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Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable TOM UDALL, a Senator from the State of New Mexico.

PRAYER

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

Let us pray:

It is good to be able to talk to You, mighty God, whenever we desire. Your power astounds us. You heal the broken-hearted and bring comfort to those who are bruised. You decide the number of stars, calling each one by name. You raise the humble, spread clouds over the sky, and provide rain for the Earth. Great and marvelous are Your works; just and true are Your ways.

Today, bless our Senators as they seek to do Your will. Give them strength and encouragement by infusing them with Your peace that surpasses all understanding. We pray in Your Holy Name. Amen.

NOTICE

If the 111th Congress, 2d Session, adjourns sine die on or before December 23, 2010, a final issue of the *Congressional Record* for the 111th Congress, 2d Session, will be published on Wednesday, December 29, 2010, in order to permit Members to revise and extend their remarks.

All material for insertion must be signed by the Member and delivered to the respective offices of the Official Reporters of Debates (Room HT–59 or S–123 of the Capitol), Monday through Friday, between the hours of 10:00 a.m. and 3:00 p.m. through Wednesday, December 29. The final issue will be dated Wednesday, December 29, 2010, and will be delivered on Thursday, December 30, 2010.

None of the material printed in the final issue of the *Congressional Record* may contain subject matter, or relate to any event that occurred after the sine die date.

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Members of the House of Representatives' statements may also be submitted electronically by e-mail, to accompany the signed statement, and formatted according to the instructions for the Extensions of Remarks template at http://clerk.house.gov/forms. The Official Reporters will transmit to GPO the template formatted electronic file only after receipt of, and authentication with, the hard copy, and signed manuscript. Deliver statements to the Official Reporters in Room HT–59.

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By order of the Joint Committee on Printing.

CHARLES E. SCHUMER, *Chairman.*

PLEDGE OF ALLEGIANCE

The Honorable TOM UDALL 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. INOUYE).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, December 15, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TOM UDALL, a Senator from the State of New Mexico, to perform the duties of the Chair.

DANIEL K. INOUYE,
President pro tempore.

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

Mr. UDALL of New Mexico 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 the remarks of Senator MCCONNELL and myself, we will be in a period of morning business until 11 a.m. with Senators permitted to speak for up to 10 minutes each. At 10 o'clock this morning, Senator BAYH will deliver his farewell remarks to the Senate, and at 10:30 a.m. Senator VOINOVICH will deliver his. I spoke yesterday about Senator BAYH and what an outstanding person he is and how much we will miss him. I will have something to say in a few minutes about Senator VOINOVICH.

At 11 a.m. today, the Senate will resume consideration of the House message with respect to H.R. 4853, the vehicle for the tax compromise. There will be 1 hour for debate prior to a series of up to four rollcall votes. There will be votes on three motions to suspend rule XXII, and the last vote will be on the motion to concur with the Reid-McConnell amendment.

Following this series of votes, the Senate will resume morning business until 2:15. At that time, we intend to move to executive session for the purpose of considering the START treaty. Senators should expect a rollcall vote to proceed to executive session, and for the information of all Senators that is simply a majority vote.

Following the vote to proceed to executive session, Senator LINCOLN will be recognized to deliver her farewell speech to the Senate. Upon conclusion, the Senate will resume executive session.

We have Christmas, which is a week from Saturday. We have a lot of things to do. I have talked about that before, but let me just briefly say again what we have to do.

We are going to finish this tax bill within the next couple of hours. It is a tremendous accomplishment. Whether you agree with all of the contents of the bill or not, everyone should understand this is one of the major accomplishments of any Congress where two parties, ideologically divided, have agreed on a major issue for the American people. It will go directly to the House of Representatives. They will take it up quickly.

We are going to move to the START treaty. I hope we can have a good, fair debate. No one needs to be jammed on it. There is lots of time for people to do what needs to be done. If people want to offer amendments, they can do that. This treaty has been around since April or May. Even a slow reader could finish every word of that many different times. I would hope no one will require us to read the treaty. What a colossal waste of time. So I hope that is not going to be necessary.

We then are going to move to the spending bill, which is so important to get done for our country. We will move to that as quickly as we can. We will see how things go with this treaty. But it is clear, I have spoken on many occasions with the Republican leader, we are going to be in session this Sunday. There is work to do. We hope we can complete what we have to do a day or two after Saturday. We want to complete the things I have just mentioned. We are going to have to have a vote on the DREAM Act. We have the 9/11 issue. We are working on nominations to complete the work we need to do this Congress.

Unless the House sends us something I am not aware of at this stage, I think I have pretty well lined out what we need to do. On nominations, the Republican leader knows the President is very concerned about having somebody at the Attorney General's Office. We need somebody to be second in command. The Deputy there has been going a long time. There has been one Senator holding that up, and we hope that matter can be resolved. The lands bill, we are trying to work it out, and we hope we can get that done. It is a bipartisan bill. That is certainly possible.

So we have a lot to do, and we need everyone's cooperation to get it done so we can get out of here as quickly as we can.

TRIBUTES TO RETIRING SENATORS

GEORGE VOINOVICH

Mr. REID. Mr. President, I wish to say a brief word about GEORGE VOINOVICH. I have watched him for many years. He has an outstanding record. He is a Senator from the State of Ohio who came to Washington with as many credentials as anyone could have: a member of the State legislature, the Lieutenant Governor of the State of Ohio, mayor of the city of Cleveland, and now a U.S. Senator. He has a wonderful family.

The thing GEORGE VOINOVICH brought to Washington a lot of people don't recognize because of his quiet manner is his work ethic. He gets up very early every morning and works on what is necessary in the Senate. He studies the bills. He is aware of the issues that are before the Senate on any given occasion. Nothing gets past him. He always is up to date on everything we are doing.

I haven't agreed with Senator VOINOVICH on lots of different issues, but he has a quality that we all need to have: You never have to guess where he stands on an issue. He will always tell you how he feels. That has been a tremendous help to me. There have been occasions when his vote has been so very important for, I believe, the Senate, the State of Ohio, and certainly the country. He always tells you how he feels, what he is going to do, and once he makes up his mind that is what he is going to do. I admire him very much.

I have had such good feelings about people coming from Ohio. I had the good fortune to serve here when John Glenn, a man we all know, one of America's all-time great leaders. Ohio produces very good people, at least from my experience in the Senate—Senator Metzenbaum, and now SHERROD BROWN with us. I will not run through a list of everyone.

I certainly want the RECORD to reflect, prior to Senator VOINOVICH's final speech today, how much I respect him as a legislator and as a person. I appreciate his friendship and hope in the years to come we can still work together on issues for the country.

RECOGNITION OF THE MINORITY LEADER

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

OMNIBUS APPROPRIATIONS

Mr. MCCONNELL. Mr. President, yesterday Democratic leaders unveiled an omnibus spending bill that some have described as one last spending binge for a Congress that will long be remembered for doing just that. The Senate should reject it.

It appeared to some of us we were making good progress on the economy when lawmakers in both parties agreed Monday to let taxpayers keep more of their own money. But yesterday Democrats unveiled a 2,000-page spending bill that repeats all of the mistakes voters demanded that we put an end to on election day.

Americans told Democrats last month to stop what they have been doing: bigger government, 2,000-page bills jammed through on Christmas Eve, wasteful spending. This bill is a monument to all three. It includes more than $1 billion to fund the Democratic health care bill. For those of us who have vowed to repeal it, this alone is reason to oppose the omnibus. It is being dropped on us with just a few days to go before the Christmas break, ensuring that no one in Congress has a chance to examine it thoroughly before the vote, and ensuring Americans don't have a chance to see what is in it either. This, too, is reason enough to oppose it.

For 2 years Republicans have railed against the Democrats for rushing legislation through Congress, but this is, without a doubt, one of the worst abuses of the process yet.

The voters made an unambiguous statement last month. They don't like the wasteful spending, they don't want the Democratic health care bill, and they don't want lawmakers rushing staggeringly complex, staggeringly expensive bills through Congress without

any time for people to study what is buried in the details.

This bill is a legislative slap in the face to all the voters who rejected these things.

For the first time in the modern era—for the first time in the modern era—Congress hasn't passed a single appropriations bill—not one, not one single appropriations bill. Democrats have been too focused on their own leftwing wish list to take care of the very basic work of government.

Now, at the end of the session, they want to roll all of these bills together, along with anything else they haven't gotten over the past 2 years, and rush it past the American people just the way they jammed the health care bill through Congress last Christmas. We all remember being here every single day throughout the month of December last year for a 2,700-page health care bill passed on Christmas Eve. This is eerily reminiscent of the experience last December, and I predict the American people have the same reaction to this bill as they did to the health care bill a year ago.

A more appropriate approach is available to us. We could pass a sensible, short-term continuing resolution that gets us into next year when the new Congress will have the opportunity to make a determination on how best to spend the taxpayers' money. The government runs out of money, by the way, this Saturday. Congress should pass a short-term CR immediately. We need to pass this tax legislation we voted on earlier this week. And we should accomplish the most basic function of government. We can at least vote to keep the lights on around here. I mean, the deadline for funding the basics of government was last October, and here we are on December 15 proposing treaties—treaties. We ought to pass the tax legislation and keep the lights on. Everything else can wait.

I yield the floor.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period of morning business until 11 a.m. with Senators permitted to speak for up to 10 minutes each.

The Senator from Florida.

TAX CUTS AND UNEMPLOYMENT BENEFITS

Mr. NELSON of Florida. Mr. President, we are soon going to vote on the bipartisan compromise on extending the expiring tax cuts and unemployment benefits. Although, as I described yesterday, it is a bitter pill to swallow because of the extended funding that will cause the deficit to rise, I doubt there is anybody in this Chamber who wants the alternative; that is, inaction or a political stalemate which is certainly not an option.

Job growth remains anemic. For many of our constituents who are struggling to make ends meet in the midst of this jobless economic recovery, unemployment benefits have already expired. Without action, on January 1, those fortunate enough to have a job would see a significant drop in their paychecks as the middle-class tax cuts enacted 10 years ago also expire, with the effect that the taxes would be going up all across the income spectrum.

So out of this stark reality facing us on January 1, this is when people of good will have come together—people of good will who have different opinions, and who, as I said, have to swallow hard on some of the parts of this package. It is my intention, as we vote in just a few hours, to vote for this package. It does provide relief that is critical for middle-class families.

For example, for a family making $63,000 a year, if we didn't pass this bill, and the existing tax law expired, then that income level, a family earning $63,000—their taxes would go up by $2,000. This bill prevents that. These middle-class tax cuts are extended in this legislation for a period of 2 years, and that includes the 10-percent income tax bracket, the $1,000 child tax credit, an increase in the standard deduction for married couples, and an expansion of the 15-percent tax bracket for married couples. The bill rewards work by continuing provisions in the 2009 Recovery Act that expanded the earned-income tax credit and the refundable tax credit.

The bill also continues the tax credit that allows taxpayers to claim a $2,500 tax credit for all 4 years of their higher education. In my State of Florida, 600,000 Florida taxpayers benefited from that tax credit.

It also has significant consequences for everybody across the board. For example, without an extension of the unemployment benefits through this coming year, 7 million unemployed workers would lose one of the last lifelines available to them. This bill is going to breathe life into the private sector through a payroll tax reduction of 2 percent for 1 year. What that does is put more money into people's pockets, which they will then go out and spend. That spending will turn over in the economy and that will produce jobs.

The bill includes provisions of particular importance to my State. Our State is one of six that does not have an income tax. As you know, when you calculate your Federal income tax, you can deduct your State income tax. For those six States, we finally got a provision in 6 years ago—whereas we don't have an income tax in Florida, we have a State sales tax. We put that in, and that is a deductible item, comparable to other States that have an income tax—to deduct that in the calculation of the Federal income tax. I am pleased that this agreement extends that deduction.

The bill also has an extension of section 1603, which is the Treasury grant program for renewable energy projects, to convert tax credits for the production of renewable electricity into an upfront investment tax credit, and to receive a grant in lieu of the investment tax credit. Certainly, as we are trying to move to renewable energy, that keeps that alive. It is badly needed. But what it illustrates is that there were some 20 to 25 Senators out here on the floor yesterday who were talking about our commitment to roll up our sleeves going into the next year, to try to do something about the reduction of spending and, therefore, reduction of the deficit, at the same time reforming a Tax Code that has gotten so complicated and so fraught with special interest provisions that it is crying out for reform. One way or another, we are going to have to make it happen. I believe that what we are going to vote on this afternoon is the first step of a badly needed effort toward restoring trust and confidence and starting to get our economy moving again.

I yield the floor.

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

ORDER OF PROCEDURE

Mr. COBURN. Mr. President, our plan on our side was for me to have 15 minutes. I ask unanimous consent that I may share some of that time with Senator CHAMBLISS.

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

TAX EXTENDERS

Mr. COBURN. Mr. President, as we look at the bill we are going to be voting on today, it is an interesting perspective if you are outside of America looking at it. Here is what people are saying. You are going to stimulate the economy with a 2-percent reduction in payroll taxes. You are not going to raise income tax rates. Then you are going to spend another $136 billion. But for all this you are going to borrow the money.

We spent 8 months on a deficit commission addressing the very real problems that are about to become acute for our country. I have no disregard for those who bring this bill to the floor. But to bring this bill to the floor without the opportunity to cut wasteful Washington spending to at least pay for the outflows that are going to come as a result of this bill, which will be the $136.4 billion I mentioned—without an opportunity to at least make an effort for the American people to see we understand that part of the waste and duplication and low priority items that the Federal Government is presently

enabling to happen—to not offer and have the opportunity to offer a way to not charge that to our children and grandchildren denies the reality of everybody else in the world that is looking at our country.

This afternoon, or later this morning, I will be offering an amendment that will suspend the rule, including any requirements for germaneness, and we will have a vote. We are going to have an amendment that cuts $156 billion from the Federal Government to pay for the $136 billion that is actually going to go out the door in the next 11 or 12 months. It is not an easy vote. But the world is going to be looking to see if we get it.

Not only are the people in this country disgusted with our actions, that we continue to borrow and steal and beg from future generations, but the world financial markets are going to see this. You saw the reaction of Erskine Bowles and Alan Simpson, who worked for 8 months trying to drive an issue to get us back on course and create a future for us that will allow us to control our destiny rather than someone else doing it.

This is just a drop in the bucket—this amendment—to the waste, duplication, and the fraud. We are going to run trillion dollar deficits as far as the eye can see right now, with no grownups in the room to say we are going to quit doing that. We are going to continue to do that.

What are some of the things in this amendment? A congressional pay freeze; a cut in the executive branch and congressional budget of 15 percent; a freeze on the salaries and the size of the Federal Government; limiting what the government can spend on planning, travel, and new vehicles; selling unneeded and excess Federal property; stopping unemployment benefits to people who are millionaires—by the way, we are sending unemployment benefits to people who are unemployed and have assets in excess of $1 million; collecting unpaid taxes currently in excess of $4 billion owed by Federal employees and Members of Congress; force consolidation of duplicative programs; preventing fraud, taking some of the $100 billion that is defrauded from Medicare and Medicaid every year, and preventing that from happening by the FAST Act; streamlining defense spending and reducing foreign aid, including voluntary excess contributions to the United Nations.

The people of the world are astounded that we would spend another $136 billion and make no attempt to get rid of the excesses, waste, and duplication in our Federal Government. Because we are not allowed under the regular order to offer amendments—and I understand the purpose for that—this amendment will require 67 votes.

The American people are going to be looking, and they are going to say: Does the Senate get it? Do they understand the severity and the urgency of the problems that face our fiscal future?

When the Joint Chiefs of Staff of our entire military say that the greatest problem facing America is not our military challenges but our debt, it should give us all pause to consider the reality and impact of our excess.

I yield for Senator CHAMBLISS.

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

Mr. CHAMBLISS. Mr. President, I rise to support the amendment offered by my good friend from Oklahoma. America is today at a crossroads—a crossroads where we have the opportunity as policymakers to go in the direction that the people of America said we should go in on November 2 or to have the opportunity to go down the road of continuing to spend money by this body and the body across the Capitol, without paying for the money we are spending.

These amendments are pretty simple and straightforward. What they say is that we as policymakers have an obligation to listen to the people who sent us here, listen to the people who said, by golly, we don't like the way you are running the financial resources that we send to Washington. And here we are, the minority leader, Senator MCCONNELL just sat down from saying and talking about an omnibus bill that goes in the wrong direction—a direction that is totally opposite of what the people of America said they wanted on November 2.

Now we are going to have a vote today on the tax package that, in my opinion, is a good package. Only in Washington is a package which says that if you continue to tax people at the rate they are being taxed today, it adds to the deficit. There is another part to that. There are additions to that tax package that do provide for additional spending—spending that can be paid for, without any feeling on the part of the offsets, or the people who are going to be affected by the offsets, as Senator COBURN has proposed.

These amendments make common sense, they make business sense, and they certainly make the kind of sense that the people in America want us to start reacting to and providing for.

Mr. President, America's finances are on an unsustainable path, and we cannot ignore this fact by continuing to pass legislation that we have not paid for.

The amendments offered by my colleague from Oklahoma, Senator COBURN, are an opportunity for this body to act responsibly so that America's future prosperity is not stifled by insurmountable debt.

All of us in this Chamber believe some portion of this bill should be paid for. Here is a chance to show we mean just that. These amendments provide billions of dollars of savings by eliminating wasteful spending, and by consolidating duplicative programs.

Moreover, these proposals are bipartisan, having been recommended by the President's Commission on Fiscal Responsibility and Reform. In addition, the amendments include ideas put forth by Presidents George W. Bush and Barack Obama to terminate certain Federal programs.

We are all aware of the tepid, seemingly unstable economic recovery from the financial crisis of the past few years. Raising taxes in the face of high unemployment and volatile economic times would injure what slow growth our economy has, in fact, achieved.

However, despite almost unanimous support for extending the emergency unemployment insurance benefits, they are still unpaid for in this legislation.

If we cannot figure out a way to pay for something that nearly everyone in this body supports, how will we ever truly address our current spending and debt levels? When will we turn and face the unavoidable hard choices?

There is no better time than now. These amendments provide $46 billion in savings this year, and $156 billion 5 years.

Much of the savings can be accomplished by cleaning up our own house. Specifically, this amendment proposes a congressional pay freeze and a 15-percent reduction in Congress's budget; a freeze on how much can be spent on the salaries for Federal employees and a reduction in the number of government bureaucrats; limiting the amount that the government can spend on printing, travel and new vehicles; selling unneeded and excess Federal property.

In the interests of strengthening America's financial future, we have to make the tough choices. These amendments do just that.

We must show the American people that we have the good faith, the courage, and the will to confront the challenges before us by working toward sound fiscal decisionmaking, by managing our debts and paying our bills just as millions of American families have to do month after month.

Mr. President, I yield the floor.

Mr. COBURN. Mr. President, I will close with the following comment. The Gallup organization came out today with the latest approval rating on Congress. Do you know what it is? It is 13 percent. Thirteen percent of the people in this country have confidence in what we are doing and 87 percent do not.

I side with the 87 percent. I think they have it right. If we continue with the omnibus package, and we continue to have our earmarks, and we continue to pass expenditures by not reducing expenditures elsewhere, it is going to sink even lower.

What does that really mean, that only 13 percent of the people in this country have confidence in us? What it really means is that the legitimacy of our positions and our power is in question. Everybody recognizes the problems in front of us. The question is, Will you make the hard choices and do the tough part to get us out of the problems we have? We can no longer borrow money we don't have to spend on things we don't need.

