ending December 31, 2008; to the Committee on the Judiciary.

EC-2741. A communication from the Staff Director, U.S. Commission on Civil Rights, transmitting, pursuant to law, a report relative to the Commission's recent appointment of members to the Virginia Advisory Committee; to the Committee on the Judiciary.

EC-2742. A communication from the Deputy Associate Director for Management and Administration and Designated Reporting Official, Office of National Drug Control Policy, Executive Office of the President, transmitting, pursuant to law, the report of a nomination in the position of Deputy Director for State, Local and Tribal Affairs in the Office of National Drug Control Policy; to the Committee on the Judiciary.

EC-2743. A communication from the Director, Office of National Drug Control Policy, Executive Office of the President, transmitting, pursuant to law, a report entitled "Fiscal Year 2008 Accounting of Drug Control Funds"; to the Committee on the Judiciary.

EC-2744. A communication from the Director of Regulations Management, Compensation and Pension Service, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Presumption of Service Connection for Osteoporosis for Former Prisoners of War" (RIN2900-AN16) as received during adjournment of the Senate in the Office of the President of the Senate on August 31, 2009; to the Committee on Veterans' Affairs.

EC-2745. A communication from the Director of Regulations Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Medication Prescribed by Non-VA Physicians" (RIN2900-AL68) as received during adjournment of the Senate in the Office of the President of the Senate on August 31, 2009; to the Committee on Veterans' Affairs.

EC-2746. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, the Third Quarterly Report from the Attorney General to Congress; to the Committee on Veterans' Affairs.

## REPORTS OF COMMITTEES DURING ADJOURNMENT OF THE SENATE

Under the authority of the order of the Senate of August 7, 2009, the following reports of committees were submitted on September 2, 2009:

By Mr. AKAKA, from the Committee on Veterans' Affairs, with an amendment in the nature of a substitute.

S. 728. A bill to amend title 38, United States Code, to enhance veterans' insurance benefits, and for other purposes (Rept. No. 111-71).

## 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. 588. A bill to amend title 46, United States Code, to establish requirements to ensure the security and safety of passengers and crew on cruise vessels, and for other purposes (Rept. No. 111-72).

## 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. LIEBERMAN (for himself and Ms. COLLINS):

S. 1649. A bill to prevent the proliferation of weapons of mass destruction, to prepare for attacks using weapons of mass destruction, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mrs. LINCOLN:

S. 1650. A bill to amend the Richard B. Russell National School Lunch Act to improve the purchase and processing of healthful commodities for use in school meal programs; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. LEVIN:

S. 1651. A bill to modify a land grant patent issued by the Secretary of the Interior; to the Committee on Energy and Natural Resources.

By Mr. HARKIN (for himself and Mr. ROBERTS):

S. 1652. A bill to amend part B of the Individuals with Disabilities Education Act to provide full Federal funding of such part; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LEAHY (for himself, Mrs. FEINSTEIN, Mr. SCHUMER, Mr. WHITEHOUSE, Ms. KLOBUCHAR, Mr. KAUFMAN, Mr. FRANKEN, Mr. HARKIN, Mr. BINGAMAN, Mrs. MURRAY, Mr. BROWN, Mr. BAYH, Mr. BENNET, Mrs. BOXER, Mrs. SHAHEEN, Mr. INOUE, Mr. KERRY, and Mr. AKAKA):

S. 1653. A bill to provide for the appointment of additional Federal circuit and district judges, and for other purposes; to the Committee on the Judiciary.

By Mr. BURRIS:

S. 1654. A bill for the relief of Maria I. Benitez and Maria Guadalupe Lopez; to the Committee on the Judiciary.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. SCHUMER (for himself, Mr. LAUTENBERG, Mr. MENENDEZ, Mrs. GILLIBRAND, Mr. VOINOVICH, Mr. CASEY, and Mr. CARDIN):

S. Res. 253. A resolution expressing the sense of the Senate that the Government of Libya should apologize for the welcome home ceremony held to celebrate the release of convicted Lockerbie bomber Abdel Baset al-Megrahi; to the Committee on Foreign Relations.

By Mrs. GILLIBRAND:

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; to the Committee on Foreign Relations.

By Mr. REID (for himself, Mr. MCCONNELL, Mr. KERRY, Mr. DODD, Mr. AKAKA, Mr. ALEXANDER, Mr. BARRASSO, Mr. BAUCUS, Mr. BAYH, Mr. BEGICH, Mr. BENNET, Mr. BENNETT, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BROWN, Mr. BROWNBACK, Mr. BUNNING, Mr. BURR, Mr. BURRIS, Mr. BYRD, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mr. COBURN, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. CORKER, Mr. CORNYN, Mr. CRAPO, Mr.

DEMINT, Mr. DORGAN, Mr. DURBIN, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mrs. HAGAN, Mr. HARKIN, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUE, Mr. ISAKSON, Mr. JOHANNES, Mr. JOHNSON, Mr. KAUFMAN, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LUGAR, Mr. MARTINEZ, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. NELSON of Florida, Mr. PRYOR, Mr. REED, Mr. RICH, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mrs. SHAHEEN, Mr. SHELBY, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. TESTER, Mr. THUNE, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. VITTER, Mr. VOINOVICH, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, Mr. WICKER, and Mr. WYDEN):

S. Res. 255. A resolution relative to the death of Edward Moore Kennedy, a Senator from the Commonwealth of Massachusetts; considered and agreed to.

## ADDITIONAL COSPONSORS

S. 23

At the request of Ms. CANTWELL, the name of the Senator from Tennessee (Mr. CORKER) was added as a cosponsor of S. 23, a bill to amend the Internal Revenue Code of 1986 to permanently extend the election to deduct State and local sales taxes.

S. 144

At the request of Mr. KERRY, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 144, a bill to amend the Internal Revenue Code of 1986 to remove cell phones from listed property under section 280F.

S. 354

At the request of Mr. WEBB, the name of the Senator from Virginia (Mr. WARNER) 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. 384

At the request of Mr. LUGAR, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 384, a bill to authorize appropriations for fiscal years 2010 through 2014 to provide assistance to foreign countries to promote food security, to stimulate rural economies, and to improve emergency response to food crises, to amend the Foreign Assistance Act of 1961, and for other purposes.

S. 416

At the request of Mrs. FEINSTEIN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 416, a bill to limit the use of cluster munitions.

S. 433

At the request of Mr. UDALL of New Mexico, the names of the Senator from

Oregon (Mr. MERKLEY), the Senator from Maryland (Mr. CARDIN) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 433, a bill to amend the Public Utility Regulatory Policies Act of 1978 to establish a renewable electricity standard, and for other purposes.

S. 451

At the request of Ms. MIKULSKI, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 451, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of the Girl Scouts of the United States of America.

At the request of Ms. COLLINS, the names of the Senator from Missouri (Mr. BOND), the Senator from Vermont (Mr. SANDERS) and the Senator from Montana (Mr. TESTER) were added as cosponsors of S. 451, *supra*.

S. 456

At the request of Mr. DODD, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 456, a bill to direct the Secretary of Health and Human Services, in consultation with the Secretary of Education, to develop guidelines to be used on a voluntary basis to develop plans to manage the risk of food allergy and anaphylaxis in schools and early childhood education programs, to establish school-based food allergy management grants, and for other purposes.

S. 461

At the request of Mrs. LINCOLN, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 461, a bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit.

S. 491

At the request of Mr. WEBB, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 491, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 584

At the request of Mr. HARKIN, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 584, a bill to ensure that all users of the transportation system, including pedestrians, bicyclists, transit users, children, older individuals, and individuals with disabilities, are able to travel safely and conveniently on and across federally funded streets and highways.

S. 624

At the request of Mr. DURBIN, the names of the Senator from Nevada (Mr. REID) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 624, a bill to provide 100,000,000 people with first-time access to safe drinking water and sanitation on a sustainable basis by 2015 by improving the capacity of the United States Government to fully implement the Senator Paul Simon Water for the Poor Act of 2005.

S. 632

At the request of Mr. BAUCUS, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 632, a bill to amend the Internal Revenue Code of 1986 to require that the payment of the manufacturers' excise tax on recreational equipment be paid quarterly.

S. 653

At the request of Mr. CARDIN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 653, a bill to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the writing of the Star-Spangled Banner, and for other purposes.

S. 654

At the request of Mr. BUNNING, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 654, a bill to amend title XIX of the Social Security Act to cover physician services delivered by podiatric physicians to ensure access by Medicaid beneficiaries to appropriate quality foot and ankle care.

S. 693

At the request of Mr. HARKIN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 693, a bill to amend the Public Health Service Act to provide grants for the training of graduate medical residents in preventive medicine.

S. 694

At the request of Mr. DODD, the names of the Senator from Maine (Ms. SNOWE) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. 694, a bill to provide assistance to Best Buddies to support the expansion and development of mentoring programs, and for other purposes.

S. 714

At the request of Mr. WEBB, the names of the Senator from Vermont (Mr. SANDERS) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 714, a bill to establish the National Criminal Justice Commission.

S. 727

At the request of Ms. LANDRIEU, the names of the Senator from Connecticut (Mr. DODD), the Senator from Vermont (Mr. SANDERS) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 727, a bill to amend title 18, United States Code, to prohibit certain conduct relating to the use of horses for human consumption.

S. 730

At the request of Mr. ENSIGN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 730, a bill to amend the Harmonized Tariff Schedule of the United States to modify the tariffs on certain footwear, and for other purposes.

S. 823

At the request of Ms. SNOWE, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of

S. 823, a bill to amend the Internal Revenue Code of 1986 to allow a 5-year carryback of operating losses, and for other purposes.

S. 846

At the request of Mr. DURBIN, the names of the Senator from Missouri (Mr. BOND) and the Senator from West Virginia (Mr. ROCKEFELLER) were added as cosponsors of S. 846, a bill to award a congressional gold medal to Dr. Muhammad Yunus, in recognition of his contributions to the fight against global poverty.

S. 870

At the request of Mrs. LINCOLN, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 870, a bill to amend the Internal Revenue Code of 1986 to expand the credit for renewable electricity production to include electricity produced from biomass for on-site use and to modify the credit period for certain facilities producing electricity from open-loop biomass.

S. 883

At the request of Mr. KERRY, the names of the Senator from Pennsylvania (Mr. CASEY), the Senator from Pennsylvania (Mr. SPECTER) and the Senator from Arizona (Mr. MCCAIN) were added as cosponsors of S. 883, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the establishment of the Medal of Honor in 1861, America's highest award for valor in action against an enemy force which can be bestowed upon an individual serving in the Armed Services of the United States, to honor the American military men and women who have been recipients of the Medal of Honor, and to promote awareness of what the Medal of Honor represents and how ordinary Americans, through courage, sacrifice, selfless service and patriotism, can challenge fate and change the course of history.

S. 944

At the request of Mr. FEINGOLD, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 944, a bill to amend title 10, United States Code, to require the Secretaries of the military departments to give wounded members of the reserve components of the Armed Forces the option of remaining on active duty during the transition process in order to continue to receive military pay and allowances, to authorize members to reside at their permanent places of residence during the process, and for other purposes.

S. 970

At the request of Ms. LANDRIEU, the name of the Senator from Illinois (Mr. BURRIS) was added as a cosponsor of S. 970, a bill to promote and enhance the operation of local building code enforcement administration across the country by establishing a competitive Federal matching grant program.

S. 987

At the request of Mr. DURBIN, the names of the Senator from Vermont

(Mr. SANDERS), the Senator from Arkansas (Mrs. LINCOLN), and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 987, a bill to protect girls in developing countries through the prevention of child marriage, and for other purposes.

S. 994

At the request of Ms. KLOBUCHAR, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 994, a bill to amend the Public Health Service Act to increase awareness of the risks of breast cancer in young women and provide support for young women diagnosed with breast cancer.

S. 1019

At the request of Mr. HARKIN, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1019, a bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for the purchase of hearing aids.

S. 1020

At the request of Mr. WHITEHOUSE, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1020, a bill to optimize the delivery of critical care medicine and expand the critical care workforce.

S. 1023

At the request of Mr. DORGAN, the name of the Senator from Illinois (Mr. BURRIS) was added as a cosponsor of S. 1023, a bill to establish a non-profit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States.

S. 1038

At the request of Mrs. FEINSTEIN, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1038, a bill to improve agricultural job opportunities, benefits, and security for aliens in the United States and for other purposes.

S. 1052

At the request of Mr. CONRAD, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 1052, a bill to amend the small, rural school achievement program and the rural and low-income school program under part B of title VI of the Elementary and Secondary Education Act of 1965.

S. 1055

At the request of Mrs. BOXER, the names of the Senator from Illinois (Mr. BURRIS) and the Senator from West Virginia (Mr. ROCKEFELLER) were added as cosponsors of S. 1055, a bill to grant the congressional gold medal, collectively, to the 100th Infantry Battalion and the 442nd Regimental Combat Team, United States Army, in recognition of their dedicated service during World War II.

S. 1073

At the request of Mr. REED, the names of the Senator from New York (Mr. SCHUMER) and the Senator from Virginia (Mr. WARNER) were added as

cosponsors of S. 1073, a bill to provide for credit rating reforms, and for other purposes.

S. 1156

At the request of Mr. HARKIN, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 1156, a bill to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to reauthorize and improve the safe routes to school program.

S. 1160

At the request of Mr. SCHUMER, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 1160, a bill to provide housing assistance for very low-income veterans.

S. 1214

At the request of Mr. LIEBERMAN, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1214, a bill to conserve fish and aquatic communities in the United States through partnerships that foster fish habitat conservation, to improve the quality of life for the people of the United States, and for other purposes.

S. 1279

At the request of Mr. NELSON of Nebraska, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1279, a bill to amend the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 to extend the Rural Community Hospital Demonstration Program.

S. 1281

At the request of Mrs. LINCOLN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1281, a bill to enhance after-school programs in rural areas of the United States by establishing a pilot program to help communities establish and improve rural after-school programs.

S. 1304

At the request of Mr. GRASSLEY, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1304, a bill to restore the economic rights of automobile dealers, and for other purposes.

S. 1324

At the request of Mr. DEMINT, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 1324, a bill to ensure that every American has a health insurance plan that they can afford, own, and keep.

S. 1329

At the request of Mr. KOHL, the name of the Senator from Delaware (Mr. KAUFMAN) 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. 1340

At the request of Mr. LEAHY, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1340, a bill to establish a minimum funding level for programs under the Victims of Crime Act of 1984 for fiscal years 2010 to 2014 that ensures

a reasonable growth in victim programs without jeopardizing the long-term sustainability of the Crime Victims Fund.