With that, I yield the floor and welcome the comments of the Senator from Indiana.

The ACTING PRESIDENT pro tempore. The Senator from Indiana.

FAREWELL TO THE SENATE

Mr. BAYH. Mr. President, if I could be permitted a few moments of personal privilege before I begin my formal remarks, there are so many people I need to express my heartfelt gratitude to today, starting with, of course, my wonderful wife Susan. I know we are not supposed to recognize people in the gallery, but I am going to break the rules for one of the first times here to thank my wife. We have been married for 25 wonderful years, and frankly, Mr. President, I wouldn't have been elected dog catcher without Susan's love and support.

I often remember a story during my first campaign where I met an elderly woman who took my hand, looked up into my eyes, and said: Young man, I am going to vote for you.

I was curious and asked her why.

She said, with a twinkle in her eye: Well, I have met your wife. It seems to me you did all right with the most important decision you will ever make. I will trust you with all the other ones too.

It is not uncommon in our State, as Senator LUGAR could attest, that people say they really vote for Susan's husband.

Darling, I can't thank you enough.

She was a wonderful first lady, is a phenomenal mother, and is the partner for my life.

Next, I would like to express my gratitude to my parents. Even though they were very busy, I never doubted for a moment that I was the most important thing in their lives. There is no question that my devotion to public service stems from their commitment—something, Mr. President, I think you can relate to as well. I have always admired my father's selfless commitment to helping our State and Nation. I am proud to follow in his footsteps here in the Senate and to share his name. My mother taught me that even from the depths of adversity can come hope. She was diagnosed with cancer at age 38, passed from us at age 46—an age I now recognize to be much, much too young. I miss her, but I suspect, as so often in my life, she is watching from on high today.

Next, to my wonderful sons, Nick and Beau. They came into our lives when I was still Governor and were barely 3 when I was sworn in to the Senate. They are the joys of my life. I hope that one day they will draw inspiration, as I did, from their upbringing in public service and will choose to devote themselves in some way to making our country and State better places.

I am so proud of you, my sons.

Next, to my devoted staff and to the staff who serves us here in the Senate. My personal staff has had the thankless task for 12 years of making me look better than I deserve, and in that, they have performed heroic service. They have never let me down. To the extent I have accomplished anything on behalf of the public, it is thanks to their tireless efforts and devotion. Each could have worked fewer hours and made more money doing something else, but they chose public service.

It has been an honor to work with you. I will miss each of you and can only hope we will remain in touch throughout the years. No one has been privileged to have better support than I have.

To the men and women who work in the Senate and make it possible for us to do our jobs, I wish to express my heartfelt gratitude. You have always been unfailingly courteous and professional. The public is fortunate to have the benefits of your devotion. And on behalf of a grateful nation and a thankful Senator, let me express my appreciation.

Next, to my colleagues. More about each of us later, but let me simply say it has been my privilege, the privilege of my lifetime, to get to know each of you. There is not one of you who is not exceptional in some way or about whom I do not have a fond recollection. Each of you occupies a special place in my heart.

I am especially fortunate to have served my career in the Senate with Senator RICHARD LUGAR. I have often thought Congress would function better if all Members could have the kind of relationship we have been blessed to enjoy. He has been unfailingly thoughtful and supportive. Even though we occasionally have differed on specific issues, we have never differed on our commitment to the people of our State or to the strength of our friendship.

Dick, thanks to you and Char for so much. You are the definition of a statesman.

Finally, to the wonderful people of Indiana, for whom I have been privileged to work almost an entire adult life. Hoosiers are hard working, patriotic, devout, and full of common sense. We are Middle America and embrace middle-class values. The more of Indiana we can have in Washington, frankly, the better Washington will be.

To my fellow Hoosiers, let me say that while my time in the Senate is drawing to a close, my love for you and devotion to our State will remain everlasting.

As I begin my final formal remarks on this floor, my mind goes back to my first speech as a U.S. Senator. It was an unusual beginning. I was the 94th Senator to deliver remarks in the first impeachment trial of a President since 1868. The session was closed to the public; emotions ran high; partisan divisions were deep. It was a constitutional crisis, and the eyes of the Nation and the world looked to the Senate.

My first day as Senator, I was sworn in as a juror in that trial. There were no rules. All 100 of us gathered in the Old Senate Chamber. The debate was hot, but we listened to each other. We all knew that the fate of the Nation and the judgment of history—things far more important than party loyalty or ideological purity—were in our hands.

Consensus was elusive. Finally, we appointed Ted Kennedy—JOHN KERRY's esteemed colleague—a liberal Democrat, and Phil Gramm, a conservative Republican, to hammer out a compromise. And they did. Their proposal was adopted unanimously.

The trial of our chief magistrate, even in the midst of a political crucible, was conducted in accordance with the highest principles of due process and the rule of law. The constitutional balance of powers was preserved and the Presidency saved. The Senate rose above the passions of the moment and did its duty.

Three years later, the Senate was once more summoned to respond in a moment of crisis. The country had been attacked and thousands killed in an act of suicidal terror. This building had been targeted for destruction and death, and that would have occurred but for the uncommon heroism of ordinary citizens. I was told not to return to my home for fear assassins might be lying in wait. So I picked up my sons from their school, and we spent the night with a neighbor.

Two days later, those Senators who could make it back to Washington gathered in the Senate Dining Room. There were no Democrats or Republicans there, just Americans. Without exception, we resolved to defend the Nation and to bring to justice the perpetrators of that horrible crime. The feeling of unity and common purpose was palpable.

Fast-forward another 7 years. In October 2008, I was summoned, along with others, late at night to a meeting just off this floor. The financial panic that had been gathering force for several months had attained critical mass.

The Secretary of the Treasury, Henry Paulson, spoke first. He turned to the new head of the Federal Reserve, Ben Bernanke, and said: Ben, give the Senators a status report.

Bernanke, in his low-key, professorial manner, said: The global economy is in a free fall. Within 48 to 72 hours, we will experience an economic collapse that could rival the Great Depression. It will take millions of jobs and thousands of businesses with it. Companies with which all of you are familiar will fail. Trillions of dollars in savings will be wiped out.

There was silence. We looked at each other, Democrats and Republicans, and asked only one question: What can be done?

The actions that emanated from that evening helped to avoid an economic catastrophe. The jobs of millions and millions of people were saved, businesses endured. But the measures required were unpopular. My calls were running 15,000 to 20,000 opposed and

only about 100 to 200 in favor of acting. The House initially voted down the measures. The economy teetered on the edge of the precipice, but Senators did our duty. Some sacrificed their careers that evening. The economy was saved.

I recount these moments of my tenure to remind us of what this body is capable of at its best. When the chips are down and the stakes are high, Senators, regardless of party, regardless of ideology, regardless of personal cost, doing their duty and selflessly serving the Nation we love are capable of great things.

On my office wall hangs a famous print—the Senate in 1850. There is Henry Clay; there is Daniel Webster, Thomas Hart Benton, John C. Calhoun, William Seward, Stephen Douglas, James Mason, and Sam Houston. Giants walked the Senate in those days. My colleagues, they still do.

In ''Profiles in Courage,'' John Kennedy tells the stories of eight U.S. Senators whose actions of selflessness and fortitude rescued the Republic in times of trial. Serving in this body today are men and women capable of equal patriotism if given a chance—new profiles in courage waiting to be written. It shouldn't take a constitutional crisis, a terrorist attack, or a financial calamity to summon from each of us and from this body collectively the greatness of which we are capable, nor can America afford to wait.

We are surrounded today by gathering challenges that, if unaddressed, will threaten our Republic—our growing debt and deficits, our unsustainable energy dependence, increasing global economic competition, asymmetric national security challenges, an aging population, and much, much more. Each of these challenges is difficult, each complex. The solutions will not be universally popular, but all can be surmounted, and I am confident they will be with the right leadership from us and the right ideas. I am confident because I know our history and I know our people. I know all of the challenges we have overcome—the wars, the economic hardships, the social turmoil. I know the character of the American people—our resiliency, our innate goodness, and our courage—and I know we can succeed. But it will not be easy, and it will not happen by itself. It is up to us.

America is an exceptional nation because each generation has been willing to make the difficult decisions and, yes, the occasional sacrifices required by their times. America is a great nation not because it is preordained but because our forebears, both here in the Senate and across the Nation, made it so. For 10 generations, the American people have been dedicated to the self-evident truth that all of us are created equal and have been endowed by our creator with inalienable rights.

From the beginning, it is freedom that has been the touchstone of our democracy—freedom not from the benevolence of a king, not by the forbearance of the majority, not by the magnanimity of the State, but from the hand of Almighty God; the freedom to enjoy the fruits of our labors, the freedom to speak our minds and worship God as we see fit, the freedom to associate with those of our own choosing and to select those who would govern us.

From the hillsides of ancient Athens to the fields of Runnymede, to the village greens of Lexington and Concord, to the Halls of this great Senate, it has always been the same: The innate human longing for independence now finds its truest expression in the American experiment. We are the guardians of that dream.

Each generation of Americans has been called to renew our commitment to that ideal, often in blood, always with sacrifice. Now is our time. Now is the time for us to keep faith with those who have come before and to do right by those who will follow, to lift high the cause of freedom in all of its manifestations within its surest sanctuary—this U.S. Senate.

All of this was put into perspective for me one day on a visit to Walter Reed Army hospital. I was visiting wounded soldiers. There was a young sergeant from Georgia. He had been married 3 weeks before deploying to Iraq. He was missing his left arm and both legs. His wife sat by his side. A look of dignified calm was upon his face. I asked if he was receiving the care he needed. Yes, he said, he was. I asked if there was anything I could do. No. No, there was not. Anything he needed? No.

I had never felt so helpless or so insignificant.

I left his room and made my way to the hospital front door and walked outside into the bright sunshine, sat upon the curb, and cried.

All I could think of was what can I do—what can I do to be worthy of him? What can each of us do? Look at what he sacrificed for America. What are we prepared to give? Is it too much to think that while soldiers are sacrificing limbs on our behalf, that we can look across the aisle and see not enemies but friends, not adversaries but fellow citizens?

With service men and women laying down their lives, can we not lay down our partisanship and rancor but for a while? Can we not remember we are but ''one nation under God,'' with a common heritage and common destiny? Let us no longer be divided into red States and blue States but be united once more into 50 red, white, and blue States. As the civil rights leader once reminded us: ''We may have arrived on these shores in different ships, but we are all in the same boat now.''

My friends, the time has come for the sons and daughters of Lincoln and the heirs of Jefferson and Jackson to no longer wage war upon each other but to instead renew the struggle against the ancient enemies of man: ignorance, poverty, and disease. That is why we are here. That is why. If I have been able to contribute even a little to reconciliation among us, then I have done my duty.

My prayer is that in the finest traditions of this Senate—both in my time and my father's time and in days before—we may once again serve to resolve our differences, meet the challenges that await us, and in so doing forge an American future that is worthy of our great past. So that when our children's children write the history of our time, they may truly say of us: Here were Americans and Senators worthy of the name.

I thank you.

I yield the floor.

(Applause, Senators rising.)

Ms. LANDRIEU. Mr. President, I understand we are in morning business.

The ACTING PRESIDENT pro tempore. That is correct.

Ms. LANDRIEU. I would like to speak for the next 5 minutes. I understand Senator VOINOVICH is on his way, but I would like to speak for the next 5 minutes.

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

Ms. LANDRIEU. Mr. President, this Senate is not going to be the same place without the Senator from Indiana. In fact, it will be a lesser place because he has been such an outstanding Senator. I wish to let him know he will be very much missed. He contributed enormously, in his very quiet and dignified but powerful way, to many important issues, both domestic and international. We look forward to hearing a lot more from Governor Bayh and Senator BAYH in the years to come.

LOW INCOME HOUSING FIX

Ms. LANDRIEU. Mr. President, I thank the leadership on both sides for giving me an opportunity, in just a few minutes, to have a portion of the time when it comes to the discussion of the bill we are going to be voting on at noon. But I thought before I got to that time I had been allotted in the unanimous consent agreement—and I am very grateful to the leadership on both sides for giving me that opportunity—I would take a minute to give a preview while there was no one on the floor asking for time now.

This massive tax bill has been negotiated by many people of good will. I see the Senator from Montana, the Finance Committee chair, who has been at the table in these negotiations, and Senator MCCONNELL and Senator KYL and Senator REID—men who have truly worked very hard. There were representatives from the White House in these negotiations. I know in their minds they did their very best. I have had some serious issues with portions of the package. I have expressed those on the floor of the Senate on behalf of the constituents I represent. I think I have made my points. I think they have been very clear. I appreciate the

opportunity, as a Senator, to be able to voice those complaints.

I am not on the floor right now to talk about the major pieces of that tax package with which I strongly disagree. I intend to vote for it. I signaled that in the vote 2 days ago. I am unhappy with many pieces of it, but that is not why I am here to speak today. I am here to ask the Members of this Senate to consider, when I ask unanimous consent later this morning, to grant unanimous consent to fix a mistake. I am going to ask, in just a few minutes, for the Senate to fix a mistake that was made in the negotiations. I am going to need all 100 Senators to say yes in order to fix this mistake.

Senator VITTER, Senator SHELBY, Senator SESSIONS, Senator COCHRAN, and Senator WICKER—all the Senators from both parties in all the Gulf Coast States that are affected by this amendment—join me in this request. There is not any difference of opinion among those of us who represent these States. Only these States are affected by this amendment. It is very narrowly crafted. It has to do with a placed-in-service date for low-income housing; that is all, low-income housing.

We lost, as many people will recall, 6 years ago, over 250,000—not 5,000, not 25,000, not 50,000 but 250,000—homes in the aftermath of Katrina, Rita, and the great flood that ensued. It is only 6 years ago that happened so, of course, we are still trying to build housing, private, stand-alone, single-family housing, multifamily housing, housing for seniors. It is a huge work. In fact, it may be the largest single residential building program going on in this century, maybe not after World War II—I don't have the figures—but it has been a huge residential rebuilding program.

This GO Zone package was crafted with the help of almost every Senator in the aftermath, and we are grateful. It had basically three main components, what I call bonds for big infrastructure project development, bonds for historic credits, because many of these neighborhoods—particularly Waveland, New Orleans, some of these historic places along the gulf coast—were destroyed. We wanted to preserve, when we rebuilt, the historic nature, so we asked the Senate and were granted historic preservation credits: the low-income housing tax credits to replace the thousands of low-income units for seniors, for the disabled and for the poor and the working poor. In this package, the negotiators got everything, but they forgot and left out—out of the total $800 million for the GO Zones for all the Gulf Coast States, for everything I just described—they forgot to extend the placed-in-service date for the low-income housing projects.

As a result, and I see Senator VOINOVICH on floor—and I know he is in line to speak—as a result, if we do not fix this today—it is not truly an amendment, it is a correction to the underlying bill—these projects will come to a halt. There are 77 of them. They are narrow. It does not open Pandora's box. It fixes a mistake. I have testimony from the Senator from Montana, I have testimony from the White House, I have testimony from the Republican leadership that it was not their intention and that they did not understand clearly enough that if this placed-in-service date was not extended, these projects—they thought they could go on. They cannot. They will come to a halt.

It is only low-income housing projects, only in the gulf, and there are only 77 of them. Not all of them will collapse, but the largest will because they cannot be corrected. They cannot be built in this year alone. We need to give them 2 years to be built. If we can do that, the great redevelopment of the city of New Orleans and the region will continue.

Please, in the next hour, my colleagues, contemplate this. I am going to ask for your unanimous consent. I hope I can get it.

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

Mr. BAUCUS. I know there is an order for the Senator from Ohio to speak. I would ask for the Senator's indulgence for maybe 15 or 30 seconds.

Mr. VOINOVICH. Sure.

Mr. BAUCUS. Mr. President, I have discussed this matter with the Senator from Louisiana. She is right. These projects cannot be built fast enough. There is just not enough time. The placed-in-service date should be extended an extra year. It is not expensive at all. I hope we can find some way to accommodate this need.

The people in Louisiana and the whole gulf coast need this extended service date because, otherwise, these homes will not be built. I hope we can find some way to pass what the Senator from Louisiana is suggesting.

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

FAREWELL TO THE SENATE

Mr. VOINOVICH. Mr. President, I rise today to say farewell to the Senate after 12 years. I would like to take time to convey my heartfelt thanks to all of those who have helped me during my time in the Senate and to reflect briefly on the work we were able to get done, work that I think made a difference for the people of my State and our Nation.

I also will share a few observations with my colleagues, both those who are staying as the 112th, as well as Senators yet to come. At this stage in my life, I look back on my 44 years in public service and I cannot help but thank God for the immeasurable blessings he has bestowed upon me. Each time I walk the steps of the Senate, I look up at the Statue of Freedom on the top of our Capitol dome, and I think of my grandparents who came to America with nothing but the clothes on their back. They could not read or write and spoke only a few words of English.

I have to pinch myself as a reminder that this has not been just a wonderful dream. The grandson of Serbian and Slovenian immigrants who grew up on the east side of Cleveland is a U.S. Senator. Only in America.

Truly none of us should take for granted the economic and political freedoms we have. My dad used to say the reason we have more of the world's bounty is because we get more out of our people because of our free enterprise and educational systems. Mr. Gudikuntz, my social studies teacher, said: A democracy is where everyone has an equal opportunity to become unequal.

So during my final days in the Senate, I think of the people in my life who have gotten me up the steps to this hallowed Chamber: My wife of 48 years Janet is God's greatest blessing to me. She has never pulled or pushed me, but she has always been at my side; my three children on Earth, George, Betsy and Peter, and my angel in Heaven, Molly, and my eight grandchildren, my siblings and their extended families. It is not easy to have a father, brother, or uncle in this business. The people of Ohio who have facilitated my election to seven different offices, who have stuck with me even though on occasion they have not agreed with me, have my deep appreciation. I can never thank them enough. I hope they know that every decision I have made and every policy I have crafted, although not always the easiest or most popular at the time, was aimed to improve and make a positive difference in our lives. I am very humbled to have been given the privilege to serve them through the years.

Here in the Senate, my wonderful staff, both in Ohio and in Washington, I am so proud of what they have done for me and the people of Ohio. I take fatherly pride in having had the chance to touch their lives and see them grow. I also think of our colleagues in the other Senate offices who have helped and cooperated with them as we worked together to solve our Nation's problems, meet challenges, and seize opportunities. My colleagues and I should be most humble; for all we are is a reflection of these wonderful, loyal, hard-working individuals.

I also thank all of you in this Chamber for your courtesies you have extended to me. I miss my first 2 years when I presided over the Senate, the first one to get to 100 hours in the chair. It was a wonderful time, and thank you all for what you have done for me over the years.

The folks in the Attending Physician's Office have taken care of me physically. Our two great Chaplains, Lloyd Ogilvie and Barry Black, along with the wonderful priests at St. Joseph's on the Hill have helped me grow spiritually. I have to mention JIM INHOFE, hosting our Bible study each

week. He honored me by inviting me to a codel to Africa this year. There is no one in this Senate who has done more for public diplomacy for the United States in Africa than JIM INHOFE.

I have learned in my life that you cannot do anything alone. So, of course, I think of my colleagues in the Senate whom I have learned to know and respect. I have been blessed to call them friends. The American people have made it clear that they are not happy with partisanship in Washington. But the fact is, there are some great partnerships here, and those partnerships and relationships result in action.