S. 1352

At the request of Mr. DODD, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1352, a bill to provide for the expansion of Federal efforts concerning the prevention, education, treatment, and research activities related to Lyme and other tick-borne diseases, including the establishment of a Tick-Borne Diseases Advisory Committee.

S. 1361

At the request of Mr. LEAHY, the names of the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. 1361, a bill to amend title 10, United States Code, to enhance the national defense through empowerment of the National Guard, enhancement of the functions of the National Guard Bureau, and improvement of Federal-State military coordination in domestic emergency response, and for other purposes.

S. 1362

At the request of Mr. REED, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1362, a bill to provide grants to States to ensure that all students in the middle grades are taught an academically rigorous curriculum with effective supports so that students complete the middle grades prepared for success in high school and postsecondary endeavors, to improve State and district policies and programs relating to the academic achievement of students in the middle grades, to develop and implement effective middle grades models for struggling students, and for other purposes.

S. 1382

At the request of Mr. DODD, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 1382, a bill to improve and expand the Peace Corps for the 21st century, and for other purposes.

S. 1397

At the request of Ms. KLOBUCHAR, the name of the Senator from Louisiana (Mr. LANDRIEU) was added as a cosponsor of S. 1397, a bill to authorize the Administrator of the Environmental Protection Agency to award grants for electronic device recycling research, development, and demonstration projects, and for other purposes.

S. 1422

At the request of Mrs. MURRAY, the names of the Senator from Maine (Mr. SNOWE) and the Senator from New York (Mrs. GILLIBRAND) 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. 1425

At the request of Mr. DURBIN, the name of the Senator from Illinois (Mr.

BURRIS) was added as a cosponsor of S. 1425, a bill to increase the United States financial and programmatic contributions to promote economic opportunities for women in developing countries.

S. 1456

At the request of Mr. SCHUMER, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1456, a bill to fully compensate local educational agencies and local governments for tax revenues lost when the Federal Government takes land into trust for the benefit of a federally recognized Indian tribe or an individual Indian.

S. 1461

At the request of Mrs. BOXER, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 1461, a bill to amend the Internal Revenue Code of 1986 to treat trees and vines producing fruit, nuts, or other crops as placed in service in the year in which it is planted for purposes of special allowance for depreciation.

S. 1492

At the request of Ms. MIKULSKI, the names of the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from Maryland (Mr. CARDIN), the Senator from Connecticut (Mr. DODD), the Senator from California (Mrs. BOXER) and the Senator from Montana (Mr. TESTER) were added as cosponsors of S. 1492, a bill to amend the Public Health Service Act to fund breakthroughs in Alzheimer's disease research while providing more help to caregivers and increasing public education about prevention.

S. 1524

At the request of Mr. KERRY, the name of the Senator from Pennsylvania (Mr. CASEY) 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.

At the request of Mr. MERKLEY, his name was added as a cosponsor of S. 1524, *supra*.

S. 1545

At the request of Mrs. GILLIBRAND, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1545, a bill to expand the research and awareness activities of the National Institute of Arthritis and Musculoskeletal and Skin Diseases and the Centers for Disease Control and Prevention with respect to scleroderma, and for other purposes.

S. 1616

At the request of Ms. CANTWELL, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 1616, a bill to authorize assistance to small- and medium-sized businesses to promote exports to the People's Republic of China, and for other purposes.

S. 1634

At the request of Mr. ROCKEFELLER, the name of the Senator from Rhode Is-

land (Mr. WHITEHOUSE) was added as a cosponsor of S. 1634, a bill to amend titles XVIII and XIX of the Social Security Act to protect and improve the benefits provided to dual eligible individuals under the Medicare and Medicaid programs.

S. 1635

At the request of Mr. DORGAN, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 1635, a bill to establish an Indian Youth telemental health demonstration project, to enhance the provision of mental health care services to Indian youth, to encourage Indian tribes, tribal organizations, and other mental health care providers serving residents of Indian country to obtain the services of predoctoral psychology and psychiatry interns, and for other purposes.

S. 1638

At the request of Mr. WICKER, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 1638, a bill to permit Amtrak passengers to safely transport firearms and ammunition in their checked baggage.

S. CON. RES. 25

At the request of Mr. MENENDEZ, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. Con. Res. 25, a concurrent resolution recognizing the value and benefits that community health centers provide as health care homes for over 18,000,000 individuals, and the importance of enabling health centers and other safety net providers to continue to offer accessible, affordable, and continuous care to their current patients and to every American who lacks access to preventive and primary care services.

S. RES. 158

At the request of Mr. KERRY, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. Res. 158, a resolution to commend the American Sail Training Association for advancing international goodwill and character building under sail.

S. RES. 161

At the request of Mr. JOHNSON, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. Res. 161, a resolution recognizing June 2009 as the first National Hereditary Hemorrhagic Telangiectasia (HHT) month, established to increase awareness of HHT, which is a complex genetic blood vessel disorder that affects approximately 70,000 people in the United States.

S. RES. 210

At the request of Mrs. LINCOLN, the names of the Senator from Ohio (Mr. BROWN) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of S. Res. 210, a resolution designating the week beginning on November 9, 2009, as National School Psychology Week.

S. RES. 245

At the request of Mr. SCHUMER, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. Res. 245, a resolution recognizing September 11 as a "National Day of Service and Remembrance".

S. RES. 247

At the request of Mr. WHITEHOUSE, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. Res. 247, a resolution designating September 26, 2009, as "National Estuaries Day".

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LIEBERMAN (for himself and Ms. COLLINS):

S. 1649. A bill to prevent the proliferation of weapons of mass destruction, to prepare for attacks using weapons of mass destruction, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Ms. COLLINS. Mr. President, I am pleased to join Senator LIEBERMAN in introducing the Weapons of Mass Destruction Prevention and Preparedness Act of 2009. This legislation would increase our Nation's protections against an attack using WMDs.

The bill implements many of the recommendations of the Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism. Congress established that Commission in 2007 in legislation that Senator LIEBERMAN and I coauthored.

Heading the WMD Commission were former Senators Bob Graham and Jim Talent. Last December, the Commission produced a comprehensive report on the WMD threats to our Nation and provided recommendations to prevent further proliferation and acts of terrorism using these deadly weapons. The Commission's "World at Risk" report warned that it is "more likely than not that a weapon of mass destruction will be used in a terrorist attack somewhere in the world by the end of 2013."

The Commission's report is a call to action.

The Commission reinforces the sense of urgency that the Homeland Security Committee has felt during its many hearings on deadly threats to the American people—threats that include terrorists dispersing anthrax spores, detonating a nuclear device in a major city, or striking with other weapons of mass destruction.

In the wake of the terrorist attacks of September 11, 2001, Congress created the Department of Homeland Security, reformed our intelligence agencies, strengthened FEMA, increased grants for State and local first responders, and enhanced security at our seaports and chemical facilities. As the Commission observes, however, "the terrorists have been active, too," and we must continue our efforts. Nuclear proliferation and advances in biotechnology give terrorists new methods



to carry out their avowed intention to commit mass murder.

The mental images of nuclear blasts and mushroom clouds are powerful and frightening. As the WMD Commission rightly notes, however, the more likely threat is from a biological weapon. In contrast to nuclear weapons, the technological hurdle is lower to develop and disseminate bioweapons, access to pathogens is more widespread, and pathogens are harder to contain. The spread of biotechnology, the difficulty of detecting such pathogens, and terrorists' known interest in bioterrorism combine to produce an even greater menace.

Bio-weapons are appealing to terrorists in part because we are unlikely to realize that an attack has occurred before it begins to kill many of its victims.

Worldwide security has lagged behind the growth of this threat. Even within our own country, the Commission and GAO have found that we fail to secure potential biological weapons effectively. In July, the GAO found significant deficiencies in perimeter security at biological labs that handle the world's most dangerous biological agents and diseases, such as the Ebola virus and smallpox. Because no cure or treatment exists for some of the pathogens handled by these labs, this is alarming.

Thousands of individuals in the United States have access to dangerous pathogens. Currently there are about 400 research facilities and nearly 15,000 individuals in the U.S. authorized to handle the deadly pathogens on the "Select Agent List." Indeed, the FBI has determined that a cleared scientist who worked at a regulated research lab likely carried out the Anthrax attacks on the Senate and the U.S. postal system in 2001.

To counter this threat, the WMD Commission recommends increasing the security of biological laboratories that handle dangerous pathogens. This legislation would do so by establishing additional security measures for the most dangerous pathogens that terrorists are likely to use in an attack. A negotiated rulemaking—with Federal agencies and research institutions at the table—would develop these enhanced security standards. This would ensure that regulations, which make our Nation's labs more secure, would not have the unintended consequence of deterring legitimate research endeavors.

In order to help fund the security enhancements at the highest-risk biolabs and avoid diverting research funding to security upgrades, the bill authorizes a grant program at \$50 million for each of the next four years. This is a sufficient level of funding to ensure that each of the labs registered to handle the most dangerous pathogens could access funding.

In response to another Commission finding that many research facilities that handle less strictly controlled, yet

still dangerous pathogens are not even known to the government, the legislation requires registration of these labs. This system of enhanced security for labs with the most dangerous pathogens and the registration of labs that handle less dangerous pathogens will result in facility security requirements that are tiered based on the risk that a pathogen at a particular facility could be used in a biological attack.

To better prepare the American people for a bio-weapon attack, the bill improves the government's ability to distribute medical countermeasures and requires actions to improve communications with the public before and during a biological attack. As the Commission wisely advised, citizens need to know what to expect during a biological attack and how they should respond.

While security controls must be improved within our own country, global security problems are daunting. Countries like Syria do not adhere to the Biological Weapons Convention, which is the multilateral treaty that banned the development, production, and stockpiling of biological weapons. Other countries that signed the treaty may not be living up to these commitments.

To address these international biosecurity threats, the bill requires that the Director of National Intelligence, DNI, report on countries that have facilities with the highest-risk pathogens and the security measures in place at these facilities. The DNI also must develop a strategy for improving the Federal Government's capabilities to collect, analyze, and disseminate intelligence related to weapons of mass destruction.

In addition, the bill would direct the Secretary of State to provide assistance to enhance security at laboratories with dangerous pathogens worldwide and to use exchange programs to train foreign nationals. In this way, foreign nationals can promote lab safety and detect disease outbreaks in their home countries.

This legislation, which would implement the WMD Commission's recommendations, is an important and significant step forward in addressing the growing threat of weapons of mass destruction, and of bio-weapons in particular. Countering this threat is critical for the security of our Nation.

By Mr. LEVIN:

S. 1651. A bill to modify a land grant patent issued by the Secretary of the Interior; to the Committee on Energy and Natural Resources.

Mr. LEVIN. Mr. President, today I am introducing a companion bill to Representative STUPAK's bill, which is also being introduced today, that would modify a patent issued to the Great Lakes Shipwreck Historical Society for the conveyance of a parcel of land at Whitefish Point, Michigan at the U.S. Coast Guard Whitefish Point Light Station. The land patent was

originally issued ten years ago for the interpretation and preservation of maritime history. In accordance with the land patent, the Great Lakes Shipwreck Historical Society established and has operated a museum that brings to life the strength and fury of the Great Lakes and the bravery of the U.S. Life Saving Service who rescued thousands of people from Great Lakes shipwrecks.

This legislation modifies the land patent such that development of new facilities and expansion of existing facilities or infrastructure would be implemented in accordance with the 2002 Human Use/Natural Resource Plan instead of the 1992 Whitefish Point Comprehensive Plan. The 2002 plan was developed pursuant to a court-ordered settlement agreement regarding the 1992 plan.

The modification of the land patent is intended to further the purposes of the original patent, which is for preservation and interpretation of maritime history, while maintaining the conservation of natural habitat and wildlife areas, since Whitefish Point is an important birding area as well. This bill would ensure that the vibrant stories of the Great Lakes can be preserved and interpreted for future generations.

By Mr. HARKIN (for himself and Mr. ROBERTS):

S. 1652. A bill to amend part B of the Individuals with Disabilities Education Act to provide full Federal funding of such part; to the Committee on Health, Education, Labor, and Pensions.

Mr. HARKIN. Mr. President, I am pleased to join my colleague from Kansas, Senator ROBERTS, in introducing the IDEA Full Funding Act. The aim of this legislation is to ensure, at long last, that Congress makes good on a commitment it made more than three decades ago when we passed what is now called the Individuals with Disabilities Education Act. At that time, in 1975, we told children with disabilities, their families, schools, and States that the Federal Government would pay 40 percent of the extra cost of special education. We have never lived up to that commitment and only recently came close because of the one-time investment through the American Recovery and Reinvestment Act.

As we introduce this bill, our children are beginning another school year. Some are meeting new teachers and going to new classrooms. Some are starting at a completely new school with new opportunities for success and new challenges. Yet we are still short-changing children with disabilities and their educational opportunities.

We tell our children all the time to keep their promises, to live up to their commitments, to do as they say they are going to do. We teach them that if they fail to do so, other people can be hurt. Well, that is what Congress has done by failing to appropriately fund IDEA: We have hurt school children all



across America. We have pitted children with disabilities against other children for a limited pool of school funds. We have put parents in the position of not demanding services that their child with a disability truly needs, because they have been told that the services cost too much and other children would suffer. We have hurt school districts, which are forced, in effect, to rob Peter to pay Paul in order to provide services to students with disabilities. We have also hurt local taxpayers, who are obliged to pay higher property taxes and other local taxes in order to pay for IDEA services because the Federal Government has reneged on its commitment.

I was pleased that we were able to increase funding for the IDEA grants to States program as part of the American Recovery and Reinvestment Act this year to \$22.8 billion. That represents 34 percent of the additional funding needed to support special education. However, the Recovery Act is a one-time investment designed to address a crisis caused by the recession that could have resulted in the loss of thousands of teachers and programs students need to be successful. Without the Recovery Act, IDEA grants are currently funded at around 17 percent of the cost of special education programs. So we have a long way to go to reach the 40 percent level. But it is time to do so. It is time for the Federal Government to make good on its promise to students with disabilities in this country.

The IDEA Full Funding Act is pretty straightforward. It authorizes increasing amounts of mandatory funding in 6 year increments that, in addition to the discretionary funding allocated through the Appropriations Committee, will finally meet the Federal Government's commitment to educating children with disabilities.

This bill is a win-win-win for the American people. Students with disabilities will get the education services that they need in order to achieve and succeed. School districts will be able to provide these services without cutting into their general education budgets. Local property tax payers will get relief.

Full funding of IDEA is not a partisan issue. We all share an interest in ensuring that children with disabilities get an appropriate education, and that local school districts do not have to slash their general education budgets in order to pay for special education. We all share a sense of responsibility to make good on the promise Congress made to fully fund its promised share of special education costs.