I do not think many people outside Washington understand that a lot gets done here on a bipartisan basis. Many Americans think the only action in the Senate is on the floor of the Senate. But much of the action in the Senate is in the committees and meetings with other Members off the floor, as well as through unanimous consent.

Once a bill gets through committee, perhaps one or two people might have a problem with it, but we work it out, call them, go see them, it gets done. But it is never reported in the paper about how we are working together on so many pieces of legislation.

I am proud of the contribution I have made to the country in the area of human capital and government management. The fact is, though, without my brother, DAN AKAKA—and he is my brother—the changes never would have occurred. There is nobody who has done more to reform the way we treat our Federal workers, to make us more competitive and work harder and smarter and do more with less than what DAN and I have tried to do over the years, 12 years of working at it. It is an area that is neglected by most legislators because they do not appreciate how important the people are that work in government. I call them the A-Team. Any successful organization has to have good finances and good people.

I am also proud of my work in helping to relaunch the nuclear renaissance, which will help deliver baseload energy for America, reduce our greenhouse gas emissions, and reignite our manufacturing base in Ohio and in our country. I could not have done this without Senator TOM CARPER, who has been both a friend and a colleague since our days as Governor. TOM's leadership was key to organizing our recent successful Nuclear Summit in Washington, and TOM has taken the baton from me and will carry nuclear energy to the finish line as part of the future of America's energy supply, along with MIKE CRAPO, JIM RISCH, LAMAR ALEXANDER, and others.

I also recall the passage of the landmark PRO–IP bill, a bill to protect our intellectual property, by the way, the last bastion of our global competitiveness. It was a multiyear process that would not have succeeded without the work of the business community and my friend, EVAN BAYH, whom I first met when we were Governors of neighboring States.

As many of you know, I have been an ardent champion for my brothers and sisters in Eastern Europe, the Baltic States, and the countries of the former Yugoslavia. As such, I am proud to have led the effort to expand NATO and increase membership in the Visa Waiver Program. These two accomplishments would not have happened without the bipartisan leadership of DICK LUGAR and JOE BIDEN on the Senate Foreign Relations Committee and the help of JOE LIEBERMAN and SUSAN COLLINS on the Homeland Security and Government Affairs Committee.

I pray that the bipartisanship that I have witnessed and enjoyed in both foreign relations and homeland security will continue. I must also acknowledge Senator JEANNE SHAHEEN for her keen interest in southeast Europe. We traveled together to the region in February of this year, and I am heartened that she has picked up the mantle on our mission to ensure the door of NATO and European Union membership remains open to all states in the Western Balkans, which is key, I believe, to our national security.

I have also championed the cause of monitoring and combatting anti-Semitism, making it a priority within the Organization for Security and Cooperation in Europe and our State Department. The progress that has been made over the years could not have happened without the leadership of Senator BEN CARDIN, Congressman CHRIS SMITH, and the late Congressman Tom Lantos.

One of the highlights of my career was the passage of the global anti-Semitism bill, which created a special envoy at the State Department to monitor and combat global anti-Semitism. These are just a few examples of great bipartisan work going on in the Senate. But much of the time this is blurred because of the media's addiction to conflict.

Even though I do not agree with the bipartisan resolution on extending the Bush tax cuts, I compliment the President and leaders in Congress for sitting down and working together to find a compromise.

One of my frustrations after working so hard to find common ground on significant issues over the past 12 years has been that it does not happen often enough. The American people know that even when members of a family get along, it is difficult to get things done. So they most certainly know that when we are laser focused on fighting politicking and messaging, their concerns and plight are forgotten, and nothing controversial gets done.

There is a growing frustration that Congress is oblivious to their problems, anxieties, and fears. Frankly, I think one action leaders could take at the beginning of each Congress is to assess the issues at hand. What are the items that Republicans and Democrats agree should get done to make our Nation more competitive and make a difference in people's lives, and set a common agenda. By setting collective goals, by an agreement from leadership, I believe that will set the environment for committee chairmen and ranking members for the year.

Think about it. What kind of planning do we do? Most successful corporations have 5-year plans: Where are we going? What are our priorities? What are the things we agree upon? Let's not spend time on those things where we disagree.

Additionally, an unacceptable amount of time is spent on fundraising. It is my estimate that 20 to 25 percent of a Senator's time is spent on raising millions of dollars, and with it comes the negative fallout in terms of the public view of Congress, bowing to contributions from special interests. In addition to this negative impression, the time spent raising money too often interferes with the time we need for our families, our colleagues, and, most importantly, doing the job the people elected us to do. My last 2 years have been my most productive and enjoyable because I have not had to chase money at home and around the country. None of us like it, but nothing seems to get done about it—nothing seems to get done about it.

Ideological differences aside, it is necessary for us to have good working relationships if we are going to get anything done for the people who elected us. I know it is possible from my personal experience. As mayor of Cleveland, I worked side by side with George Forbes, the most powerful Democratic city councilman in Cleveland's history. My entire city council was Democrats. George and I first met when our children attended the Mayor Works Program in the Cleveland Public Schools System. Who would have guessed that we would become the tag team that turned Cleveland around after it became the first major city to go into bankruptcy?

I was pummeled by the media on occasion in regard to who was actually running city hall. My answer was, both of us. Forbes and I worked together as friends and partners. One of the great satisfactions when I left the job of mayor was that USA Today highlighted both of us: The tall African-American Democrat, Big George, and the short White Republican, Little George, working together to bring about Cleveland's renaissance.

In Columbus, I found a worthy adversary when I was Governor in Democrat Vern Riffe, who was speaker of the house for my first 4 years as Ohio Governor. My office was on the 30th floor of the building named after Riffe while he was still alive and serving an unprecedented 22 years as speaker.

Well, every day when I went over to the Riffe Tower, I had to genuflect before his bust. But, somehow, Vern and I decided we were going to figure out how we could work together and move Ohio forward and become good friends.

Needless to say, folks, I was dismayed when I learned this year that President Obama had held only a single one-on-one meeting with MITCH MCCONNELL. One meeting. When I was Governor, I met with Vern Riffe and Stan Aranoff, who was president of the senate, every 2 weeks, developing good interpersonal relationships and a trust which allowed us to move Ohio forward, from the Rust Belt to the Jobs Belt.

I am hoping we have entered a new era in the relationship between the President and leadership in Congress. Our situation today is more critical—more critical—than at any time in my 44 years in government. How we work together will determine the future of our country. We must also recognize that if we diminish the President in the eyes of the world, it is to the detriment of our Nation's international influence and will impact our national security. We are on thin ice, and we need the help of our allies. They need our help as well.

For example, the START treaty. Although I have had some reservations about it, they have been satisfied. It is vitally important to get done this year or, alternatively, we must make it clear the Senate will ratify the treaty as soon as the 112th Congress convenes. To not do so will do irreparable harm to America's standing with our NATO allies and would be exploited by our enemies, particularly those factions in Russia that would like to break off communication and revert back to our Cold War relationship. There are plenty of them over there still smarting from the fact that the wall went down, NATO expanded, and we encroached on their area of influence.

Two weeks ago Janet and I attended a farewell dinner hosted by MITCH MCCONNELL. Although I have had differences with MITCH, I have to credit him with keeping the Republican team together. There is no one more strategic than MITCH, JON KYL, and LAMAR ALEXANDER. Still, I share the concern of many of my colleagues that too often the herd mentality has taken over our respective conferences. At the dinner MITCH hosted, I shared with my Republican colleagues what Ohio State University coach Jim Tressel defines as success in his book ''The Winners Manual.''

> Success is the inner satisfaction and peace of mind that come from knowing I did the best I was capable of doing for the group.

Success is a team sport. Hopefully, this will become the Senate's definition of success, because finding common ground and teamwork is what it will take to confront the problems facing our Nation.

My colleague Senator CHRIS DODD hit the nail on the head when he said:

> It is whether each one of the 100 Senators can work together—living up to the incredible honor that comes with the title, and the awesome responsibility that comes with the office.

We do have a symbiotic relationship, and I am encouraged that more and more of my colleagues understand that. I was quite impressed with the fact that 60 percent of the Senate representation on the National Commission on Fiscal Responsibility and Reform supported the recommendations of the chairmen, including TOM COBURN, MIKE CRAPO, JUDD GREGG, KENT CONRAD, and DICK DURBIN. As far as I am concerned, they are true patriots.

As our colleague TOM COBURN said just before the commission vote:

> The time for action is now. We can't afford to wait until the next election to begin this process. Long before the skyrocketing cost of entitlements cause our national debt to triple and tax rates to double, our economy may collapse under the weight of this burden. We are already near a precipice. In the near future, we could experience a collapse in the value of our dollar, hyperinflation or other consequences that would force Congress to face a set of choices far more painful than those proposed in this plan.

Here we are, in a situation where we are on an unsustainable fiscal course caused by explosive and unchecked growth in spending and entitlement obligations without funding. We have an outdated Tax Code that does not sufficiently encourage savings and economic growth, a skyrocketing national debt that puts our credit rating in serious jeopardy and should give all of us great pause.

For Fareed Zakaria posed questions that should haunt all of us in Monday's Washington Post.

> So when will we get serious about our fiscal mess? In 2020 or 2030, when the needed spending cuts and tax hikes get much larger? If we cannot inflict a little pain now, who will impose a lot of pain later? Does anyone believe that Washington will one day develop the political courage it now lacks? And what if, while we are getting around to doing something, countries get nervous about lending us money and our interest rates rise?

I believe the American people get it. They recognize that our fiscal situation is in the intensive care unit on life support.

As I walk down the steps of the U.S. Capitol for the last time, I pray the Holy Spirit will inspire my colleagues to make the right decision for our country's future and work together to tackle our fiscal crisis. You have the future of our Nation and the future of our children and grandchildren in your hands.

I have already spoken too long. If my wife Janet were here, she would be scratching her head. That is the signal she always gives me. I got your signal, dear.

But I would like to finish with a reading from ''One Quiet Moment,'' a book of daily readings from the former Senate Chaplain Lloyd Ogilvie which I read every day for inspiration and proper perspective. Perhaps some of my colleagues are familiar with his writings. This was his election day admonition:

> . . . May the immense responsibilities they assume, and the vows they make when sworn into office, bring them to their knees with profound humility and unprecedented openness to You. Save them from the seduction of power, the addiction of popularity, and the aggrandizement of pride. Lord, keep their priorities straight: You and their families first; the good of the Nation second; consensus around truth third; party loyalties fourth; and personal success last of all. May they never forget they have been elected to serve and not to be served.

Mr. President, I yield the floor.

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

Mr. BROWN of Ohio. Mr. President, as Ohio's junior Senator, I wish to add my remarks, as well as I am able, to the comments of Senator VOINOVICH. He didn't talk much about himself and his career, and I will do that for a moment.

In his almost 50 years of public service, he always has been his own man, whether as a State legislator, county auditor, a county commissioner of Cuyahoga County, Lieutenant Governor, as mayor of Cleveland, Governor of Ohio, and now his 12 years in the Senate. He has always been his own man. He was rewarded in some sense when, as a 1958 graduate of Ohio University, the school created the Voinovich School of Leadership in Public Affairs. It is not often that a State university or any public entity names something after someone still in office, particularly something as prestigious as the Voinovich School of Leadership. I have visited it many times. There are always stimulating discussions that are uplifting to the public discourse. I thank Senator VOINOVICH for that.

No matter how high GEORGE VOINOVICH rose, he always lived with his wife Janet and his children and grandchildren nearby in Collinwood, OH, in the same house, the same neighborhood in Cleveland, never forgetting where he came from. That tells me a lot about him as a public official.

He likes to say, reflecting on our State's tremendous potential, ''the rust is off the belt,'' as people used to refer to Cleveland as the rust belt but now see it as so much more. It is going be the first place in the Nation with a field of wind turbines on the fresh water of Lake Erie. Clearly, this city has turned around. This is, in some significant measure, due to the efforts of Mayor and Governor and Senator GEORGE VOINOVICH.

There are four things I particularly think of when I think of GEORGE VOINOVICH. One is Janet. Janet often travels back and forth with GEORGE, and I see both of them on our flight from Cleveland to Washington. Janet has always been at his side, whether as first lady or as his loving life's partner. The relationship they have is inspiring to Connie and me and many others. We thank you most importantly for that, GEORGE.

When I think about the career of GEORGE VOINOVICH, I think of what he brought to this body—the perspective of an executive, of a Governor and a mayor. That is something many of us look to—Governor Shaheen, now Senator SHAHEEN, and soon-to-be Governor

Brownback. It helps in our deliberations that someone has had the experience as a big city mayor in challenging times, and Governor of Ohio and, perhaps a less challenging time but a challenging time nonetheless, from the perspective that GEORGE VOINOVICH has brought as a chief executive coming to the Senate, sharing those thoughts and ideas with legislators.

The second thing I think of is Lake Erie. If you live in northern Ohio or in the right places in Wisconsin and Minnesota and Michigan and Indiana and Illinois and New York and Pennsylvania, you think about the great lake you live near. In northern Ohio there is an old story. I grew up about 75 miles from the lake, and GEORGE grew up much closer. There is something about people who have grown up within 10 miles of Lake Erie. You can ask them wherever they are, which way is north, and they always seem to know.

From what he has done with Asian carp and his belief in the importance of our greatest national resource, the five Great Lakes, his commitment is always to maintaining the pristine quality of that lake in terms of recreation, in terms of drinking water, in terms of industry, in terms of all the things that the Great Lakes, especially Lake Erie, do for Cleveland and everything in between. GEORGE VOINOVICH gets much credit for that.

I think about GEORGE VOINOVICH in that he is always elevating the discussion about the quality of the Federal workforce. The term ''public servant,'' unfortunately, doesn't mean in the public's mind what it used to; partly deserved, perhaps, because of some people's missteps or worse, but mostly because people run campaigns against the government, whatever the reasons there. The term ''public servant'' is so important to GEORGE VOINOVICH, and he has done more than just mouth the words and compliment workers, which he has done often and deservedly. I applaud him for that. He has played a major role in shining the light on how we improve our Federal workforce. How do we give them opportunities for advancement, how do we do training, attract the right people to public service. I still think we have a terrific public workforce. Whether it is at the city, county, State, or Federal level, it is of high quality. And, in the great majority of cases, that is because of a few—and I say a very few—public servants such as GEORGE VOINOVICH who has kept the public spotlight on government service. I know Ralph Regula, the Congressman from Canton who retired in 2008, has shared a lot of those thoughts and ideas and continues to in his retirement with Senator VOINOVICH.

Whether it is his work on Lake Erie or his contributions here, he has certainly made the Senate of the United States a better place. He has made the United States of America a better country. I thank him for that, as my senior Senator.

The ACTING PRESIDENT pro tempore. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I rise to pay tribute to my colleague. What a great gentleman. This is an august body, a wonderful place, a delightful place to serve. It has great issues before it. There are people who are gentlemen and gentleladies in it who conduct themselves in one of the highest regards and highest abilities. And when I think of that, I think of GEORGE VOINOVICH. He is a really good guy, a real gentleman in the Senate, and a man who lives his faith, believes it, which is tough to do in this body. It is tough to do in any position in life. Yet he does it and has done it for over four decades in public service to the people in the State of Ohio and the people of the United States. That is quite a tribute.

He and his wife I get to see often. When I think of the expression ''two people becoming one,'' I don't know if I could describe it any better than the Voinovichs, how two become one.

The smile is the same. The look is the same. The attitude is just a wonderful togetherness that the two of them live. At a time when marriages have a lot of difficulties, it is great to see an example of somebody in high office who has lived in public life for over four decades and then has this oneness in their marital relationship. I think they both have served in that capacity, whether it is for their family or for the people of Ohio or the United States.

Living publicly the right way and living privately the right way are both beautiful attributes and difficult things to be able to get done, and it is great to be able to see it happen. For that, I give great tribute to a wonderful American, GEORGE VOINOVICH.

I yield the floor.

The PRESIDING OFFICER (Mr. BENNET). The time allotted for morning business has expired.

Mr. CARPER. Mr. President, I ask unanimous consent to speak out of order for perhaps 2 minutes.

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

The Senator from Delaware.

Mr. CARPER. Mr. President, thank you very much.

Mr. President, GEORGE VOINOVICH and I served as Governors together for 6 years. He chaired the National Governors Association, and he was good enough to let me be his vice chairman. I got here and, lo and behold—in fact, for a while he chaired a national dropout prevention program called Jobs for America's Graduates. I was his vice chairman. I got here, and he chaired a subcommittee on the Environment and Public Works Committee, the Subcommittee on Clean Air and Nuclear Safety, and I got to be his vice chairman. So I am used to being his second banana. But I love the guy, and I have learned an enormous amount from him.

He is one of those people who really, every day, try to say: What is the right thing to do—not the easy thing to do, not the expedient thing to do, but what is the right thing to do? And he tries to do it. He is the kind of person where we go to the Bible study group that meets about every Thursday with the Chaplain and some of our colleagues, and we are always reminded by Barry Black that the Golden Rule is treat other people the way we want to be treated. It is the cliff notes of the New Testament, and GEORGE really personifies that. He treats everybody the way he would want to be treated.

He is a person who focuses on excellence in everything he has done—as mayor, as Governor, and here in the U.S. Senate—and he is always looking for ways to do better what he does and calls on the rest of us to do the same.

Finally, this guy is tenacious. He does not give up. If he thinks he is right and he knows he is right, just get out of the way, and you know he is going to prevail.

He has wonderful folks on his staff who are here with him today, and we salute all of you. He knows how to pick—you are—good people and turn them loose and really to inspire them and us.

I do not think Janet is here today. Maybe she is watching on television. I hope so. But to her and their family, thanks very, very much for sharing with us an extraordinary human being.

We love you, GEORGE.

Mr. President, I yield back.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

FEDERAL AVIATION ADMINISTRATION EXTENSION ACT OF 2010

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the House message to accompany H.R. 4853, which the clerk will report.

The legislative clerk read as follows:

Motion to concur in the House amendment to the Senate amendment with an amendment to H.R. 4853, an act to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes.

Pending:

Reid motion to concur in the amendment of the House to the amendment of the Senate to the bill, with Reid/McConnell modified amendment No. 4753 (to the House amendment to the Senate amendment), in the nature of a substitute.

Reid amendment No. 4754 (to amendment No. 4753), to change the enactment date.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I understand that under the previous order, I have 10 minutes.

The PRESIDING OFFICER. That is correct.

Mr. COBURN. I will attempt not to use that complete time.

MOTION TO SUSPEND

We have an amendment No. 4765, which is a motion to suspend the rules

and consider the amendment, and I will make that motion in a moment.

We have before us a bill. We are going to spend $136 billion more than what we planned to spend before this agreement was made. We have no opportunity under regular order to offset that with less priority, less important items. So we have an amendment for the Senate to vote on. It is not pain free. It is painful. But it cuts $150 billion from Federal expenditures to pay for the additional Federal expenditures that will go out the door as a result of this bill.

I actually believe every one of my colleagues in the Senate understands the jam we are in. Where I am confused is that when we bring cuts to the floor, not only do they not vote for the cuts, they do not offer alternative cuts. And you really cannot have it both ways. You cannot say you recognize the significant difficulty our country is in and turn around and vote against somebody making an effort to get us out of that jam and not offer other additional spending cuts for which to pay. We do not have that privilege any longer. So either the recognition of the problem is real or it is not.