In the 3 decades since Congress passed IDEA, and in the 8 years since we passed the No Child Left Behind Act, we have dramatically increased opportunities for students with disabilities. Likewise, we are holding local systems accountable in unprecedented ways. It is time for us in Congress also to be held accountable. It is time for us

to make good on our promise to fully fund IDEA. To that end, I urge my colleagues to support this bill.

Mr. ROBERTS. Mr. President, I rise today to offer legislation with Senator HARKIN to fulfill a promise that we made over 30 years ago. We made a commitment to pay 40 percent of the excess cost of educating a special needs child. However, we have not fulfilled that promise.

Our legislation annually increases funding for Part B of the Individuals with Disabilities Education Act over a 6-year period. With these increases, we will be able to fully fund Part B in 2015.

I encourage my colleagues to add their support to this needed legislation. If the Federal Government would provide its promised share of special education funding, our schools could then use any state and local funds for other educational needs, such as art and music.

By Mr. LEAHY (for himself, Mrs. FEINSTEIN, Mr. SCHUMER, Mr. WHITEHOUSE, Ms. KLOBUCHAR, Mr. KAUFMAN, Mr. FRANKEN, Mr. HARKIN, Mr. BINGAMAN, Mrs. MURRAY, Mr. BROWN, Mr. BAYH, Mr. BENNET, Mrs. BOXER, Mrs. SHAHEEN, Mr. INOUE, Mr. KERRY, and Mr. AKAKA):

S. 1653. A bill to provide for the appointment of additional Federal circuit and district judges, and for other purposes; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, today, I am reintroducing a comprehensive bill to address the resource needs of the Federal judiciary by authorizing additional courts of appeals and district court judgeships. This good government bill will improve the effectiveness of our Federal courts and provide Federal judges with the tools to promptly render the justice that Americans so desperately need.

The Federal Judgeship Act of 2009 establishes 12 new judgeships in six courts of appeals and 51 new judgeships in 25 district courts across the country. The legislation I introduce today is based on the recommendations of the Judicial Conference of the United States, which identified the judiciary's resource needs during the completion of its biennial survey in March.

Last Congress, I joined Senator HATCH and 20 other Senators from both sides of the aisle to introduce this legislation. A bipartisan majority of the Judiciary Committee voted to report the bill to the Senate last year. Unfortunately, the Senate did not act on the bill before the end of the last Congress.

We used to consider judgeship bills at six year intervals. It has been 19 years since the last comprehensive judgeship bill was enacted to address the growth in the workload of the Federal judiciary. That legislation established 11 additional circuit court judgeships, as well as 61 permanent and 13 temporary district court judgeships. Since 1990, case filings in the Federal appellate

courts have increased by 42 percent, and case filings in the district courts have risen by 34 percent. Congress has authorized only a few additional district court judgeships and extended a few temporary judgeships. We should pass a comprehensive judgeship bill in this Congress that will ease the strain of heavy caseloads that has burdened the courts and thwarted the administration of justice.

Last year, the weighted number of filings in district courts, which takes into account an assessment of case complexity, was 472 per judgeship. This figure is well above the Judicial Conference's standard of 430 weighted filings per district court judgeship. In the 25 district courts that would receive additional judgeships under this bill, the weighted filings averaged 573 per judgeship, and 10 courts had caseloads near or above 600 weighted filings per judgeship. Today, the national average circuit court caseload per three judge panel has reached 1,104 filings. That statistic approaches the record number of 1,230 cases recorded in 2005 and far exceeds the 773 average circuit court caseload filings recorded in 1991.

Federal judges are working harder than ever, but in order to maintain the integrity of the Federal courts and the promptness that justice demands, judges must have a manageable workload. To address the excessive caseloads that burden Federal courts, the Federal Judgeship Act of 2009 would add nine permanent circuit court judgeships, 38 permanent district court judgeships, and convert five existing temporary judgeships into permanent positions. These additional judgeships would help to alleviate the significant increase in caseloads that the Federal courts have seen over the nearly two decades since the last comprehensive judgeship bill was enacted.

The bill would also add 13 temporary district court judgeships, three temporary circuit court judgeships, and would extend one existing temporary district court judgeship. These additional temporary judgeships will allow Congress some flexibility with regard to future judgeship needs. If caseloads continue to increase, Congress has the option to introduce legislation making permanent or renewing these temporary judgeships. If those caseloads do not increase, when the next judge in that circuit or district retires they will not be replaced.

After years of debate and Federal courts struggling to adjudicate cases despite the overwhelming burden of heavy caseloads, the time to enact a comprehensive Federal judgeship bill is long overdue.

The ability of Federal courts to effectively administer justice will continue to be challenged unless adequate resources are provided. The Federal Judgeship Act of 2009 responds to the increasing workload of the Federal judiciary, and it is long overdue. I thank Senators FEINSTEIN, SCHUMER, WHITEHOUSE, KLOBUCHAR, KAUFMAN,

FRANKEN, HARKIN, BINGAMAN, MURRAY, BROWN, BAYH, BENNET, BOXER, SHAHEEN, INOUE, AKAKA, and KERRY for their support. I urge Senators on both sides of the aisle to give this legislation their serious consideration and support.

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

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

S. 1653

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

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Federal Judgeship Act of 2009”.

#### SEC. 2. CIRCUIT JUDGES FOR THE CIRCUIT COURTS OF APPEALS.

(a) IN GENERAL.—The President shall appoint, by and with the advice and consent of the Senate—

(1) 1 additional circuit judge for the first circuit court of appeals;

(2) 2 additional circuit judges for the second circuit court of appeals;

(3) 1 additional circuit judge for the third circuit court of appeals;

(4) 1 additional circuit judge for the sixth circuit court of appeals; and

(5) 4 additional circuit judges for the ninth circuit court of appeals.

(b) TEMPORARY JUDGESHIPS.—The President shall appoint, by and with the advice and consent of the Senate—

(1) 1 additional circuit judge for the third circuit court of appeals;

(2) 1 additional circuit judge for the eighth circuit court of appeals; and

(3) 1 additional circuit judge for the ninth circuit court of appeals.

For each of the judicial circuits named in this subsection, the first vacancy arising on the circuit court 10 years or more after a judge is first confirmed to fill the temporary circuit judgeship created in that circuit by this subsection shall not be filled.

(c) TABLES.—In order that the table contained in section 44 of title 28, United States Code, will, with respect to each judicial circuit, reflect the changes in the total number of permanent circuit judgeships authorized as a result of subsection (a) of this section, such table is amended to read as follows:

“Circuits	Number of judges
District of Columbia .....	11
First .....	7
Second .....	15
Third .....	15
Fourth .....	15
Fifth .....	17
Sixth .....	17
Seventh .....	11
Eighth .....	11
Ninth .....	33
Tenth .....	12
Eleventh .....	12
Federal .....	12.”

#### SEC. 3. DISTRICT JUDGES FOR THE DISTRICT COURTS.

(a) IN GENERAL.—The President shall appoint, by and with the advice and consent of the Senate—

(1) 1 additional district judge for the district of Arizona;

(2) 4 additional district judges for the northern district of California;

(3) 4 additional district judges for the eastern district of California;

(4) 4 additional district judges for the central district of California;

(5) 1 additional district judge for the district of Colorado;

(6) 4 additional district judges for the middle district of Florida;

(7) 3 additional district judges for the southern district of Florida;

(8) 1 additional district judge for the southern district of Indiana;

(9) 1 additional district judge for the district of Minnesota;

(10) 1 additional district judge for the district of New Jersey;

(11) 1 additional district judge for the district of New Mexico;

(12) 1 additional district judge for the southern district of New York;

(13) 1 additional district judge for the eastern district of New York;

(14) 1 additional district judge for the western district of New York;

(15) 1 additional district judge for the district of Oregon;

(16) 1 additional district judge for the district of South Carolina;

(17) 1 additional district judge for the eastern district of Texas;

(18) 2 additional district judges for the southern district of Texas;

(19) 4 additional district judges for the western district of Texas; and

(20) 1 additional district judge for the western district of Washington.