Let me describe what has happened just in the last 2½ years. We have run a budget deficit for now 27 straight months, including this month. The 2009 budget deficit, as reported, was $1.4 trillion. It was actually $1.6 trillion when you include the money we actually stole from trust funds and other items—in 2010, $1.3 trillion. On the basis of how we are going now, our budget deficit will probably be, in real terms—not what is reported to the American people but the actual fact of how much the debt will increase—probably $1.6 trillion to $1.7 trillion. How long can we continue to do that? As a matter of fact, the largest monthly budget deficit ever reported was October—$291 billion.

The time to act is now. If you do not like what I have put up, then put something else up. Let's have a debate about it. Let's have an honest discussion about the problem and the possible solutions. That is what the deficit commission was trying to do. That is what a group of us, including the President pro tempore, are trying to do on a bipartisan basis.

There is no longer a debate on whether we are going to have to cut spending in our country. Almost everybody agrees to it. The question is, When will we start? I will tell you, if this amendment passes, we will send a notice to the world that we get it. The international financial community will start seeing us acting as adults and no longer delaying the time at which we will start chipping and stop digging. We have a hole so deep we may not climb out of it now. The last thing we want to do is make that hole deeper.

So, Mr. President, I move to suspend rule XXII, including any germaneness requirements, for the purposes of proposing and considering amendment No. 4765, and I ask for the yeas and nays.

The PRESIDING OFFICER. The motion is pending.

Is there a sufficient second?

At the moment, there is not a sufficient second.

Mr. COBURN. I will reoffer.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Thank you, Mr. President. I would like to ask unanimous consent to use the general time, not my own 10 minutes.

The PRESIDING OFFICER. There is no general debate time.

Ms. LANDRIEU. Can I ask to use my leadership time?

The PRESIDING OFFICER. The Senator does not have leader time.

Ms. LANDRIEU. OK. Then I will use 1 minute of my time out of the 10 I have.

The PRESIDING OFFICER. The Senator is recognized.

Ms. LANDRIEU. Thank you, Mr. President.

In just a few minutes—sometime before the hour of 12—I am going to be asking for unanimous consent to correct a mistake that was made in the final negotiations of this tax package, which contains, as you know, $890 billion worth of items. It is a big bill. It was negotiated with the White House and the Republican leadership primarily, and then the Democratic leaders had some input into it as well.

What happened was—and, Mr. President, please stop me in a minute and a half—there was a misunderstanding, a terrible misunderstanding when it came down to the GO Zone housing credits. All of the GO Zone package was put in the bill except for the $42 million—

The PRESIDING OFFICER. The Senator has used a minute.

Ms. LANDRIEU. OK. I will take 30 more seconds of my time—except for the $42 million that applies to low-income housing tax credits. So the entire GO Zone package—$800 million for the gulf coast—was put in. This little $42 million was left out. It was a mistake. The only way to fix that today is to get unanimous consent. I will be asking for that in just a few minutes.

I thank the Presiding Officer and yield back and reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time? The Senator from Michigan.

Mr. LEVIN. Mr. President, in a moment, I am going to ask unanimous consent that it be in order to call up my amendment No. 4787 to the motion to concur in the House amendment.

My amendment would restore the estate tax exemption level and top estate tax rates to their 2009 levels of $3.5 million and 45 percent, respectively. It would leave all the other modifications to the estate, gift, and so-called generation-skipping transfer taxes the same as they appear in the underlying amendment.

Raising the estate tax exemption level to $5 million and lowering the rate to 35 percent is not the responsible thing to do given our current fiscal situation, and it would only exacerbate widening wealth inequality in America. Only 3 of every 1,000 decedents have estates in excess of $3.5 million.

At a time when some people are seriously discussing cutting Social Security, which is relied upon by so many millions of Americans, how can Congress consider this action to benefit the top three-tenths of 1 percent of the population?

While we don't have an estimate of the savings to the Treasury from this amendment, we do know it would save our Treasury tens of billions of dollars, which we need to help continue unemployment insurance, Social Security, and other critical programs.

Whether one agrees with this amendment or not, this is an amendment which should be debated. The Senate should have an opportunity to debate this issue. Unless we get unanimous consent, the way this is currently structured, the Senate will be denied this opportunity. Whether people support it, oppose this estate tax change or don't know, the way the Senate ought to operate is we should have a chance to vote on this amendment.

UNANIMOUS CONSENT REQUEST

So I now ask unanimous consent that it be in order to call up my amendment No. 4787 to the motion to concur in the House amendment.

The PRESIDING OFFICER. Is there objection?

The Senator from Wyoming.

Mr. BARRASSO. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. LEVIN. I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Vermont.

Mr. SANDERS. Mr. President, I would appreciate it if at the end of 9½ minutes you could alert me, please.

The PRESIDING OFFICER. The Chair will do so.

Mr. SANDERS. Mr. President, let me begin by adding Senators WHITEHOUSE and BEGICH as cosponsors of this amendment No. 4809.

As I think many people know, I have been extremely critical of the agreement struck between the President and the Republican leadership. I have spoken out against it and I voted against cloture just yesterday. It is one thing to be critical of a proposal; it is another thing to come up with a better alternative, and I think I have done that today.

I believe the amendment I am offering is a significant improvement over the agreement struck between the President and the Republican leadership, and I hope very much we can get strong bipartisan support for it. Let me very briefly tell my colleagues what it does.

First, as I think most Americans appreciate, at a time of a recordbreaking deficit and a $13.7 trillion national debt, it makes very little sense to be

providing huge tax breaks to the wealthiest people in our country. It drives up the national debt and forces our kids to pay higher taxes in the future to pay off that national debt. This amendment ends—it ends—all the Bush tax breaks for the wealthiest 2 percent of Americans beginning on January 1 of this year.

What does it do with the savings? That is perhaps the most important point I wish to make. Over the long term, this amendment would devote half the revenue raised by this provision—by eliminating the tax breaks for the top 2 percent—to reduce the deficit. Half that money goes to deficit reduction, which I hope appeals to many of my Republican friends who have consistently and appropriately talked about high deficits and the danger of those high deficits to this country. Half the savings by eliminating tax breaks for the wealthy goes to deficit reduction. What does the other half go to? It seems to me that while we should be and must be concerned about the deficit, we must also understand we continue to be in a major recession. Millions of our fellow Americans are unemployed. We have to do everything we can to create decent-paying jobs and put those people back to work.

What the other half of the savings does is invests in our infrastructure. I don't have to tell anybody here our infrastructure is crumbling. So it will go to repairing our roads, our bridges, schools, dams, culverts, housing, and transforming our Nation's energy sector. We need to put billions of dollars into building a 21st century rail system. When we do that, we not only create jobs now—and this is the fastest way I know to create jobs—we make our country more productive and internationally competitive in the future. If we do not build our infrastructure, if it continues to crumble—and the engineers out there tell us we need trillions of dollars of investment—we are going to lose our place in the global economy. So we have to invest in infrastructure. Half the savings does just that.

In addition, this amendment replaces the payroll tax holiday with a 1-year extension of the Making Work Pay credit. In other words, we are giving targeted tax breaks to the middle class, not reducing payroll taxes for millionaires and Members of Congress. This proposal would not endanger Social Security and, in fact, it would go to the people who most need it. It would be a lot fairer because lower income people would do better. Upper income people would not get it.

It also addresses a concern I think many Americans have; that is, diverting money away from the payroll tax endangers the long-term solvency of Social Security. As Eric Kingson, the cochair of the Strengthen Social Security campaign, an organization representing tens of millions of senior citizens and workers, recently said:

Extending and expanding the Making Work Pay tax credit is far superior to the payroll tax cut for most Americans. The Making Work Pay tax credit is more stimulative, fairer in distribution, imposes no new administrative costs to employers and includes over 6 million public sector employees who will receive nothing from the payroll tax cut. And it doesn't run the risk of undermining Social Security's financing and the economic security of working Americans . . .

So it addresses that issue as well.

Third, this amendment addresses another issue I know a lot of people in this country have concern about; that is, the estate tax giveaway in the underlying bill, by inserting in its place the 2009 estate tax rate for 2 years. Let's be clear. The estate tax only applies to the top three-tenths of 1 percent. What we are doing now is not lowering estate tax and raising exemptions which only benefit the very wealthiest people in this country; what we are doing now is bringing us back to the 2009 estate tax rates for 2 years.

Further, this amendment addresses an issue that, to me, is very important, and I know to many Members here, because we had a lot of support for it when I brought up this amendment last week. As the Presiding Officer well knows, our seniors who are on Social Security and disabled vets have not received a COLA in the last 2 years. A lot of those folks are trying to get by on $14,000, $15,000, $16,000 a year. What this amendment also includes is a $250 COLA for over 57 million American senior citizens, veterans, and persons with disabilities. Without this provision, seniors, as I mentioned, would be going through their second year without a COLA, and I think that is unfair.

Further, of course, this amendment would keep all of what I consider to be the positive aspects of the President's agreement with the Republicans. Obviously, it would extend middle-class tax cuts for 98 percent of Americans. It would extend unemployment insurance for 13 months. It would extend the child tax credit, earned-income tax credit, college tax credit expansions included in the Recovery Act.

So I think what we are doing is bringing forth a far better proposal than the agreement struck between the Republicans and the President.

Let me summarize. It ends tax breaks for the rich, uses half that money for deficit reduction and half that money to create millions of jobs rebuilding our crumbling infrastructure. It would replace the payroll tax holiday, which many people have concerns about; diverting money away from Social Security with a 1-year extension of the Making Work Pay credit—much more targeted to low- and moderate-income people, not to Members of Congress and the richest people in this country and not threatening Social Security.

This amendment would strike the estate tax proposal in the underlying bill, and insert the 2009 estate tax rates for 2 years. That is a much fairer proposal than giving even more tax breaks for the very wealthiest people in this country.

Lastly, this amendment would provide a $250 COLA for over 57 million American senior citizens and disabled veterans and people with disabilities. It also includes an extension of the middle-class tax cuts for 98 percent of Americans, an extension of unemployment insurance for 13 months, an extension of the child tax credit, the earned income tax credit, and the college tax credit expansion.

This is the alternative many Americans wish to see. It creates jobs, cuts the deficit, and it is much fairer than the underlying bill we will vote on.

MOTION TO SUSPEND

With that, I move to suspend rule XXII for the purposes of proposing and considering amendment No. 4809 to the House message to accompany H.R. 4853, and I ask for the yeas and nays.

The PRESIDING OFFICER. The motion is pending.

Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. SANDERS. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I yield myself 4 minutes under the leader's time.

The Senate is about to pass a bill that should significantly bolster our economic recovery. The bill we are about to pass will cut rates for families. It will reauthorize unemployment insurance. It will extend the child tax credit and the college tuition tax deduction. It will extend the research and development tax credit and accelerate depreciation for businesses. It will cut payroll taxes for workers.

These are important provisions. But the bipartisan leadership did not include several other important items which I think deserve special attention.

I worked hard to include these provisions in the bill we just passed. But some on the other side of the aisle worked to prevent their inclusion. These are commonsense provisions and, frankly, I cannot imagine how any Senator could oppose them.

One provision I want to highlight this morning is the provision to repeal the 1099 reporting requirements. Small businesses across America were disappointed that this provision was not included in the bill. I am talking about the repeal of the recently expanded form 1099 information reporting requirements. Surprisingly, some on the other side of the aisle blocked inclusion of a provision to repeal these requirements.

I included a repeal of these requirements in the tax alternative the Senate voted on earlier this month. Senator SCHUMER included repeal of this provision in his alternative, as well.

Several measures to repeal the new rules have received bipartisan support. Frankly, repeal of this reporting requirement ought to be a no-brainer.

The new rules take effect at the beginning of 2012. That means many

small businesses will soon begin spending money to gear up for them. Small businesses in Montana and across this Nation should not need to spend their time and money to fill out more government paperwork. Instead, we should let them focus on staying in business, growing their business, and creating jobs.

Many small business owners have contacted me about this provision. Many are puzzled that some Republicans now appear to oppose repeal in private, after having advocated repeal in public. I can understand why small businesses are puzzled and, frankly, I don't see how any Senator can oppose repeal. I intend to keep working on behalf of America's small businesses to see that this unrealistic reporting requirement is repealed.

UNANIMOUS CONSENT REQUEST—H.R. 4849

Mr. President, I ask unanimous consent that the Finance Committee be discharged of H.R. 4849; that the Senate proceed to its immediate consideration; that the Senate agree to the Baucus amendment to repeal the form 1099 reporting requirements, which is at the desk; that the bill, as amended, be read the third time and passed; that the motions to reconsider be laid upon the table, and that this all occur without intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. BARRASSO. Mr. President, reserving the right to object, as the Chairman knows, Senator JOHANNS of Nebraska has proposed a Republican alternative on this issue. Would the Senator amend his request to substitute the Johanns language?

Mr. BAUCUS. Mr. President, I thank my good friend from Wyoming. I cannot agree to amend my request in that way because of the excessive cuts in appropriated spending in the Johanns amendment. It is way beyond repeal of the 1099 requirements. It is a totally different animal. Therefore, I cannot agree.

Mr. BARRASSO. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. BARRASSO. I thank the Chair.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Ms. LANDRIEU. Mr. President, I see Senator DEMINT here. I know he has time allocated to him. I also have 8½ minutes left. I want to make sure I will be able to retain my 8½ minutes.

The PRESIDING OFFICER. The Senator from Louisiana has 7 minutes remaining.

Ms. LANDRIEU. I wish to retain that 7 minutes after Senator DEMINT speaks.

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

Mr. DEMINT. Mr. President, I have a motion at the desk.

The PRESIDING OFFICER. The motion is pending.

Mr. DEMINT. Mr. President, in a moment, I will move to suspend the rules for the purpose of offering my motion to permanently extend the current individual income tax rates, finally repeal the death tax once and for all, and permanently patch the alternative minimum tax.

I know a lot of work has gone into this tax compromise. I appreciate the fact that both sides have worked so hard to strike a deal. While I appreciate the efforts that have been made, I am concerned that the bill currently under consideration does not permanently extend tax rates and, thus, will have a marginal, if any, benefit to our economy.

Temporary rates make for a temporary, uncertain economy. My substitute amendment ensures a long-term stable economic environment for Americans to create jobs, buy a home, invest their assets, save for retirement, and preserve their family farm or business.

We need to stop and consider what we are doing to our country and to our economy. We are the premier free market economy in the world. Yet almost all of our Federal tax rates are temporary. I have been in business most of my life, and I understand a lot about how free markets work, how businesses plan—usually in a 5- or 10-year window, looking at their bottom line. How many people can they afford? Can they build a new plant? Now they are looking at whether or not to do it in the United States or all over the world.

But now in our country, we have a temporary, uncertain Tax Code that makes it very difficult for businesses to plan. And it is not just with the Tax Code. For the last several years, we have waited until December to tell doctors what we are going to pay them to see Medicare patients the next year. How do they plan their staff and their offices? We know some have already laid people off, not knowing what they are going to get paid next year.

Free markets, free enterprise works within a framework of a rule of law, where people know what their taxes will be, what the laws will be, what the regulatory environment will be. But in America today, if we take this compromise, almost all of the tax rates are either 1 year or 2 years, and then people can expect them to go up or change.

We cannot operate the world's largest economy in this type of environment. Washington does not have a tax revenue problem, it has a spending problem. We must let all working Americans keep their hard-earned money, not just for a year or two, but allow people actually to look out and see, can they make those car payments for 4 or 5 years? Can they make those house payments for 15, 20, or 30 years? They need to know what their tax rates are going to be.

We must repeal the immoral death tax once and for all. It is zero this year, but the proposed compromise will have it at 35 percent for any estate over $5 million next year. That may sound like a much better deal than we would have had. But even with that, the estimates are that this could cost 850,000 jobs to let this tax re-emerge.

We must commit ourselves to recovering from our years of overspending, overtaxing, and overreaching. The American people deserve better. They told us so in the November elections.

MOTION TO SUSPEND

According to rule V of the Standing Rules of the Senate, I move to suspend rule XXII for the purpose of proposing and considering amendment No. 4804 to permanently extend the 2001 and 2003 individual income tax rates, permanently repeal the estate tax, and permanently patch the alternative minimum tax. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. DEMINT. Mr. President, I reserve the remainder of my time and yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Ms. LANDRIEU. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Seven minutes.

Ms. LANDRIEU. I will take two of them now and then reserve the remainder of my time. We only have, under the agreement arrived at between Leader REID and Leader MCCONNELL, 15 minutes to correct this mistake. At 12 o'clock, we are going to have to vote on several issues. This is not one of them because this is not an amendment; this is a mistake. I only have 15 minutes to correct it. I will try to explain again how important it is.

There are $890 billion worth of amendments and projects in the bill we are about to vote on. Within that, there is a package of $800 million in GO Zones, which was put together by me and my colleagues from the Gulf Coast. We fashioned it and created it. We are proud of it. It was supposed to be part of this much larger package. Lo and behold, all of it found its way in—except for $42 billion for low-income housing. That was the only thing left out of the GO Zones. Senator VITTER, myself, Senator SHELBY, Senator SESSIONS, Senator WICKER, and Senator COCHRAN have cosponsored a one-line provision. This isn't an amendment to the bill; it is a provision to fix a mistake that has been acknowledged by the Finance chair, and actually by the Republican negotiators. They meant to include it, but they didn't because in order to include it, the low-income housing tax credits to build these units have to go to 2012. Everything else in the bill is 2011. But they knew if they didn't extend it to 2012 that we can't build these projects, and these projects and their financing will be in jeopardy.

There are 77 projects across the gold coast for seniors, for the disabled, and for the working poor. These projects are transforming the city of New Orleans, the gulf coast, Waveland, and Biloxi, not just for the people living there

but for the neighborhoods surrounding them.

Finally, Mr. President, Tim Geithner supports this as does Secretary Donovan support it.

Mr. President, I will reserve my time in hopes that before my time is up we can get this fixed.

The PRESIDING OFFICER. Who yields time?

The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 3 minutes remaining.

Ms. LANDRIEU. I thank the Chair.

Mr. President, I see the Senator from Montana, the Finance Committee chair on the Senate floor, along with Mr. KYL, the Senator from Arizona, who has been one of the chief negotiators on the package, and the Senator from Louisiana, Mr. VITTER. Before we get to the time allotted for voting, I would like to say again how important it is to try to get this provision and the underlying bill corrected. It is a technical correction that we are asking for to allow a placed-in-service date to be extended from January 1, 2012, to January 1, 2013—a 1-year extension to finish the low-income housing projects that are underway not only in New Orleans but along the gulf coast.

Mr. President, I ask unanimous consent to have printed in the RECORD a Times-Picayune editorial dated today in support of this and a New York Times editorial of March 2, as well as a letter of support from Secretary Donovan and Secretary Geithner testifying to the importance of these projects.

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

[From the Times-Picayune, Dec. 15, 2010]

EXTEND GO ZONE TO 2012

New Orleans and other parts of South Louisiana will likely lose important recovery projects, including thousands of prospective housing units, if Congress fails to extend the Gulf Opportunity Zone tax credits for two more years.

The credits, which were created after Hurricane Katrina to foster investment in our region, require housing financed by Go Zone bonds to be ''placed in service'' by Dec. 31. But the collapse of credit markets in 2008 and delays in public and private financing meant that many important projects could not get under way early enough to meet that deadline.

The tax compromise negotiated this month by the Obama administration and congressional Republicans would extend portions of the Go Zone credits, but only for one year That's not enough to make many projects viable.

Metro area officials and housing advocates say about 2,800 housing units could be at risk in metro New Orleans alone if only a one-year extension is granted. That includes plans to redevelop some of the former Big Four housing projects, which have been demolished and are set to be replaced by mixed-income, lower-density housing. That would not only leave many low-income New Orleanians without housing options, it also would cost construction jobs.