(b) TEMPORARY JUDGESHIPS.—The President shall appoint, by and with the advice and consent of the Senate—

(1) 1 additional district judge for the middle district of Alabama;

(2) 1 additional district judge for the district of Arizona;

(3) 1 additional district judge for the northern district of California;

(4) 1 additional district judge for the eastern district of California;

(5) 1 additional district judge for the central district of California;

(6) 1 additional district judge for the middle district of Florida;

(7) 1 additional district judge for the district of Idaho;

(8) 1 additional district judge for the northern district of Iowa;

(9) 1 additional district judge for the district of Minnesota;

(10) 1 additional district judge for the district of Nebraska;

(11) 1 additional district judge for the southern district of New York;

(12) 1 additional district judge for the eastern district of New York; and

(13) 1 additional district judge for the eastern district of Virginia.

For each of the judicial districts named in this subsection, the first vacancy arising on the district court 10 years or more after a judge is first confirmed to fill the temporary district judgeship created in that district by this subsection shall not be filled.

(c) EXISTING JUDGESHIPS.—

(1) The existing judgeships for the district of Kansas, and the eastern district of Missouri authorized by section 203(c) of the Judicial Improvements Act of 1990 (Public Law 101-650; 104 Stat. 5089) as amended by Public Law 111-8 (relating to the district of Kansas) and Public Law 109-115 (relating to the eastern district of Missouri), and the existing judgeships for the district of Arizona, the district of New Mexico, and the eastern district of Texas authorized by section 312(c) of the 21st Century Department of Justice Appropriations Authorization Act (Public Law 107-273, 116 Stat. 1758), as of the effective date of this Act, shall be authorized under section 133 of title 28, United States Code, and the incumbents in those offices shall

hold the office under section 133 of title 28, United States Code, as amended by this Act.

(2) The existing judgeship for the northern district of Ohio authorized by section 203(c) of the Judicial Improvements Act of 1990 (Public Law 101-650, 104 Stat. 5089) as amended by Public Law 111-8, as of the effective date of this Act, shall be extended. The first vacancy in the office of district judge in this district occurring 23 years or more after the confirmation date of the judge named to fill the temporary judgeship created by section 302(c) shall not be filled.

(d) TABLES.—In order that the table contained in section 133 of title 28, United States Code, will, with respect to each judicial district, reflect the changes in the total number of permanent district judgeships authorized as a result of subsections (a) and (c) of this section, such table is amended to read as follows:

“Districts	Judges
Alabama:	
Northern .....	7
Middle .....	3
Southern .....	3
Alaska .....	3
Arizona .....	14
Arkansas:	
Eastern .....	5
Western .....	3
California:	
Northern .....	18
Eastern .....	10
Central .....	31
Southern .....	13
Colorado .....	8
Connecticut .....	8
Delaware .....	4
District of Columbia .....	15
Florida:	
Northern .....	4
Middle .....	19
Southern .....	20
Georgia:	
Northern .....	11
Middle .....	4
Southern .....	3
Hawaii .....	3
Idaho .....	2
Illinois:	
Northern .....	22
Central .....	4
Southern .....	4
Indiana:	
Northern .....	5
Southern .....	6
Iowa:	
Northern .....	2
Southern .....	3
Kansas .....	6
Kentucky:	
Eastern .....	5
Western .....	4
Eastern and Western .....	1
Louisiana:	
Eastern .....	12
Middle .....	3
Western .....	7
Maine .....	3
Maryland .....	10
Massachusetts .....	13
Michigan:	
Eastern .....	15
Western .....	4
Minnesota .....	8
Mississippi:	
Northern .....	3
Southern .....	6
Missouri:	
Eastern .....	7
Western .....	5
Eastern and Western .....	2
Montana .....	3
Nebraska .....	3
Nevada .....	7

<b>"Districts"</b>	<b>Judges</b>
New Hampshire .....	3
New Jersey .....	18
New Mexico .....	8
New York:	
Northern .....	5
Southern .....	29
Eastern .....	16
Western .....	5
North Carolina:	
Eastern .....	4
Middle .....	4
Western .....	4
North Dakota .....	2
Ohio:	
Northern .....	11
Southern .....	8
Oklahoma:	
Northern .....	3
Eastern .....	1
Western .....	6
Northern, Eastern, and Western .....	1
Oregon .....	7
Pennsylvania:	
Eastern .....	22
Middle .....	6
Western .....	10
Puerto Rico .....	7
Rhode Island .....	3
South Carolina .....	11
South Dakota .....	3
Tennessee:	
Eastern .....	5
Middle .....	4
Western .....	5
Texas:	
Northern .....	12
Southern .....	21
Eastern .....	9
Western .....	17
Utah .....	5
Vermont .....	2
Virginia:	
Eastern .....	11
Western .....	4
Washington:	
Eastern .....	4
Western .....	8
West Virginia:	
Northern .....	3
Southern .....	5
Wisconsin:	
Eastern .....	5
Western .....	2
Wyoming .....	3."

#### SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act, including such sums as may be necessary to provide appropriate space and facilities for the judicial positions created by this Act.

#### SEC. 5. EFFECTIVE DATE.

This Act (including the amendments made by this Act) shall take effect on the date of enactment of this Act.

Mrs. FEINSTEIN. Mr. President, I rise to state my strong support for the Federal Judgeship Act of 2009.

I am an original cosponsor of this bill, and I think it is a critical bill for good government.

The bill would create new judgeships in circuit and district courts where they are badly needed.

In the U.S. Courts of Appeals, it would create 9 new permanent and 3 new temporary judgeships.

In the U.S. District Courts, it would create 38 new permanent and 13 new temporary judgeships.

When caseloads get too heavy, the quality of justice in our Nation suffers.

Victims of crime are forced to endure long periods of waiting for justice to be done. Citizens are unable to resolve their civil disputes promptly; plaintiffs face long delays in getting damages or restitution for harms they have suffered. Morale plummets for judges and other court staff.

I have seen this in my own state, where judges in three of the four Federal districts are overwhelmed with case filings.

Let me tell you about one district in particular.

In the Eastern District of California, each Federal judge carried a caseload last year of over 1,000 weighted filings.

The Judicial Conference of the U.S. recommends that Congress create a new judgeship anytime a district reaches a caseload of 430 cases per judge. But in the Eastern District, the number exceeds 1,000.

The situation has become so dire that the U.S. Court of Appeals for the Ninth Circuit has stepped in. Last summer, the Chief Judge of the Ninth Circuit sent a letter asking every judge in the Circuit to volunteer to hear approximately 25 cases from the Eastern District to try to get the caseload down.

The court has literally brought in Federal judges from all over the country to help deal with the crushing workload. District judges from Alaska, Alabama, and Washington State, as well as from Los Angeles and Oakland, handled hundreds of cases in Sacramento and Fresno last year. A senior Ninth Circuit judge from Los Angeles handled hundreds more.