Louisiana Sens. MARY LANDRIEU and DAVID VITTER are trying to change the extension in the tax compromise from one year to two. The White House and congressional leaders from both parties should support their efforts.

President Obama and congressional leaders have pledged to support the rebuilding of our region, and our region needs the two-year extension of Go Zone credits to make sure important recovery projects get done. The White House and Congress need to make sure the extension to 2012 is approved.

[From the New York Times, Mar. 2, 2010]

AN ESSENTIAL FIX

The recession dealt a devastating blow to the post-Katrina rebuilding effort in the Gulf states, where scores of affordable housing projects have been placed in jeopardy. Congress can revive the rebuilding effort by extending the deadline for a tax credit program that is supposed to encourage developers and investors to take on these desperately needed projects.

Nearly all affordable rental housing in this country is built with federal tax credits. After Hurricanes Katrina and Rita, Congress allotted Louisiana, Mississippi and Alabama more than $300 million in low-income housing tax credits, slightly more than two-thirds of which has been used. At first, these credits, and projects, were hotly sought after. Demand dropped sharply as corporate profits fell and businesses had smaller and smaller tax liabilities.

As the economy has improved, interest in the credits seems to be picking up in many places—but not in the Gulf. That's partly because of a provision in the Gulf Opportunity Zone law that requires projects in the region to be ready for occupancy by the end of this year. That leaves just 10 months—instead of the 18 months that investors like to see—for the deals to be sealed and the housing built. Projects that miss the ready-for-occupancy date, because of all-too-common weather delays or construction problems, would lose the tax credit.

Senator MARY LANDRIEU, a Democrat of Louisiana, has introduced an amendment that would extend the occupancy date by two years. Unless Congress moves quickly to pass it, the Gulf states could potentially lose financing for more than 70 housing projects and 6,000 units of affordable housing. The loss would be especially devastating for New Orleans, which is desperately short of housing for the low-income workers who are essential to the city's service economy.

The more Congress dithers, the more likely it becomes that tax credit investors will look outside the Gulf states for places to put their money. This is an easy fix—and a critical one.

MARCH 2, 2010.

Hon. MARY L. LANDRIEU,
U.S. Senate,
Washington, DC.

DEAR SENATOR LANDRIEU: Thank you for your letter of February 25, 2010, regarding the extension of the Gulf Coast Opportunity Zone (GO Zone) Low Income Housing Tax Credit (LIHTC) placed-in-service date. Please be assured that the Administration understands the critical need for the extension of the GO Zone tax credits, and also the negative impact that failing to extend the credits would have on New Orleans and other communities impacted by Hurricanes Katrina and Rita as they continue recovery efforts. You should also be assured that the Administration supports an extension of 2 years to December 31, 2012, of the GO Zone placed-in-service date and is committed to working with Congress to see that the extension is enacted as soon as possible.

As you mentioned in your letter, the economic activity spurred by the GO Zone credits has played an important simulative role in the rebuilding of the Gulf Coast. These tax credits have fostered development in devastated areas and have enabled the return of people who love their communities and who are the drivers of local economies throughout the Gulf Coast. GO Zone projects have created jobs and stimulated the economic recovery in these areas. In New Orleans, specifically, the tax credits have played a central role in leveraging the financing needed to complete the rebuilding of the Big Four public housing developments: St. Bernard, C.J. Peete, Lafitte, and B.W. Cooper. The revitalized developments have not only spurred activity surrounding construction and will restore essential affordable housing, but have also encouraged the establishment of new businesses and improved civic life around these developments.

Since the beginning of the Administration, President Obama, Vice President Biden, Dr. Jill Biden, 13 other members of the Cabinet, and numerous agency heads, assistant secretaries, and other senior level administration officials have visited New Orleans and the wider Katrina- and Rita-impacted area to see firsthand the scale of the recovery challenges that remain. Our respective agencies have made significant investments of staff and funding to support the recovery efforts. Many of these programs continue to provide meaningful resources to disaster survivors and the communities being rebuilt. Through these visits, we have come to recognize the dire impact that failing to extend this tax credit would have on Gulf Coast communities and individual families, many of whom were the hardest hit by Hurricanes Katrina and Rita and the recent recession. Not extending the GO Zone placed-in-service date would result in a major setback for the recovery, and would impact public housing residents, business, and communities. It would be unconscionable to let the work that has created so much progress, and so much hope, go unfulfilled.

We will continue to urge members of Congress to extend the GO Zone placed-in-service date and stand firmly behind such an extension. We are confident that with your help we will see the extension signed into law, and with it, continued economic activity and community revitalization in the Katrina affected Gulf Coast.

Sincerely,

TIMOTHY F. GEITHNER,
Secretary of the Treasury.

SHAUN DONOVAN,
Secretary of Housing and Urban Development.

Ms. LANDRIEU. Mr. President, I would like to ask at this time if Senator BAUCUS and then Senator KYL and then Senator VITTER might comment—I see them on the Senate floor—about the importance of getting this fixed and the likelihood of us doing it today and what might happen as we move forward.

Senator BAUCUS.

Mr. BAUCUS. I think our colleague has the floor to speak.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. I thank the Chair, and I certainly join my colleague from Louisiana in stressing the importance of this second year of a GO Zone extension and look forward to continuing to work with all of these folks in getting that done absolutely as soon as possible in 2011.

I emphasize one major point, which is that this is not a new benefit to fund new projects which were never envisioned when the GO Zone was initially created. This is simply an extension to fund those crucial projects which were at the center of this provision from the very beginning and that have taken longer than was initially forecast because of labor and other shortages after Hurricane Katrina. So this is simply a time extension to get the very same crucial projects done, not to add on to that list.

These projects are extremely important, including the wholesale renovation and reconstruction of four major housing projects in New Orleans post-Katrina that are being done using a dramatically different and better model—mixed income, lower density—not the old-style housing projects from the 1940s and 1950s which were, in my opinion, a horrible social experiment.

So I certainly join this effort, and I have been working with all of these folks to try to get this second year extension in this tax bill. Unfortunately, we weren't able to do that because of a general decision that was apparently made that none of the extenders would go beyond the end of 2011. But working with these folks, and particularly Senator KYL, we came to an agreement that we would absolutely work to include this in the first possible technical corrections or other measure that would be keyed up in early 2011.

I thank everyone, particularly my Republican colleague, JOHN KYL, for that willingness and that commitment, and I look forward to getting that done at the earliest possible moment.

Ms. LANDRIEU. Mr. President, I would like that time charged to the other side.

Senator BAUCUS.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, both the Senators from Louisiana have stated the case very well and, frankly, this is not a typical extender. This is just a very important proposal where the placed-in-service date has to be changed because projects beyond the year could not be put in place the second year. So it is not a traditional extender where we extend for 1 or 2 years some other provision. This is more in the nature of what was started in the first year gets accomplished in the second year, and that is why this 1-year add-on is so important.

I will work with the Senators and the Finance Committee, when we bring up legislation next year, to do our very best to make sure this provision is included so we can help these people who are desperately in need of housing in Louisiana.

Ms. LANDRIEU. Does the Senator have any idea about the time? I would like to see if Senator KYL can say a word on this because his views are very important.

Mr. BAUCUS. I will add that my view would be at the earliest possible opportunity. I don't know when that is exactly, but it is something that should be placed high up, near the very top.

Ms. LANDRIEU. Sometime in January or February?

Mr. BAUCUS. Well, I hope. The Senator knows how this place operates, but it is certainly very, very, very early.

Ms. LANDRIEU. Senator KYL?

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. I thank my colleagues for bringing this issue to the attention of the Senate. Senator VITTER brought this matter to my attention as the bill was being wrapped up, as a matter of fact, and I told him at that time that while we could not provide an extension longer than the one in the tax bill, I would work with him early in 2011 to help these projects obtain the necessary extension. I say the very same thing to the senior Senator from Louisiana today.

I also share the confidence of the chairman of the Finance Committee that we will find an appropriate tax bill early in 2011 to include this change, which I agree we all view as a technical change, that will allow this special financing to be used as Congress intended it.

Ms. LANDRIEU. Mr. President, I have a question for Senator KYL.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Is it his understanding now, having had several conversations with Senator VITTER and myself, that this technical correction is perceived only to be limited to the 77 low-income housing, mixed-income projects through the gulf coast? Is that his understanding?

Mr. KYL. Mr. President, I would say to the Senator from Louisiana that I don't know technically whether it is 77 or 42 or whatever, but we have all discussed the fact that it is limited to those projects that are started but couldn't be completed within the 1-year extension and, therefore, would require the second extension, and it is limited to this area, yes.

Ms. LANDRIEU. And is it the Senator's intention to push for a tax bill? He was so successful in pushing this tax bill forward. Is it his intention to do that in early January, mid-January, early February?

Mr. KYL. I would say to my colleague that I asked the chairman of the Finance Committee: How quickly do you think we could do this? He gave me the same answer he just gave you: Yes, as soon as we can, but it is hard to make a commitment about a tax bill coming to the floor.

As I also told the senior Senator from Louisiana, there are some other reasons we have to act quite quickly next year in dealing with some technical fixes to other aspects of the tax bill. So there are other reasons to act quickly as well as this particular situation.

Ms. LANDRIEU. Well, I would just say—with about 30 seconds left—that I am encouraged, Mr. President, from what I have heard from the Senate Finance Committee chair and the chief negotiator on tax issues on the Republican side that they recognize this is a technical correction. They recognize it is limited to low-income housing. They recognize the importance of these projects, and they have committed to working on fixing this as early as possible in the next Congress. I think that gives it a glimmer of hope.

We would not get unanimous consent today because there remain objections on the other side of the aisle, but I think we can move forward with confidence knowing Senator KYL is good on his word and Senator BAUCUS is good on his word and they will try to fix this at the earliest possible date.

I thank the Senator from Arizona and the Senator from Montana.

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

The Senator from Oklahoma.

MOTION TO SUSPEND

Mr. COBURN. Mr. President, I move to suspend rule XXII, including any germaneness requirements, for the purposes of proposing and considering amendment No. 4765, and I ask for the yeas and nays.

The PRESIDING OFFICER. The Senator's motion is pending. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays are ordered.

The Senator from Montana.

Mr. BAUCUS. Mr. President, I ask unanimous consent that all subsequent votes after the first vote be 10 minutes in duration; further, that prior to the vote on the motion to concur there be 2 minutes for debate equally divided and controlled between the two leaders or their designees.

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

Mr. INOUYE. Mr. President, this amendment is based on the absurd premise that the unemployment insurance benefits piece alone must be paid for, lest we contribute to the deficit. Never mind that this entire package contributes $858 billion to the deficit, of which only $51 billion is accounted for by the UI extension provision. It is clear that this amendment is not about deficit reduction; rather, it is about attacking programs that make a real difference to the everyday lives of our constituents. Meanwhile, this amendment leaves the tax benefits to the wealthiest Americans, those who need the least assistance, completely intact.

Let me be clear. There are a few ideas proposed in this amendment that make some sense. However, as part of the Appropriations Committee's annual and ongoing oversight responsibilities, the committee has already rescinded unobligated balances from those programs or reduced their funding for fiscal year 2011 as part of the fiscal year 2011 omnibus, which the Senate will consider this week. Every recommendation in the omnibus was made in collaboration with Republican

members of the Appropriations Committee, based on a detailed analysis. These decisions were not made rashly, nor because they might sound good in a press release.

Too often when the Senate debates cuts in unobligated balances, the proponents want to ignore the consequences of their recommendations and focus on broad generalizations. But in reality these cuts can cause serious problems. Accordingly, let me highlight the impact of a few of the programmatic cuts proposed by the Senator from Oklahoma.

For example, this amendment would require each Department to cut its workforce by 10 percent over 10 years, without considering the impact of the cuts. It seems as though Federal workers have become the newest punching bag for a few of our colleagues. FDA staff, necessary to ensure that the food we eat and the drugs we take are safe and effective, would be cut by nearly 1,000. The staff of the Food Safety and Inspection Service would be cut by an additional 1,000. These cuts are irresponsible and would put the American public at unnecessary risk at a time of breakthrough medical research when important new drugs are being produced and must be monitored. When more of our food supply is coming from around the world, preventing contamination is more important than ever.

More than 95 percent of the 280,000 employees of the Department of Veterans Affairs either work for the Veterans Health Administration or the Veterans Benefits Administration. To reduce the VA's overall employees by 28,000 over 10 years would mean that doctors, dentists, hospital administrators, and benefits claims processors would have to be reduced. As more and more of our veterans are returning home from Iraq and Afghanistan, this is not the time to be cutting their service providers.

This amendment would require a reduction of 600 to 800 Government Accountability Office staff, as well as a reduction in travel that is necessary for the GAO to conduct audits and evaluations. Travel is critical to GAO's ability to meet the requirements of Congress.

Rescinding funds from the FBI, DEA, ATF, and U.S. Marshals will not prevent waste, fraud, and abuse. Instead, cutting funding for these agencies means cutting agents who are serving on the front lines keeping our Nation safe from terrorist threats and cyber attacks, reducing the flow of drugs, and combating gun-related violence along the southwest border, strengthening immigration enforcement, and keeping children safe from sexual predators. That is the real impact of this proposal.

The 15-percent budget cut to the Executive Office of the President might sound reasonable, but it would cut key staff of the Council of Economic Advisers, the National Security Council, and the Homeland Security Council. This would severely hamper the President's ability to coordinate critical economic security and national security programs across the entire Federal Government. It would be particularly devastating considering that the rest of the Federal Government would also be shedding a significant number of staff under the Coburn amendment, leaving agencies currently managing the economic crisis and our national and homeland security programs not only short-staffed but also in chaos due to minimized leadership.

The Coburn amendment also would eliminate the State grant for the Safe and Drug-Free Schools Program. The Congressional Budget Office has previously recommended this action. However, this suggestion comes a year too late. The Committee on Appropriations removed $295 million in funding for the State formula grant funding from the 2010 appropriations bill. There is no funding for the State grants program in the 2011 bill. The Appropriations Committee has already made this cut.

The Coburn amendment would also rescind $4 billion in fiscal year 2011 for U.S. development and humanitarian programs in the world's poorest countries, from Haiti to Afghanistan. This would cut funding for programs for refugees and victims of natural disasters from Darfur to Pakistan; it would affect global health programs including HIV/AIDS prevention and treatment that mean life or death for millions of people; and it would weaken programs to support food security and nutrition, clean water, sanitation, and basic education, and to combat human trafficking, in countries where 95 percent of new births are occurring and over 2 billion people barely survive on less than $2 per day. The short-term effects of such a reduction in funding would be severe, the long-term effects would be devastating, and ultimately it would exacerbate global problems that directly affect U.S. security.

The amendment proposes to rescind funds focused on returning contaminated sites to productive use. The Brownfields Program has a track record of successfully restoring damaged properties—often in physically and economically distressed neighborhoods—to sources of economic growth, creating jobs for lower income people in the process. Many of our cities are among those communities hardest hit by the economic recession. Now is not the time to stall the cleanup of brownfields.

This amendment authorizes the Secretary of the Army in consultation with other Federal agencies to determine the definition of ''low priority'' Army Corps projects. This appears to be code for those projects not requested in the President's budget. Since when has the administration been the only source of wisdom for determining funding decisions? If there is surplus funding available, we should ask the Corps to identify those funds and propose them for rescission. However, it would become quickly apparent that this strategy is penny wise and pound foolish. These are all ongoing projects, previously funded by this or prior Congresses. It would not make economic sense to stop these projects. Demobilization costs and costs to make these construction sites safe for the public could end up costing more than continuing the projects.

These are just a few examples of the damage that would be done if this reckless amendment was actually agreed to. But I would conclude by saying that every Member of this Chamber who supports the tax cut deal should vote against the amendment being offered by the Senator from Oklahoma for the simple reason that it seeks to change the tax package, which reflects an agreement between the Republican leader and the President of the United States. The Republican leadership signed off on this deal because many of the provisions they wanted were included in exchange for a 13 month extension of unemployment insurance benefits with no offset. I would certainly hope that they will stand by their agreement.

Mr. President, this amendment would do serious damage to many necessary government programs. Unobligated does not mean excess or unnecessary. I urge all my colleagues to reject the Coburn amendment.

Mrs. HUTCHISON. Mr. President, I am voting for the Coburn motion to suspend the rules to allow the Senate to consider his amendment to offset extension of unemployment benefits because we must be able to discuss ways to start bringing down the deficit. Senator COBURN's amendment provides a fiscally responsible way to extend unemployment insurance for out-of-work Americans and to pay for other costs contained in the tax bill.

With the underlying agreement in the tax bill to extend current tax rates for 2 years, individuals and businesses will have more certainty on tax policy. This is needed to spur economic growth and job creation. Senator COBURN's amendment takes the next important step to begin reducing spending to deal with the deficit. The Senate deserves an opportunity to debate and vote on the Coburn amendment so that we can begin this process.

I spoke with Senator COBURN about an item in his amendment that would rescind NASA funding for Constellation systems. I strongly oppose this provision, which would significantly disrupt the authorization law we passed in September. NASA is expressly continuing some elements of the Constellation program such as the crew exploration vehicle in order to shorten the time for building the new launch vehicle that will propel human space exploration beyond Earth orbit. Terminating those contracts before they can be transitioned to support the new direction Congress has mandated would force NASA to start over, delaying development of the new launch vehicle, greatly increasing its costs to

the American tax payer. It could also jeopardize the full use of the space station for scientific research. Senator COBURN has agreed to revisit this provision in the future, in an effort to assure scientific integrity.

All time has expired. The question now is on agreeing to the Coburn motion to suspend with respect to amendment No. 4765. The yeas and nays have been ordered.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Alaska (Mr. BEGICH) is necessarily absent.

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

The yeas and nays resulted—yeas 47, nays 52, as follows:

[Rollcall Vote No. 273 Leg.]

YEAS—47

Alexander	DeMint	Lugar
Barrasso	Ensign	McCain
Bayh	Enzi	McCaskill
Bennett	Graham	McConnell
Bond	Grassley	Murkowski
Brown (MA)	Gregg	Risch
Brownback	Hagan	Roberts
Bunning	Hatch	Sessions
Burr	Hutchison	Shelby
Chambliss	Inhofe	Snowe
Coburn	Isakson	Tester
Cochran	Johanns	Thune
Collins	Kirk	Vitter
Corker	Kyl	Voinovich
Cornyn	LeMieux	Wicker
Crapo	Lincoln	

NAYS—52

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

NOT VOTING—1

Begich

The PRESIDING OFFICER. On this vote, the yeas are 47, the nays are 52. Two-thirds of the Senators voting, a quorum being present, not having voted in the affirmative, the motion is rejected.

Under the previous order, the question is on agreeing to the DeMint motion to suspend with respect to amendment No. 4804. The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

The yeas and nays resulted—yeas 37, nays 63, as follows:

[Rollcall Vote No. 274 Leg.]

YEAS—37

Alexander	Chambliss	Ensign
Barrasso	Coburn	Enzi
Bennett	Cochran	Graham
Bond	Corker	Grassley
Brownback	Cornyn	Gregg
Bunning	Crapo	Hatch
Burr	DeMint	Hutchison
Inhofe	McCain	Shelby
Isakson	McConnell	Thune
Johanns	Nelson (NE)	Vitter
Kyl	Risch	Wicker
LeMieux	Roberts	
Lugar	Sessions	

NAYS—63

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

The PRESIDING OFFICER (Mrs. HAGAN). On this vote, the yeas are 37, the nays are 63. Two-thirds of the Senators voting, a quorum being present, not having voted in the affirmative, the motion is rejected.

Under the previous order, the question is on agreeing to the Sanders motion to suspend with respect to amendment No. 4809. The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

The yeas and nays resulted—yeas 43, nays 57, as follows:

[Rollcall Vote No. 275 Leg.]

YEAS—43

Akaka	Franken	Reed
Begich	Gillibrand	Reid
Bingaman	Harkin	Rockefeller
Boxer	Inouye	Sanders
Brown (OH)	Johnson	Schumer
Cantwell	Kerry	Shaheen
Cardin	Klobuchar	Specter
Carper	Landrieu	Stabenow
Conrad	Lautenberg	Tester
Coons	Leahy	Udall (NM)
Dodd	Levin	Warner
Dorgan	Menendez	Whitehouse
Durbin	Merkley	Wyden
Feingold	Mikulski	
Feinstein	Murray	

NAYS—57

Alexander	DeMint	Manchin
Barrasso	Ensign	McCain
Baucus	Enzi	McCaskill
Bayh	Graham	McConnell
Bennet	Grassley	Murkowski
Bennett	Gregg	Nelson (NE)
Bond	Hagan	Nelson (FL)
Brown (MA)	Hatch	Pryor
Brownback	Hutchison	Risch
Bunning	Inhofe	Roberts
Burr	Isakson	Sessions
Casey	Johanns	Shelby
Chambliss	Kirk	Snowe
Coburn	Kohl	Thune
Cochran	Kyl	Udall (CO)
Collins	LeMieux	Vitter
Corker	Lieberman	Voinovich
Cornyn	Lincoln	Webb
Crapo	Lugar	Wicker

The PRESIDING OFFICER. On this vote, the yeas are 43, the nays are 57. Two-thirds of the Senators voting, a quorum being present, not having voted in the affirmative, the motion is rejected.

Under the previous order, amendment No. 4754 is withdrawn.

VOTE EXPLANATION

Mr. MERKLEY. Madam President, I rise today to provide a brief explanation of my absence during the vote on the motion to proceed to the Reid-McConnell Tax Relief, Unemployment Insurance Reauthorization and Job Creation Act of 2010 on December 13.

I was not in the Senate Chamber for the vote because I was traveling back from Oregon, where I had a previous commitment earlier in the day to participate in a major summit of the leading businesses and political leadership of Oregon looking at ways to revive the Oregon economy.

As I stated publicly prior to the vote, had I been present I would have voted against moving forward on the tax cut proposal under the circumstances. The package that was brought to the floor will add nearly $1 trillion to the national debt and includes major components—particularly bonus tax cuts for millionaires and billionaires—that the Congressional Budget Office has found to be one of the least effective means of creating jobs. I could not support moving to this flawed package without an opportunity to offer amendments to fix it.

I continue to strongly support tax cuts for working families and the reauthorization of unemployment benefits, and other provisions in this bill that would be useful to create jobs and help families and small businesses. But I cannot support a bill that forces those same working families and small businesses to shoulder responsibility for billions more in debt while continuing too many of the policies that drove our Nation into record deficits and caused financial distress for millions of working families.

Mr. HATCH. Madam President, I have always pledged to the people of Utah that I would fight any tax increase that gives Washington more of their hard-earned money to spend. Allowing middle-class families, small businesses, and investors to keep more of what they earn, while denying this government hundreds of billions in new tax revenue to spend, is the right thing to do.

Opposing this bill is tantamount to supporting massive tax increases that threatens our economic future. If this tax relief expires, Utah would lose an average of 6,200 jobs each year and household disposable income would drop by $2,200. Over 150,000 Utah families would be hit with the alternative minimum tax. Small businesses would see their marginal tax rates go up by as much as 24 percent and our GDP would take almost a 2 percent hit.

I say to my colleagues in the House who want to change this proposal to impose more taxes on American families, you act not only at your own peril, but that of the American people. You had 4 years to stop these tax hikes, but refused. If you change this package for the worse now, with only 2 weeks left in this Congress, I will do everything in my power to ensure your changes never pass the U.S. Senate.

Some argue, why not wait until after January when Republicans control the House to get a better deal. I appreciate that position, but that is a gamble I am not willing to take. Democrats will retain control of the White House and the Senate they will simply drag their feet while blaming conservatives. The collateral damage of inaction will be hard-working families who will see lower paychecks starting on January 1. Experts point to the damage to the economy, but I am as concerned about the damage to the budgets of Utah families. In this case, tax relief denied to all those families, if delayed indefinitely, could be tax relief denied.

I also want to mention the death tax—an insidious tax that disproportionately hits small businesses and family farms. This year it was fully phased out. From my viewpoint, that is the right policy. But, if we don't act, on January 1 it goes back up to what it was in 2000—a $1 million threshold and a top rate of 55 percent. The proposal before us today includes the bipartisan Lincoln-Kyl compromise.

That bipartisan proposal puts in place a $5 million threshold—$10 million per couple—and a top rate of 35 percent. When Republicans were in control in 2006, we couldn't even get this proposal through Congress. So this is a pretty good deal and to my friend from Arizona, Senator KYL, I applaud his efforts. If Congress fails to act, on January 1, 10 times the number of estates will be hit, including 13 times as manner farm-heavy estates.

If I had my way, all the income tax rates would be made permanent—that is the kind of certainty our economy and job creators need. Furthermore, I would never extend some of the so-called temporary tax provisions that look like tax relief, but in reality are little different than welfare through the Tax Code. Far too much new spending is mislabeled as tax relief. Thankfully, some of those provisions were dropped, like the so-called build America bonds tax credit. We also should pay for this extension of unemployment insurance so it doesn't add to the debt.

Lastly, to those who believe that instead of this proposal, we should be undertaking wholesale tax reform: you are absolutely right. We need to reform our Tax Code to broaden the base while lowering rates to make our economy more competitive. But we don't have time to reform the code before January 1. As the next lead Republican on the Senate Finance Committee, I will lead the fight to simplify the Tax Code, and cut back on out-of-control Washington spending. Once we stop these tax hikes, we can then begin the long-overdue national discussion about how best to overhaul our overly burdensome and inefficient tax system.

The bottom line is that this package is not perfect. But it does at least one very important thing it allows the American people to keep more of their hard-earned money and not hand it over to the Federal Government.

Mr. BAUCUS. Madam President, the debate over the bill we have before us can be boiled down to one simple thing: jobs. Extending middle-class tax cuts will help create jobs. Not extending middle-class tax cuts would cost jobs. Jobs must be our No. 1 priority. And so we must pass this bill.

We know cutting taxes for middle-class families is one of the most effective ways to grow our economy. When working folks keep more of their hard-earned money, they pump it back into our economy and support jobs.

This bill also includes a number of other important provisions designed to create jobs, and I would like to take a moment to focus on one of those provisions—the 1603 grant program that makes resources available for renewable power development.

The 1603 grant program provides renewable energy companies with money up front to cover 30 percent of the costs of renewable power facilities, such as wind farms and solar projects, and that means jobs.

According to a study by the independent Lawrence Berkeley National Laboratory, the 1603 grant program is responsible for saving 55,000 American jobs in the wind industry alone.

It is estimated that 1603 is responsible for helping to produce as many as 2,400 megawatts of wind power—about a quarter of all wind power installed in 2009. This includes projects such as the Glacier Wind Farm near Shelby, MT.

Before 1603, producers had to rely on Wall Street investors to fund their renewable energy projects through a complex system known as tax equity financing. Through tax equity financing, Wall Street firms would invest in renewable power projects in exchange for tax credits. When Wall Street collapsed in 2008, this system of financing collapsed along with it, threatening the future of American renewable power.

So we created 1603 grants in the Recovery Act to bypass Wall Street and provide cash directly to renewable power developers. As a result, most experts have credited the 1603 program with saving the wind industry—and the good-paying American jobs that go along with it.

The tax equity financing market has begun to recover. But tax equity financing is still much more expensive than that provided under 1603, and 1603 also provides a greater bang for our taxpayer buck. By cutting out expensive Wall Street middlemen, 1603 provides grants directly to energy developers to support energy projects and jobs. And 1603 supports smaller projects that wouldn't have otherwise been financed by Wall Street.

Industry experts predict that extending the 1603 grant program will result in 45,000 new American jobs in 2011 in the wind and solar industries alone and many more in the geothermal and biomass.

Supporting renewable power also helps put America back in control and puts the United States on a path toward energy independence. And supporting renewable power projects today supports even more jobs manufacturing wind turbines and solar panels tomorrow. That is why I am working hard with leaders in my State to bolster long-term growth in the wind sector by bringing wind manufacturing jobs to Montana. Today, Montana is poised to begin a significant expansion of the generation capacity of our wind resources. Montana's wind energy resources rank in the top 5 in the United States, but our State is ranked No. 18 in installed capacity. The extension of the 1603 grant program will make Montana's wind-generation expansion possible, creating an ideal situation for a wind turbine or component manufacturing facility.

Madam President, we need an energy policy that puts America back in control. Extension of the 1603 grant program is just one example of a commonsense policy that will create jobs, ramp up American energy production, and help us build a wind energy industry in Montana, and across America, that will be a cornerstone of our Nation's energy independence.

Mr. LEVIN. Madam President, when the Senate invoked cloture on this bill yesterday evening, and adopted the procedure used after cloture, those of us who oppose portions of this bill lost any opportunity to address the problems we see and seek to repair them. I voted against the motion to invoke cloture because I hoped that, if the cloture motion failed, the Senate would have a chance to consider a better bill, and to improve it through the traditional method of debate and amendment.

That did not happen.

I have spoken, as have others, about the defects of this proposal. Its tax cuts are unwisely skewed toward the wealthy, including an estate tax provision that would benefit a few thousand of our most fortunate taxpayers at great cost to the Treasury. These benefits for the wealthiest among us will not, despite the claims of our Republican colleagues, help our economic recovery. Nearly everyone says that should be our top priority, and it should be. As a host of economists across the ideological spectrum have demonstrated, tax cuts for the well-to-do have little impact on economic growth.

It is not just that these benefits for the wealthiest will have no positive impact on our economy. What is worse, the upper income tax cuts and estate tax provisions that Republicans support would add more than $100 billion to the national debt over the next 2 years. Republicans in this Chamber repeatedly tell us that the 2010 election was a call for more fiscal restraint. Yet their most significant action following that election has been to insist upon tax cuts for the wealthy paid for with billions of dollars in borrowed money.

It is not just the inconsistency of our Republican colleagues that I find so

troubling. It is that in pursuit of their goal, they are holding hostage progress for the American people, not just on tax cuts, but on a range of other crucial issues. They tell us they will not support tax provisions that help working families unless we also include huge giveaways for the wealthy. They tell us we cannot continue emergency unemployment benefits unless we also give several times the cost of those benefits to the wealthiest 2 percent of Americans. They tell us we cannot provide tax relief to help businesses grow and add workers unless we also give away more borrowed money to the wealthy.

And there is more. Republicans have filibustered the defense authorization bill, crucial legislation for the good of our troops and their families, because we have not yet passed tax cuts for the wealthy. They blocked consideration of the New START treaty, a treaty supported by past presidents and secretaries of state of both parties, a treaty that will make our Nation and the entire globe safer and more secure. In an extraordinary letter, all 42 Senate Republicans have said they will not allow the Senate to consider any legislation, no matter how important, until we give billions in borrowed money to the wealthy in the form of tax cuts.

Despite the flaws in this bill and the process by which it comes before us, it has a number of strengths. Greatest among them is the extension of emergency unemployment benefits. In my State and others, thousands of Americans are without work through no fault of their own, and they and their families are depending on us to give them the support they need. These benefits are not just critical to those families, but they also have a highly stimulative impact on the economy. Extending the UI program is the right thing to do. We need to do it, and we can do it yet this year, if we stay here and continue working, as we should, right through to the new year.

But even some of the positives in this legislation have significant drawbacks. The 2 percent payroll tax cut would be welcomed by working families, and could help the economy grow. But it would also cost the Treasury more than $110 billion in borrowed money next year. While some argue that might still be an acceptable price for boosting economic growth, I believe it is very unlikely that Congress will have the will to let that tax cut expire next year. Already, some of our Republican colleagues are talking of making the cut permanent. That money, otherwise lost to the Social Security trust fund, must come from somewhere, and I am concerned that it will come from cuts to Social Security or other essential programs.

We can support middle-class families, job-producing businesses and the unemployed without unleashing the damage this legislation would do to our budget and to economic justice.

I cannot accept the price Republicans want to extract from us. We need not accept it if we have the will to debate and amend this legislation and are willing to stay through the end of this year to do it. The damage to our fiscal situation and to Social Security, and the damage done by continued inequality these tax cuts would perpetuate, is unacceptable. Beyond that, I believe it would be a mistake to allow Republicans to succeed in their irresponsible brinkmanship, blocking aid to working families and the important other business before the Senate in order to secure benefits for the wealthiest Americans.

I fully expect that my Republican colleagues will soon be urging this body to rein in the debt. Already, we have seen proposals that would seek to remedy our Nation's fiscal crisis by dramatically cutting crucial programs, including Social Security. It is not a stretch to suggest that the cost of this bill alone will lead some to argue that Congress must enact more and deeper cuts to essential programs, including Social Security—all so that we can give away money the government does not have to the wealthiest few.

We must stand up and fight against an approach that would sacrifice aid to the vast majority of Americans on the altar of unaffordable tax cuts for the wealthiest among us. I believe that time should be today. And so I will vote against this legislation.

Ms. COLLINS. Madam President, on Monday, the Senate took an important step toward extending critical tax relief for all Americans by approving cloture on the Reid-McConnell amendment, by an overwhelming vote. This bipartisan vote is encouraging and demonstrates that Members of this body can work together, with the President, to do what is reasonable and right to address the economic challenges our Nation continues to face.

As with any compromise, however, the bill is not perfect, and I would like to note for the record several—although not all—of the items I believe should have been handled differently.

First, I am concerned about the failure to include an extension of the production tax credit for existing open-loop biomass facilities. This credit is critical for preserving renewable energy and forestry jobs in Maine and across the United States, and an extension of this credit was included in previous tax proposals. According to the American Forest & Paper Association and the Biomass Power Association, since the start of 2008, at least 35 paper mills have permanently closed and more than 75 other facilities have experienced market-related downtime. In the biomass sector this year, six facilities have closed, three in Maine and three in California, and more are under the threat of closure.

The bill would be improved by extending the tax credit period for existing open-loop biomass facilities, as called for by Senator BILL NELSON's amendment, which I have cosponsored. This amendment would allow these facilities to remain competitive with other forms of renewable energy, saving jobs that are seriously at risk.

Second, I am concerned that the decision by the drafters to strike language added to the Tax Code by the American Recovery and Reinvestment Act could lead to unnecessary confusion regarding certain wood stoves.

For example, the bill strikes language that I sought in ARRA to clarify how the thermal efficiency of residential wood and wood-pellet stoves should be measured for purposes of the tax credit in section 25C. That tax credit was created by the Emergency Economic Stabilization Act of 2008, which did not specify a methodology for determining thermal efficiency. The IRS has issued guidance directing that the ''lower heating value'' methodology should be used, which is consistent with industry practices and with our intent to ensure that the credit is available for efficient and clean-burning wood and wood-pellet stoves.

Removing the reference to the ''lower heating value'' from the code serves little purpose. Certainly, however, it does not mean that this commonsense methodology is precluded, nor does it require the IRS to revisit its methodology. I hope that my comments today will help avoid confusion about the use of the ''lower heating value'' methodology with respect to this tax credit.

Finally, I am disappointed that the bill does not hold the line on a tax credit for corn-based ethanol and some other special interest provisions. The corn-based ethanol tax break is extraordinarily expensive, costing some $6 billion in subsidies from taxpayers annually according to the Congressional Budget Office. Over recent years we have also seen food and feed prices rise as crops have been diverted to first generation biofuel production. In addition, corn-based ethanol mandates present an environmental concern as they could result in energy efficiency losses and increased emissions of air pollutants, because mechanical failures can jeopardize the effectiveness of emission control devices and systems installed on engines.

Of course, a bill without these flaws would have been preferable, but with the economy still weak, and with unemployment persisting at nearly 10 percent nationally, now is not the time to be raising taxes, and this bill averts one of the largest tax increases in history. America needs jobs—not higher taxes.

In September, I first urged my colleagues and the administration to come together around this 2-year compromise that will get us through the recession and send a strong signal to the business community to invest and create jobs. I am pleased that the Senate has acted to give families some confidence and business owners some certainty.

I encourage my colleagues in the Congress and the President to use this

2-year period to undertake comprehensive tax reform to make our system fairer, simpler, and more progrowth.

Mr. MENENDEZ. Madam President, I rise to support the tax cut package before us today to help middle-class families and workers hit hardest by this economy, and that is exactly what this bill will do. It will ensure that middle-class taxes don't go up January 1, that laid-off workers can provide for their families while they continue to look for work, that an average household in my home State will receive $1,400 in payroll tax relief, and it will protect 1.6 million middle class New Jerseyans from a surprise alternative minimum tax hike of up to $5,600.

This is an important moment for the middle class in America.

This is a time to come together, like the Senate did last night, to ensure this bill passes and our economic recovery continues. Many families are sitting around the kitchen table at night wondering how they can afford to feed and clothe their children, much less buy gifts for them during this holiday.

Middle class families are wondering how they are going to pay the mortgage. How they are going to pay the tuition for their college-bound children next semester.

I will vote for this package, not because I agree with every provision, particularly those that give bonus tax breaks to the wealthiest and most able to sacrifice during this economic recession, but because it will help families in my State and across this country who really do need our help.

I will vote for this package because, at its core, it is a middle-class tax relief package.

I will vote for it because it extends tax relief of more than 3,000 for a typical working family and doubles the child tax credit from $500 to $1,000.

I will vote for it because the $120 billion payroll tax cut is an effective way to create jobs and increase the consumer demand sorely needed by our Nation's businesses.

I will vote for it because it includes a 2-year extension of the alternative minimum tax relief legislation, which I sponsored, so 1.6 million New Jerseyans will not face an additional tax bill of up to $5,600.

I will vote for this package because it preserves transit benefits to New Jersey commuters. This provision, which was not included in the original deal, but I worked hard to restore, will allow commuters to receive up to $230 in transit benefits tax free.

It extends the low-income child tax credit and earned-income tax credit to ensure that a working family with three children could continue to receive a tax cut of more than $2,000.

It helps students and their parents by extending the partially refundable American opportunity tax credit, worth up to $2,500, that helps 8 million students and their families cover the cost of tuition.

It helps save and create green jobs by extending what's known as the 1603 Treasury grant program, widely credited with maintaining strong growth in the renewable energy sector in 2009 and 2010, despite the severe economic downturn, and has saved tens of thousands of jobs in the wind and solar industries.

I worked hard to restore this particular provision because it has provided more than $66 million in grants to fund 155 solar projects in New Jersey alone.

And most importantly, for those who are unemployed, it includes a long-overdue 13-month extension of Federal support for 99 weeks of unemployment insurance for workers who have lost their jobs during this economic downturn, something our Republican colleagues fought against all year, a helping hand they refused to extend unless the rich got even more in tax cuts, even though extending unemployment benefits is a policy that most economists agree is one of the most effective measures to create jobs.

It helps small business owners by creating the largest temporary investment incentive in American history by allowing businesses to expense all of their qualified investments in 2011.