The help is welcome but it is not nearly enough. You see, the problem in the Eastern District is not a temporary one.

The Eastern District is home to Sacramento, Fresno, and the Central Valley. In 2008, the District included 18 of California's 25 fastest growing counties.

The District is also home to 19 of California's State and Federal prisons and to 100,000 of the State's 167,000 prisoners. Since Congress last created a new permanent judgeship in the District in 1978, prisoner filings have skyrocketed 700 percent.

The result is that the judges are severely overworked and justice for everyone is delayed. Civil litigants in the District are facing delays of approximately 42 months—that's 3-and-a-half years—from filing to verdict.

The situation, put simply, is unacceptable.

In 1992, Congress did authorize a 10 year temporary judgeship for the District, but that judgeship expired and despite repeated efforts by Chairman LEAHY, Senator BOXER, and myself, it has not been renewed.

In the meantime, for the last 12 years, every time the Judicial Conference has surveyed the U.S. Courts it has said that the Eastern District needs more judges, but new judgeships have not been created.

The Federal Judgeship Act of 2009 that Chairman LEAHY has introduced today would finally provide a solution. It would authorize four new permanent judgeships and one new temporary judgeship in the Eastern District.

This would almost double the number of judges in the District by changing from 6 to 11 judges and would substantially reduce the caseload and delays.

This is a necessary solution to a real problem.

But the Eastern District is only one example. There are plenty of others. As I said, the Judicial Conference recommends that Congress create a new judgeship whenever there are 430 weighted filings per U.S. District Judge. But according to the 2009 survey of the courts, in the Northern District of California, the judges are handling 624 weighted filings per judge; in the Central District of California, it is 551 per judge; in the Middle District of Florida, it is 569 per judge; in the Southern District of Florida, it is 549 per judge; in the Southern District of Indiana, it is 594 per judge; in the District of Minnesota, it is 743 per judge; in the Eastern District of Texas, it is 674 per judge; in the Southern District of Texas, it is 543 per judge; and in the Western District of Texas, it is 650 per judge.

So this is a problem in courts across the country; and it is up to Congress to craft a solution.

The last time Congress passed a comprehensive bill to create new judgeships was in 1990. Since that time, case filings across the country in the federal appeals courts have increased by approximately 45 percent, and filings in the district courts have increased by 27 percent.

The current situation in the courts is not sustainable.

Neither the Eastern District of California nor any other Court should be forced to rely on temporary visits from colleagues who generously offer their help. Districts should have enough judges to handle their caseloads on their own.

This Federal Judgeship Act of 2009 is based on recommendations made by the Judicial Conference after an extensive review of case filings and caseload trends in every federal circuit and district court across the country.

It is time for Congress to act and give the federal courts the resources they need to ensure a fair and timely trial for every civil and criminal litigant.

I strongly urge my colleagues to support this bill.

## SUBMITTED RESOLUTIONS

SENATE RESOLUTION 253—EXPRESSING THE SENSE OF THE SENATE THAT THE GOVERNMENT OF LIBYA SHOULD APOLOGIZE FOR THE WELCOME HOME CEREMONY HELD TO CELEBRATE THE RELEASE OF CONVICTED LOCKERBIE BOMBER ABDEL BASSET AL-MEGRABI.

Mr. SCHUMER (for himself, Mr. LAUTENBERG, Mr. MENENDEZ, Mrs. GILLIBRAND, Mr. VOINOVICH, Mr. CASEY, and Mr. CARDIN) submitted the following resolution; which was referred to the Committee on Foreign Relations.

S. RES. 253

*Resolved, That the Senate—*

(1) condemns the August 20, 2009, release from prison in Scotland of Abdel Baset al-Megrahi, the lone person convicted in connection with the 1988 bombing of a Pan Am flight over Lockerbie, Scotland, that killed 270 people, including 189 Americans;

(2) condemns the lavish welcome home ceremony held in Tripoli, Libya, to celebrate the release of Mr. al-Megrahi; and

(3) calls on the Government of Libya to apologize for the public celebration of Mr. al-Megrahi's release.

SENATE RESOLUTION 254—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

Mrs. GILLIBRAND submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 254

Whereas the Netherlands and the United States are 2 countries with one spirit united by values, history, and a vision for the future;

Whereas 2009 marks the quadricentennial year that Henry Hudson captained the Ship "Halve Maen", under the auspices of the Dutch East India Company, and discovered the Hudson River;

Whereas the discovery of the Hudson River and its fertile lands gave rise to the establishment of the New Netherland settlement and the ensuing historical ties between the Netherlands and the United States;

Whereas the Netherlands, in 1776 at Sint Eustatius, was the first country to salute the United States flag, influenced the writing of the United States Declaration of Independence, and has remained a staunch ally to the United States, from providing necessary loans during the Revolutionary War to standing shoulder-to-shoulder in Afghanistan in defense of values and the rule of law;

Whereas the New Netherland settlement left a heritage of values such as open-mindedness, entrepreneurship, democracy, tolerance, and hard work, as well as freedom of religion and speech;

Whereas the bonds of free trade, open markets, and commerce have continuously linked the Netherlands and the United States to such an extent that the Netherlands remains among the top 4 foreign investors in the United States;

Whereas the Netherlands provided assistance in the aftermath of Hurricane Katrina and is sharing expertise in water management and helping to rebuild New Orleans and its levees; and

Whereas the heritage of 400 years of friendship between the Netherlands and the United States is a laudable example and should be properly extolled: Now, therefore, be it

*Resolved, That the Senate—*

(1) on the quadricentennial celebration of the discovery of the Hudson River, honors, commemorates, and celebrates the historic ties and friendship between the United States and the Netherlands; and

(2) recognizes the settlement and enduring values of New Netherland which continue to influence American society.

SENATE RESOLUTION 255—RELATIVE TO THE DEATH OF EDWARD MOORE KENNEDY, A SENATOR FROM THE COMMONWEALTH OF MASSACHUSETTS

Mr. REID (for himself, Mr. MCCONNELL, Mr. KERRY, Mr. DODD, Mr. AKAKA, Mr. ALEXANDER, Mr. BARRASSO, Mr. BAUCUS, Mr. BAYH, Mr. BEGICH, Mr. BENNETT, Mr. BENNETT, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BROWN, Mr. BROWNBACK, Mr. BUNNING, Mr. BURR, Mr. BURRIS, Mr. BYRD, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mr. COBURN, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. CORKER, Mr. CORNYN, Mr. CRAPO, Mr. DEMINT, Mr. DORGAN, Mr. DURBIN, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mrs. HAGAN, Mr. HARKIN, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUE, Mr. ISAKSON, Mr. JOHANNES, Mr. JOHNSON, Mr. KAUFMAN, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LUGAR, Mr. MARTINEZ, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. NELSON of Florida, Mr. PRYOR, Mr. REED, Mr. RISCH, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mrs. SHAHEEN, Mr. SHELBY, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. TESTER, Mr. THUNE, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. VITTER, Mr. VOINOVICH, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, Mr. WICKER, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

S. RES. 255

Whereas the Honorable Edward Moore Kennedy was elected to the Senate in 1962 and served the people of Massachusetts in the United States Senate with devotion and distinction for nearly 47 years, the third longest term of service in Senate history;

Whereas the Honorable Edward Moore Kennedy became the youngest Majority Whip in Senate history at the age of 36;

Whereas the Honorable Edward Moore Kennedy served as Chairman of the Senate Judiciary Committee from 1979-1981 and as Chairman of the Senate Health, Education, Labor and Pensions Committee for nearly 13 years between 1987-2009;

Whereas the Honorable Edward Moore Kennedy made the needs of working families and the less fortunate among us the work of his life, particularly those of the poor, the disenfranchised, the disabled, the young, the old, the working class, the servicemember and the immigrant;

Whereas his efforts on behalf of the citizens of Massachusetts and all Americans earned him the esteem and high regard of his colleagues;

Whereas more than 300 laws bear his name and he co-sponsored more than 2000 others covering civil rights, health care, the minimum wage, education, human rights and many other issues; and

Whereas with his death his State and the Nation have lost an outstanding lawmaker and public servant: Now, therefore, be it

*Resolved, That the Senate has received with profound sorrow and deep regret the announcement of the passing of the Honorable Edward Moore Kennedy, the great Senator from the Commonwealth of Massachusetts.*

*Resolved, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the Kennedy family.*

*Resolved, That when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of the deceased Senator.*

## NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Tuesday, September 15, 2009, at 2:30 p.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to explore potential costs and price volatility in the energy sector as a result of a greenhouse gas trading program and ways to reduce or contain those costs.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150, or by e-mail to Gina Weinstock at [energy.senate.gov](mailto:energy.senate.gov).

For further information, please contact Jonathan Black at (202) 224-6722 or Gina Weinstock at (202) 224-5684.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a business meeting has been scheduled before the Committee on Energy and Natural Resources. The business meeting will be held on Tuesday, September 15, 2009, at 2:30 p.m., in room SD-366 of the Dirksen Senate Office Building, immediately preceding the full committee hearing.

The purpose of the business meeting is to consider pending nominations. For further information, please contact Sam Fowler at (202) 224-7571 or Amanda Kelly at (202) 224-6836.

#### PROVIDING FOR A JOINT SESSION OF CONGRESS TO RECEIVE A MESSAGE FROM THE PRESIDENT

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of H. Con. Res. 179, at the desk and just received from the House.

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

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 179) providing for a joint session of Congress to receive a message from the President.

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

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to and the motion to reconsider be laid upon the table.

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

The concurrent resolution (H. Con. Res. 179) was agreed to.

#### AUTHORIZATION TO APPOINT ESCORT COMMITTEE

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent that the Presiding Officer of the Senate be authorized to appoint a committee on the part of the Senate to join with a like committee on the part of the House of Representatives to escort the President of the United States into the House Chamber for the joint session to be held at 8 p.m. on Wednesday, September 9, 2009.

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

#### APPOINTMENTS DURING ADJOURNMENT OF THE SENATE

Mr. UDALL of Colorado. Mr. President, I understand appointments were made during adjournment of the Senate, and I ask unanimous consent they be printed in the RECORD.

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

The appointments are as follows:

On behalf of the majority leader, pursuant to Public Law 106-567, the Intelligence Authorization Act for Fiscal Year 2001, to serve as a member of the Public Interest Declassification Board: Gen. Michael V. Hayden of Virginia.

On behalf of the Republican Leader, pursuant to provisions of Public Law 110-343, as a member of the Congressional Oversight Panel: Mr. Paul S. Atkins of Virginia, vice John Sununu of New Hampshire.

#### FLOOR PRIVILEGES

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent that

during the period that Senator MIKULSKI is confined to a wheelchair, a member of her staff be permitted on the floor as is necessary to facilitate the Senator's movement.

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

Mr. UDALL of Colorado. 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. UDALL of Colorado. I ask unanimous consent that the order for the quorum call be rescinded.

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

#### EXECUTIVE SESSION

##### EXECUTIVE CALENDAR

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar No. 302, the nomination of George Madison to be general counsel for the Department of the Treasury; that the nomination be confirmed, the motion to reconsider be laid upon the table, and that no further motions be in order; that any statements be printed in the RECORD; and that the President be immediately notified of the Senate's action and the Senate resume legislative session.

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

The nomination considered and confirmed is as follows:

##### DEPARTMENT OF THE TREASURY

George Wheeler Madison, of Connecticut, to be General Counsel for the Department of the Treasury.

#### LEGISLATIVE SESSION

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

##### EDWARD MOORE KENNEDY

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 255, submitted earlier today.

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

The legislative clerk read as follows:

A resolution (S. Res. 255) relative to the death of the Honorable EDWARD MOORE KENNEDY, a Senator from the Commonwealth of Massachusetts.

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

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table, and that any statements be printed in the RECORD.

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

The resolution (S. Res. 255) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

##### S. RES. 255

Whereas the Honorable Edward Moore Kennedy was elected to the Senate in 1962 and served the people of Massachusetts in the United States Senate with devotion and distinction for nearly 47 years, the third longest term of service in Senate history;

Whereas the Honorable Edward Moore Kennedy became the youngest Majority Whip in Senate history at the age of 36;

Whereas the Honorable Edward Moore Kennedy served as Chairman of the Senate Judiciary Committee from 1979-1981 and as Chairman of the Senate Health, Education, Labor and Pensions Committee for nearly 13 years between 1987-2009;

Whereas the Honorable Edward Moore Kennedy made the needs of working families and the less fortunate among us the work of his life, particularly those of the poor, the disenfranchised, the disabled, the young, the old, the working class, the service member and the immigrant;

Whereas his efforts on behalf of the citizens of Massachusetts and all Americans earned him the esteem and high regard of his colleagues;

Whereas more than 300 laws bear his name and he co-sponsored more than 2000 others covering civil rights, health care, the minimum wage, education, human rights and many other issues; and

Whereas with his death his State and the Nation have lost an outstanding lawmaker and public servant: Now, therefore, be it

*Resolved*, That the Senate has received with profound sorrow and deep regret the announcement of the passing of the Honorable Edward Moore Kennedy, the great Senator from the Commonwealth of Massachusetts.

*Resolved*, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the Kennedy family.

*Resolved*, That when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of the deceased Senator.

#### ORDERS FOR WEDNESDAY, SEPTEMBER 9, 2009

Mr. UDALL of Colorado. I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. tomorrow, Wednesday, September 9; 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 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, with the majority controlling the first half and the Republicans controlling the second half; that following morning business, the Senate resume consideration of S. 1023, the Travel Promotion Act, postcloture; further, I ask the time during any adjournment, recess or period of morning business count against the postcloture time; finally, I ask that the Senate recess from 12:30 to 2:15 p.m. to allow for the weekly caucus luncheons.

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

ADJOURNMENT UNTIL 10 A.M.  
TOMORROW

CONFIRMATION

Executive nomination confirmed by the Senate, Tuesday, September 8, 2009:

DEPARTMENT OF THE TREASURY

GEORGE WHEELER MADISON, OF CONNECTICUT, TO BE  
GENERAL COUNSEL FOR THE DEPARTMENT OF THE  
TREASURY.

The above nomination was approved subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

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PROGRAM

Mr. UDALL of Colorado. Mr. President, the postcloture debate time expires at 4:30 p.m. tomorrow afternoon. We hope we will be able to yield back some of the time and vote on passage of the bill before 4:30 p.m. Senators will be notified when that vote is scheduled.

Mr. UDALL of Colorado. If there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the provisions of S. Res. 255 as a further mark of respect for the memory of our late colleague, Senator EDWARD MOORE KENNEDY.

There being no objection, the Senate, at 7:06 p.m., adjourned until Wednesday, September 9, 2009, at 10 a.m.