Estimates from the Treasury Department indicate this could generate more than $50 billion in additional investment in the U.S. next year.

The bill includes a provision I cosponsored to incentivize restaurant owners to upgrade their facilities by extending for 2 years a provision that allows them to write off their costs much faster than they could otherwise, 15 years as opposed to 39 years.

And it helps small business owners by extending for 2 years the research and development tax credit which incentivizes companies to create jobs in America by giving them a tax credit for qualified research spending.

The R&D tax credit is truly a jobs credit with 70 percent or more of the credit attributable to salaries and wages of U.S. workers performing research in the United States. I have cosponsored legislation to make this credit permanent, and I hope we will.

Unfortunately, our friends on the other side of the aisle decided that if we were going to pass a bill to help the middle class, it could not move without additional benefits for the wealthiest.

In order for us to help the middle class, we are being asked by our Republican colleagues to give millionaires an additional windfall.

In order to pass an extension of desperately needed unemployment benefits as emergency spending, we must also pass a windfall for estates worth more than $5 million.

Yes that is correct, apparently now Republicans believe you must offset help for laid-off workers with estate tax cuts for the heirs of millionaires and billionaires.

Now, people who have worked hard and built personal wealth should be applauded for their success. Their hard work, their creativity, their ingenuity should be applauded and admired.

People who work hard and prosper, they love their country too, and they are in the best position to be helpful to our nation in this tough economic time.

Many of them are willing to contribute if we ask, and we know from experience that reverting to the tax rates the wealthiest and most successful paid during the Clinton era of prosperity did not hurt our economy.

This package certainly is not ideal. Let me be perfectly clear, I do not think we should be giving the wealthiest Americans, those who are the most able to share in the sacrifice needed in today's economy, even more in tax cuts just to keep taxes from increasing on the middle class. But that is the hand we have been dealt. We had votes on extending middle class tax cuts, and we could not garner enough Republican support to pass them.

Now the decision is not whether or not to support tax cuts for the wealthy. The decision before us today is whether we are going to stand up for the middle class and protect them from the tax increase that is looming 2 weeks from now.

The bottom line is that this package meets our priority on this side of the aisle, of making a real difference in the lives of middle class families affected by layoffs, families struggling to make ends meet, and, in the process, help further stimulate our fragile economy, rather than allow it to slide back into recession.

If we can achieve that, then this compromise is well worth it.

I hope that those on the other side who have shamelessly stood for putting more money in the pockets of millionaires and billionaires regardless of the cost, regardless of the fact that doing so has failed to create jobs, will not come back a year or 2 years from now and have the audacity to blame this administration or members on this side of the aisle for fiscal irresponsibility, that we will never again be lectured about deficits by those who demand billions of dollars in deficit spending for the heir of estates worth more than $5 million.

That is what a Republican world looks like. It is a world of blue smoke and mirrors in which they tell us we can see castles, kingdoms, an economy that is not real and jobs that are not there.

The negotiations to get to this point revealed much about the priorities of each party, and frankly the tactics employed by my Republican colleagues do not sit well with me and many of my fellow Democrats.

But the bottom line is that most of my colleagues recognize, as I do, that this package will make a real difference in the lives of middle class families struggling in difficult economic circumstances.

And I believe it will have strong support, that it will benefit millions of average Americans who simply want us to do what is right for them.

It is my hope that this package is the last time we will be forced to cut a deal for the wealthy just to protect middle-class families.

I listened with great interest to the words of the President when he spoke about tax reform recently. We have an opportunity to reform the Tax Code, to simplify what has become a nightmare for millions of Americans, to get rid of so much preferential treatment for special interests currently in the code, and to lower income tax rates for everybody.

We should have a Tax Code that reflects the general interests of the American people, not one that forces the less politically connected to pay more in taxes than those with powerful allies.

And I expect that the next time this issue comes up, we will not be discussing whether or not to extend the failed tax policies of the Bush administration, but how to best simplify the Tax Codes so tax rates for everybody can be reduced permanently and responsibly.

Mr. REID. Madam President, in times like these, we cannot afford to play games with the economic security of middle-class families in Nevada, and across America.

This bill is not perfect, but it gives those families the boost they so desperately need. It will create 2 million jobs, according to an estimate by the Center for American Progress. For Nevadans, the energy tax cut provisions will create as many as 2,500 jobs in Nevada alone, at a time when jobs are so badly needed.

This bill will cut taxes for middle-class families and small businesses. It contains a $120 billion payroll tax reduction, which will give the average middle-class family a tax cut of $1,200. It extends the college tax credit to help more Americans get the education and skills they need to compete. And it will ensure that Americans who are still looking for work will continue to have the safety net they rely on to make ends meet.

It is unfortunate that my Republican colleagues drew this process out so long. While we ultimately were able to reach a compromise, there was one point that Republicans refused to compromise on: they were dead set on delivering huge tax breaks to people who do not need them, no matter what.

Warren Buffett recently came forward and said, I don't need a tax cut. Give it to the person who's serving lunch. This is just common sense. In tough times, we should concentrate our efforts on helping the people who need it most. Not only will it help them more, but they are more likely to spend the money and help grow our economy.

Unfortunately, this debate also revealed that my Republican colleagues would rather talk about the deficit than actually do anything to bring it down. The giveaways to millionaires that they fought for will add $700 billion to our deficit. My Republican friends love to talk about the deficit, but when it came time for them to make a decision, cutting the deficit took a back seat to giving tax breaks to people who do not need them.

In the future, I hope my Republican colleagues will match their actions to their rhetoric, and start working with us to bring down the deficit.

Clearly, we Democrats disagree with our Republican colleagues about where we should be focusing our efforts in this tough economy. We think we should be focusing on the middle class, they think we should be giving more benefits to the wealthiest among us, even if those benefits add to the deficit.

But despite our disagreements, we were able to reach a compromise. Because that is what the American people want us to do: find common ground, and reach solutions that will benefit our middle class.

The framework agreed upon by President Obama and Senate Republicans might not be the approach I would have taken. But with millions of American families still struggling to make ends meet, it is our responsibility not to let the perfect be the enemy of the good. I know our counterparts in the House will pass this bill quickly so that we can get it to the President's desk as soon as possible, and give middle-class Americans a little more peace of mind this holiday season.

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate equally divided and controlled between the two leaders or their designees.

The Senator from Michigan.

UNANIMOUS CONSENT REQUESTS

Ms. STABENOW. Madam President, as we proceed to this important final vote, there are two provisions I strongly believe ought to be in this bill. They are bipartisan provisions. I came to the floor yesterday to offer a unanimous consent on both of those. Unfortunately, our Republican colleagues were not on the Senate floor, so out of a courtesy I did not proceed. But I will now at this point.

The advanced energy manufacturing tax credit, 48C—a strong bipartisan effort to make sure we are making things in America, creating over 17,000 jobs in 43 States across the country, leveraging $7.7 billion in private investment,—should be included in this bill so when we talk about energy and new innovation, we are making it in America.

Therefore, I ask unanimous consent to set aside the second-degree amendment to the Reid-McConnell substitute to offer amendment No. 4775, an amendment to extend the 48C advanced energy manufacturing tax credit.

The PRESIDING OFFICER. Is there objection?

Mr. KYL. I object.

The PRESIDING OFFICER. Objection is heard.

Ms. STABENOW. Madam President, I have a second unanimous consent request. I also spoke last night about the urgent need to fix an IRS reporting provision for small business——

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

Ms. STABENOW. I ask unanimous consent for another 10 seconds to offer a unanimous consent request in order to set aside the second-degree amendment to the Reid-McConnell substitute to offer an amendment No. 4773 that would repeal the 1099 reporting requirement for small business.

The PRESIDING OFFICER. Is there objection?

Mr. KYL. I object.

The PRESIDING OFFICER. Objection is heard.

Mrs. MURRAY. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

Under the previous order, the question is on agreeing to the motion to concur in the House amendment to the Senate amendment to H.R. 4853 with amendment No. 4753.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 81, nays 19, as follows:

[Rollcall Vote No. 276 Leg.]

YEAS—81

Akaka	Dodd	McCaskill
Alexander	Durbin	McConnell
Barrasso	Enzi	Menendez
Baucus	Feinstein	Mikulski
Bayh	Franken	Murkowski
Begich	Graham	Murray
Bennet	Grassley	Nelson (NE)
Bennett	Gregg	Nelson (FL)
Bond	Hatch	Pryor
Boxer	Hutchison	Reed
Brown (MA)	Inhofe	Reid
Brown (OH)	Inouye	Risch
Brownback	Isakson	Roberts
Bunning	Johanns	Rockefeller
Burr	Johnson	Schumer
Cantwell	Kerry	Shaheen
Cardin	Kirk	Shelby
Carper	Klobuchar	Snowe
Casey	Kohl	Specter
Chambliss	Kyl	Stabenow
Cochran	Landrieu	Tester
Collins	LeMieux	Thune
Conrad	Lieberman	Vitter
Coons	Lincoln	Warner
Corker	Lugar	Webb
Cornyn	Manchin	Whitehouse
Crapo	McCain	Wicker

NAYS—19

Bingaman	Hagan	Sessions
Coburn	Harkin	Udall (CO)
DeMint	Lautenberg	Udall (NM)
Dorgan	Leahy	Voinovich
Ensign	Levin	Wyden
Feingold	Merkley	
Gillibrand	Sanders	

The motion was agreed to.

Mr. DURBIN. Madam President, I move to reconsider the vote.

Mrs. LINCOLN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. AKAKA. Madam President, with our vote today on the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010, we have passed legislation that will have profound short- and long-term consequences for our nation. I supported

this measure once it became the only available option to provide much-needed help to American families. I, however, have deep concerns with other aspects of this bill, and I extend my support for it with strong reservations.

Our economy has not yet recovered from the downturn that began over 2 years ago. Hawaii's foreclosure rate in October of this year was the 12th highest in the Nation. In November, Hawaii saw a 49-percent increase in consumer bankruptcy filings compared to the same month in 2009, the second largest increase in the country. These are strong indications that people in Hawaii cannot sustain an increase in their tax obligations. We cannot allow taxes to rise on the workingclass when so many homeowners are already unable to afford their mortgages and consumers are unable to meet their outstanding debt obligations.

One major cause of these problems is unemployment, and I would not have been able to support this legislation had it not included a 13-month extension of unemployment benefits. Families and individuals across Hawaii and the Nation need these benefits to help pay their rents and mortgages while they search for a job, and parents need this assistance to put food on the table and provide for their children. I refuse to abandon these people. That is why I supported this bill.

I regret that we were unable to provide permanent tax relief for workingclass Americans, families, and small businesses because their financial wellbeing has been haplessly tied to tax cuts for millionaires and billionaires since the beginning of this tax debate. Earlier this month, we considered two fair and reasonable tax proposals—one to permanently extend the expiring tax cuts for families earning under $250,000, followed by a compromise that included Americans earning up to $1 million a year. These were good-faith efforts to provide help where it is most needed—to families and small businesses that, unlike the millionaires and billionaires out there, do not have the financial security to weather the recession. Unfortunately, both were defeated by a minority of my colleagues and instead we have been forced to maintain fiscally irresponsible Bush-era tax policies through the legislation that we have just passed.

When these tax cuts were enacted at the beginning of this decade, I called it ''irresponsible fiscal policy.'' I correctly predicted that the upper income tax breaks would lead to an explosion of the deficit and leave a mountain of debt for future generations. At the time, I lobbied for targeted tax cuts that would stimulate economic growth and employment while preserving fiscal discipline.

The national debt now stands above $13.8 trillion. Our budget surpluses have long since turned into deficits. Difficult budget choices are now before us. We will have the opportunity to reexamine these tax cuts for the richest Americans that we have just imprudently extended, as well as the temporary estate tax and payroll tax holiday provisions in the bill. Fiscal discipline must be maintained. I am prepared to make hard choices to restore and preserve our country's long-term economic security. Until then, I am pleased that we were able to help the unemployed and working-class through this extension of expiring tax provisions and unemployment benefits, and that is why I supported this bill.

REMEMBERING RICHARD HOLBROOKE

Mr. LEAHY. Madam President, it is with deep sadness that I speak in memory of a dear friend, Ambassador Richard Holbrooke, who died Monday at the far-too-early age of 69.

I first met Dick years and years ago, long before he held his most recent post of Special Envoy for Afghanistan and Pakistan. We had so many conversations, meetings, and trips over the years, as his career progressed, particularly during the war in the former Yugoslavia.

Dick's skillful diplomacy that ended the siege of Sarajevo and finally ended that war is legendary. Nobody else could have done what he did. He was motivated above all by compassion, intent on stopping the suffering of innocent people who were being terrorized for no other reason than their ethnicity.

He combined the force of his convictions with the force of his personality, along with his boundless energy, to do what others had been unable to do. Ambassador Holbrooke did not accept no for an answer.

I remember meeting Dick in 1999. We had planned a meeting. I was in Macedonia, and he was in Kosovo. It was a very foggy, rainy day. We could not travel by helicopter, as we planned, so we met on a slippery, narrow road, with a several-hundred-foot cliff on one side. We sat together on the hood of a car and he described what he had observed. He told me what he believed needed to be done. It was fascinating because Dick put everything into perspective as only he could.

It is fair to say we took advantage of that unlikely meeting to reminisce and laugh about other times and places, some of which were just as unlikely. This was one of those rare conversations that makes an unforgettable impression on you—most of all because it was Dick Holbrooke. He was so passionate, so animated, yet with a determination and a sense of humor that made the challenge of solving the thorniest of problems hard to resist.

It was in his latest position that I heard most often from Dick, when he would call to keep me apprised of his efforts to try to get the most out of our aid to Afghanistan and Pakistan. It was not an easy task. He called me on weekends at my home in Vermont, and we would talk about it.

Dick led the reshaping of U.S. policy in South Asia during a difficult transition period. He charged headfirst into the maelstrom of Afghanistan and Pakistan 7 years after the conflict began, raising key and sometimes unpopular questions about our efforts there. Not infrequently, the press would report about his combative style and another heated exchange with some foreign leader. But in Dick's final hours, his wife Kati Marton received calls of sympathy from Afghan President Karzai and Pakistani President Zardari, which says a lot about Dick.

My thoughts and prayers are with Kati and Dick's sons and stepchildren and with Dick's loyal staff at the Department of State during this sad time. I and others here have lost a dear friend. The American people have lost one of the greatest diplomats of our time, an extraordinary man who loved this country and devoted his life to it as much as any person could.

I yield the floor.

MORNING BUSINESS

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

The Senator from New Mexico is recognized.

Mr. UDALL of New Mexico. Madam President, I ask unanimous consent to speak for approximately 20 minutes.

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

Mr. UDALL of New Mexico. Madam President, I ask unanimous consent that our whip, Senator DURBIN, be given permission to speak after I finish.

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

REMEMBERING RICHARD HOLBROOKE

Mr. UDALL of New Mexico. Madam President, I wish to echo the comments of Senator LEAHY on Ambassador Holbrooke. My sense was, Ambassador Holbrooke was a remarkable diplomat and public servant. I got to see him both when he was in his public position and a private position. He was always dedicated to peace in the world. I remember reading his book, ''To End a War,'' which was about the Balkans, and sharing it with my father and my father having discussions with him on the phone. He said: This diplomat, Richard Holbrooke, is a remarkable guy.

If you read that book, it is a classic about bringing peace to a very difficult situation. I express my heartfelt condolences to his wife Kati Marton and his two children, David and Anthony Holbrooke. I tell the family we will miss him very much on the international scene.

WAR IN AFGHANISTAN

Mr. UDALL of New Mexico. Madam President, I rise to discuss the Presidential review that is taking place on the war in Afghanistan.

We are approaching another signpost in the conflict that has kept our military men and women in harm's way longer than any other in our history—109 months and counting. That is longer than the wars in Vietnam or Iraq. It is even longer than the Soviet occupation of Afghanistan in the 1980s.

The signpost I wish to speak of is one President Obama posted when he ordered the troop increase in Afghanistan last December.

In his orders, he also called for a review of our war strategy to be conducted 1 year later. That review was to include:

> The security situation and other conditions, including improvement in Afghan governance, development of Afghan National Security Forces, Pakistani actions and international support.

That review is due this month.

I commend our President for his foresight in calling for this review. But in recent months, I have read troubling statements from administration and military leaders. These statements lead me to believe this review is seen as nothing more than a check in the box.

In a Washington Post article, an Under Secretary of Defense said as much when he stated that the review will not go into much more detail than what is already provided to the President during his monthly status updates.

General Petraeus was also quoted in the same article as saying: ''I would not want to overplay the significance of this review.''

I think this approach to this review would be another tragic mistake in what I fear is an ongoing series of them.

After 9 years and $455 billion, the unfortunate reality is, we are still not anywhere near where we want to be or should be in Afghanistan. Anything less than a thorough and unflinching review is unacceptable. It is unacceptable to me, and it is unacceptable to the American people.

A famed military author, Carl von Clausewitz, wrote a book titled ''On War,'' which is required reading for any military professional. In that book, he wrote:

> The first, the supreme, the most far-reaching act of judgment that the statesman and commander have to make is to establish . . . the kind of war on which they are embarking; neither mistaking it for, nor trying to turn it into, something that is alien to its nature. This is the first of all strategic questions and the most comprehensive.

Today, our struggles in Afghanistan necessitate that we again follow von Clausewitz's advice. We must answer the big questions about the kind of war we set out to fight and the kind of war we are fighting.

Everyone knows the big question when it comes to Afghanistan. That is why it is the big question: Is our prolonged involvement in Afghanistan worth the costs we as a nation are paying for it? Is it worth the human cost? Thousands of Americans have been maimed or killed in this war so far, and thousands more stand in harm's way as we speak. Is it worth the fiscal cost? Our wars in the last decade have left us with huge deficits. And for the last decade, wars in both Afghanistan and Iraq went unpaid for. Instead of rallying the Nation during a time of war, asking for sacrifices from everyone, Congress and two Presidents chose to pass this massive debt on to future generations—the first time we have done so in modern times.

The real issue is not what we are spending to protect our Nation but whether that spending is making us safer, which leads to the question: Is our continued involvement in Afghanistan worth the cost to our larger national security priorities? Our commitment in Afghanistan is pulling time, energy, and funds from other equally important national security priorities, priorities such as energy independence, counterproliferation, and countering terrorist activities in Yemen, Somalia, and many other places around the world.

That is why this review is so critical. We have to decide as a Nation if our prolonged involvement in Afghanistan is worth it, and we must decide on an exit strategy. We have a responsibility to answer that big question with a thoroughness and honesty that honors the sacrifices of our military men and women.

I believe we answer that question by using this signpost—by using this review—to address four key issues that will ultimately mean the difference between our success and our failure in Afghanistan. To me, those four issues are: our timeline for an exit strategy, an accelerated transition to an Afghan-led security operation, corruption in the Karzai government, and safe havens in Pakistan.

Let me take them one at a time. First, our timeline for an exit strategy. This review should provide an honest assessment of where we are in the timeline that President Obama laid out last year. In his speech at West Point last December, President Obama rightly dropped the open-ended guarantee of U.S. and NATO involvement. Here is what he said:

> The absence of a time frame for transition would deny us any sense of urgency in working with the Afghan government. It must be clear that Afghans will have to take responsibility for their security and that America has no interest in fighting an endless war in Afghanistan.

His order last year for the military mission was clear and included a timeline based on a ''accelerated transition.'' In that order—quoting from the order—he focused on:

Increasing the size of the ANSF and leveraging the potential for local security forces so we can transition responsibly for security to the Afghan government on a time line that will permit us to begin to decrease our troop presence by July 2011.

July 2011. That is a little more than 6 months from now. The American people deserve to know if July 2011 is still a realistic timeframe to begin our exit from Afghanistan; and, if not, what has happened to cause a delay and how long will that delay be? What will be the additional costs, both human and budgetary?

The bottom line is this: Without an aggressive timeline for reducing U.S. military support in the region—a timeline that the Afghans believe is rock solid—there is no incentive for them to defend their villages and cities. With the U.S. and NATO as guarantors of security, the people of Afghanistan could rely on our forces to provide security indefinitely.

Chairman LEVIN, our Armed Services chairman here in the Senate, has given careful thought to the issue of a timeline. In a recent speech to the Council on Foreign Relations, he said:

> Open-ended commitments encourage drift and permit inaction. Firm time lines demand attention and force action.

Without an aggressive timeline, there is no exit strategy.

Issue No. 2, and directly related to No. 1, the accelerated transition to the Afghan people. This must be an Afghan-led security effort. This month's report should update the American people on our progress or lack thereof in turning over security duties to the Afghan National Army, the Afghan National Security Forces, and the Afghan National Police.

The famed British officer T. E. Lawrence, known to many as Lawrence of Arabia, once said, with regard to the Arab insurgency against the Ottoman Empire:

> Do not try to do too much with your own hands. Better the Arabs do it tolerably than they do it perfectly. It is their war, and you are there to help them.

This quote is also mentioned in the Army Field Manual on counterinsurgency. In Afghanistan, I believe the same approach can be applied.

The Afghan security forces are not doing their job perfectly, nor should we expect the Afghan forces to match the might of the U.S. military. But to echo T. E. Lawrence, they are beginning to do it tolerably, and I believe it is better that the Afghans continue to build on their new success.

Combined, an aggressive timeline and an accelerated transition to the Afghans will help us achieve two equally important goals: first, the timely handover of security helps prove to the international community that the American people do not have imperial ambitions in Afghanistan. As President Obama said at West Point:

> We have no interest in occupying your country.

And second, a timely handover allows the United States and its allies to bring our heroes home, and it allows us

to begin the important work of reducing our deficits, investing in our Nation and our people so we can remain strong and build a more prosperous Nation.

This brings me to issue No. 3: Corruption in the Karzai government. There is no doubt our Armed Forces have the ability to conduct the difficult counterinsurgency work of clearing and holding. The question is whether the Afghan Government has the ability to build their nation and to be ready for a timely transition. That is why in his order to the military President Obama was clear when he said:

> Given the profound problems of legitimacy and effectiveness with the Karzai government, we must focus on what is realistic. Our plan for the way forward in dealing with the Karzai government has four elements: Working with the Karzai government when we can, working around him when we must; enhancing sub-national governance; strengthening corruption reduction efforts; and implementing a post-election compact.

There is no doubt that corruption is rampant throughout Afghanistan and, in particular, within the Karzai administration. For years, independent daily press reports from Afghanistan, as well as official U.S. Government reports, confirm corruption at all levels of Afghan society. A recent leak of diplomatic cables reveals the severity of the problem.

First, let me stress I do not condone these recent leaks. They have needlessly put our military and diplomatic corps at risk. But these documents pull back the curtain on the scale of the corruption in Afghanistan.

One example in particular illustrated the tremendous difficulty we face in our search for an honest, reliable partner. That was the account in the New York Times of former Afghanistan Vice President Ahmed Zia Massoud. Massoud was detained after he brought $52 million in unexplained cash into the United Arab Emirates. He was allowed to keep the $52 million.

Let me say that again: $52 million. That is a lot of money, especially when you consider that his government salary was a few hundred dollars a month.

Not only is corruption rampant in Afghanistan—with the reports of Karzai's own brother involved in double dealing and unscrupulous actions—but basic government functions are suffering because of Karzai's inability to manage his own government.

In Kandahar, our military has made this former Taliban stronghold a much more secure city. But despite that progress, the Washington Post has reported multiple vacancies in key government positions. As an unnamed U.S. official stated:

> We are acting as donor and government. That is not sustainable.

We cannot be expected to indefinitely shoulder the security or governmental burdens in Afghanistan. Having a firm timeline will put President Karzai on notice that he must step up his efforts to make this an Afghan-led effort. Our goal must be to transition responsibility and authority for the future of Afghanistan to the Afghan people, and this month's review should include a report to the American people on our progress and how he is making that happen.

This brings me to the fourth and final issue: safe havens in Pakistan. For years, safe havens have been permitted to exist in Pakistan for insurgent and terrorist forces, enabling them to operate freely. This has been one of the worst kept secrets in the region, which is why President Obama stated during his West Point speech:

> We will act with the full recognition that our success in Afghanistan is inextricably linked to our partnership with Afghanistan. We are in Afghanistan to prevent a cancer from once again spreading through that country. But this same cancer has also taken root in the border region of Pakistan. That is why we need a strategy that works on both sides of the border.

Since 2001, the United States has sent more than $10.4 billion to Pakistan to support humanitarian and security operations. Despite these expenditures, radical militant groups such as the Quetta Shura Taliban and the Haqqani Network have continued to leverage their freedom of movement to kill, maim and disrupt our efforts and those of our NATO allies.

These insurgent activities are nearly textbook—something that the Army Field Manual on counterinsurgency describes in detail as having occurred throughout the history of insurgent warfare.

> The issue of sanctuaries thus cannot be ignored during planning. Effective COIN operations work to eliminate all sanctuaries.

With such military advice in mind, I must ask: How do we expect to defeat an insurgency that is being supported by elements of the Pakistani military and intelligence service on the other side of the Khyber Pass?

After 9 years, why are we tolerating these safe havens? Mullah Omar, the leader of the Taliban insurgents, is in exile in Pakistan. His followers regroup and rest in Pakistan only to cross the border and fight our troops once again. Insurgent fighters have increased their attacks by 53 percent over the last quarter. And when both ISAF and U.S. forces are unable to infiltrate their base of operation, how can we expect to maintain an adequate level of security for the future?

President Obama's order specifically spelled out assessment criteria for Pakistan. The assessment was intended to include the following question:

> Are there indicators we have begun to shift Pakistan's strategic calculus and eventually end their active and passive support for extremists?

Thus far, Pakistan's ''strategic calculus'' has been overly focused on India and toward turning a blind eye to radical groups in Waziristan and other regions near the Afghan border.

Furthermore, the current position of the Pakistani Government has only led to a host of crazed conspiracy theories about the United States and its involvement in the region, giving fuel to the recruitment efforts of our enemies.

Because of double-dealing by some in Pakistan and a Pakistani Government that has not fully supported our efforts, we are sending our men and women to fight in Afghanistan without a true partner. We are asking them to fight with one hand tied behind their back.

These challenges I discussed are not a secret. Each and every one of them has been debated, discussed, dissected, and yet the answers remain elusive. We invaded Afghanistan as a justifiable military response to the tragic attacks of September 11, 2001. This response was overwhelmingly supported by Congress—including myself, the public, and the international community. But I believe today, after 109 months of fighting, after more than 1,400 American military deaths in Operation Enduring Freedom, almost 10,000 American military men and women injured, after $455 billion and counting expended, a good, hard, realistic assessment of our mission is needed.

If our plan to succeed in Afghanistan is not yielding the results we seek, then we must also reevaluate our plan and mission. Make no mistake, I am proud of our brave men and women in uniform and what they are doing there. I am equally proud of our diplomatic workers, aid workers, and civilians who are working hard to improve the livelihoods of Afghan people.

I had an opportunity to meet many of them earlier this year on a CODEL led by my colleague Senator CARPER of Delaware. These are some of the finest men and women our Nation has to offer to the Afghan people. But it is not their job that is in question—it is ours, the Congress, the President, his administration, the military leadership. It is up to us to find the answers, to ensure we have a clear, achievable mission for our soldiers to carry out.

Today I am not sure that is the case. I am looking forward to hearing the conclusions of the review the President called for 1 year ago. I also look forward to hearing the President reaffirm his July 2011 deadline for an accelerated transition to the Afghans.

We all must be prepared to ask the hard questions and demand honest answers, regardless of the political consequences. Our military men and women deserve no less.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Madam President, I ask consent to speak for 15 minutes in morning business.

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

Mr. DURBIN. Madam President, first let me commend my colleague from New Mexico, Senator THOMAS UDALL, for a thoughtful presentation on a challenge we face as Americans regardless of political affiliation. It is

thoughtful in that he reflected not only on our mission and our responsibility but thoughtful in that he reflected on the cost, the cost in human lives and the cost in dollars and the challenge we face in Congress to make sure those dollars are well spent and no American life is wasted. I thank my colleague for that thoughtful presentation.

THE DREAM ACT

Mr. DURBIN. Madam President, last night I was on a conference call. It was an unusual one. There were 8,000 people on this conference call. I have never been on a conference call like that. They were from all across the United States of America. We spoke for a few minutes and then took questions.

A young woman came on. She didn't give her name but she said, I want to tell you who I am. I am a person who is about to graduate from a major university in California with a degree in pharmacy and I have nowhere to go.

You see, she is a Hispanic who came to the United States at an early age, brought here by her parents. She defied the odds by finishing high school. Half of the Hispanic students do not. She did. Then she defied the odds even more by going to college. Only one in twenty in her status actually attends college in America. Then she stuck around for 5 years-plus to get her degree in pharmacy science.

We know for a fact we need pharmacists desperately across America, everywhere, in North Carolina and New Mexico and Illinois—we need pharmacists. Why aren't we using the talent of this ambitious, energetic, successful, young woman? Because she has no country. She is in America but she is not an American. She has no status.

The DREAM Act, which I introduced 10 years ago, addresses this challenge across America. Children, brought to America without a vote in the process, children who came here and made their lives here, grew up in America, as Senator MENENDEZ has said on the floor, standing up and proudly pledging allegiance to that flag, standing up and singing the Star Spangled Banner at baseball and football games—but they know and we know that they are not Americans. They feel like Americans. Many of them have never seen and don't know the country they came from. This is their country. But because they were brought here not in legal status, undocumented, they have nowhere to turn.

The first time I heard about this issue was when a Korean woman called me in Chicago. She was a single mom with three kids. She ran a dry cleaners and her older daughter was a musical prodigy, in fact so good she had been accepted at the Julliard School of Music in New York. Before she went to school she filled out the application form and came to a box which said ''nationality/citizenship.'' She turned to her mom and she said: U.S. nationality, right? Her mom said: No, we brought you here at the age of 2 and we never filed any papers. Her daughter said: What are we going to do? Her mom said: We are going to call DURBIN. So they called my office and we called the Immigration Service and when the conversation ended it was very clear. Our government said to that young girl: You have one choice—leave. Go back to Korea.

After 16 years of living successfully in the United States and making a great young life, our laws told her to leave because she was illegal. That is a basic injustice. It makes no sense to hold children responsible for any wrongdoing by their parents, children at the age of 2 who are now going to be penalized the rest of their natural life because their mother did not file a paper? Penalized because we have no process for her to have an opportunity to be part of the United States?

So I introduced the DREAM Act. The DREAM Act says if you have been here for at least 5 years and came below the age of 15 and completed high school, no serious criminal record, a person in good moral standing ready to be interviewed, speaking English, paying all the taxes and fines and fees that are thrown your way, then if you are willing to do one of two things we will give you a chance to be legal in the United States. No. 1, enlist in the military. If you are willing to risk your life and die for America, I think you are deserving of an opportunity for citizenship. Second, if you complete 2 years of college—which, as I say, defies the odds; it is a small percentage who would be able to do this—if you are able to complete 2 years of college, then here is what the bill says: We will put you in a 10-year conditional immigrant status.

Let me translate. For 10 years you have no legal rights to any government programs in America—not Medicaid if you get sick, not Pell grants if you go further in college, no student loans—nothing. You can stay here legally but you cannot draw one penny from this government during 10 years after you have finished high school and qualify under this act; 10 years.

Along the way we are going to keep an eye on you. If you stumble and fall—criminal record—you are gone. No exceptions; for felons, they are gone. Basically, we will continue to ask hard questions of you as to how you are doing.

In the version of the bill we are going to vote on, you are going to pay a fee, $500 at the outset and more later. Under that House provision, those students struggling to get by with no right to government assistance by our bill will have to spend 10 years in this country. If they make it—2 years in the military or 2 years of college and they finish their 10 years—then they get in line and wait 3 to 5 years more before they can ever have a chance to be citizens.

It is a long, hard process that not many Americans today could survive. Some of these kids will because they have made it thus far. They are determined, they are idealistic, they are energetic. They are just what America needs.

Do you know what Michael Bloomberg, the mayor of New York, said about this:

> They are just the kind of immigrants we need to help solve our unemployment problem. Some of them will go on to create new small businesses and hire people. It is senseless for us to chase out the home-grown talent that has the potential to contribute so significantly to our society.

Will these DREAM Act students be a drag, then, once they are part of America? Not according to the Congressional Budget Office. They concluded that the DREAM Act would produce $2.2 billion in net revenues over 10 years. How can that be? Because these DREAM Act students would contribute to our economy by working and paying taxes. These are students who are destined to be successful.

Who believes they will be successful? Start at the Pentagon. Secretary of Defense Gates has asked for us to pass the DREAM Act. He has said that these bright, young, dedicated people will be great in service to America. He knows that many of them come from cultural traditions of service to their country and he wants that talent in the U.S. military and he wants that diversity in our military. Fifteen percent of America today is Hispanic. The number is growing. Almost 10 percent of the people who vote in America are Hispanic and we want to make certain our military is as strong as it can be and reflects America as it is and what we want to it be.

We will have a chance to vote. Senator HARRY REID, the majority leader, has said we are going to vote on the DREAM Act this year—and we must, we absolutely must. We owe it to these young people, we owe it to their families, and we owe it to this country to rectify this terrible injustice.

There comes a time occasionally in the history of this country where we have a chance to right a wrong. We fought for decades over righting the wrong of slavery, the mistreatment of African Americans. We fought for decades to right the wrong of discrimination against women—denied the right to vote under our original Constitution. We fought for decades for the rights of the disabled in America. Each generation gets its chance to expand the definition of freedom and liberty and expand the reach of citizenship and the protection of our laws. This is our chance. This is a simple matter of justice.

I have listened to some of my colleagues on the other side who do not support it and they have said, if we would spend more money on border security, then maybe, just maybe I would be willing to give these young people a chance.

First, if there were no border security, it would not enlarge the number

of people protected here. You have to have been in the United States for 5 years in order to qualify here so any newcomers to the United States are not going to be eligible anyway. But let's get to the point. I support border security. We need a strong border. We need to make sure those who are illegal, undocumented, do not come across that border. I have voted for the money, I voted for the fences, I voted for the walls, I voted for everything they called for, and we have dramatically under this President increased the border security in America and I will vote for more. I will vote for more. I give my word to my colleagues I will.

I have said to Senators from those border States: Count on me to be with you. But don't hold these children hostage to that demand. Don't hold them hostage to that demand because border security in and of itself has nothing to do with justice for them.

Others have argued we want to make sure at the end of the day they can never become legal citizens of the United States. Never? After living their lives in this country, never? I would say: Go to the back of the line. And they should. Wait in line patiently, even if it takes 15 years. That is only fair. But never?

Others have said we should give them the military option. If they join the military, then we will let them become citizens. I don't think that is right and I don't believe the military would support that either because many would be applying for the military who are not inspired to serve in the military but are only doing it for the purpose of this law. Let's let those who are not going in the military have their own avenue, their own path to legalization by education and achievement in this society, not in the military.

I would also say to my friends and colleagues, some have argued it is a little too close to Christmas for us to worry about an issue such as this. We ought to go home. These young people are home and they are asking for us to pass the DREAM Act so that home will welcome them.

America is the only home they have ever known. I am willing to stay a day or two or more, whatever it takes, so we can pass this bill, right this injustice, and give these young people a chance.

The House has done its part. They passed a bill last week. Congressman LUIS GUTIERREZ and Congressman HOWARD BERMAN did a wonderful job in passing this legislation. It is good legislation. We have had 57 votes on the floor of the Senate but because of our rules you need 60. All I am asking is some of the Republicans who have told me in their heart of hearts they support this and worry about it politically, to put themselves in the shoes of our predecessors in the Senate who, when given a chance to expand the civil rights—of African Americans, of women, of the disabled—said that justice trumps politics. We will stand on the side of justice and let history be the judge. That is the challenge we have with the DREAM Act.

I urge my colleagues, support the DREAM Act. Let's give these young people a chance to make America an even greater nation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

OMNIBUS APPROPRIATIONS

Mr. JOHANNS. Madam President, I rise today to briefly discuss the so-called omnibus spending package that is apparently headed this way. This budget-busting, trillion-dollar spending behemoth is nearly 2,000 pages in length, and it is laden with over 6,000 earmarks for various special interests.

This is a debacle that could have been avoided. Today is the 349th day of this year. There are only 16 days until the end of the year. There are only 10 days until one of the most sacred Christian holidays—Christmas. Yet the majority waited until just now to unveil our first real appropriations bill that will be considered on the Senate floor in the entire year.

The fiscal year began on October 1 of this year. Yet we have waited over 2 months to even consider a fiscal year 2011 spending bill. How could anybody claim this is responsible management of our citizens' tax dollars? There is no way to sugarcoat it. Congress has been derelict in its duty to produce any of the 12 annual appropriations bills for the fiscal year.

We did not even bother to debate or pass a budget resolution this year to at least create the notion that Congress wanted to constrain spending. While Americans across this country are taking a hard look at their finances, prioritizing their spending, their government continues to max the taxpayer credit card. This one is a doozy: 1,924 pages, $1.27 trillion in spending, $9 billion more than even last year's unacceptable spending levels, over 6,000—let me repeat that—over 6,000 earmarks that were funded more on geography and political influence than on anything to do with merit. That is $8 billion worth of earmarks when the American people are crying out for transparency and thought they had sent a strong message in November.

While we should have been considering how to constrain spending, the authors of this legislation were busy behind closed doors seeing how much pork they could return to their States. This ''you get yours and I will get mine'' mentality is one of the reasons we have the budgetary hole we have dug. Yet we see 6,000 earmarks tucked away in this legislation.

Let me just give three of the priorities, according to these earmarks: $200,000 of somebody's hard-earned tax dollars for beaver management; $1.5 million of somebody's hard-earned tax dollars for mosquito trapping; $300,000 of somebody's hard-earned tax dollars for the Polynesian Voyaging Society.

The list goes on and on. I could be here for the next 24 hours going through the list.

When I was Secretary of Agriculture, we proposed a budget, and we would not have a single earmark in it. But after the logrolling occurred on Capitol Hill, we would get our funding back, and it would be absolutely stuffed with earmarks, spending somebody's hard-earned tax dollars.

It is a sad commentary that a few million dollars in home State pork can often convince someone to swallow $1 trillion of government spending. Yet that is where we end up too often. It looks to me like this is greased, and it is going to happen again. The authors of this legislation simply missed the message of November 2. We should be passing appropriations bills that actually rein in spending instead of doubling down, spending more, and adding to the era of big government. Yet this massive bill is laden with end-of-the-year gifts.

One supporter of the spending bill actually admitted it was the Christmas tree of all time, adorned by spending somebody else's hard-earned tax dollars. This spending juggernaut is simply not what Americans want or deserve.

While we are faced with numerous challenges, none is greater than tackling this growing spending in our national debt. In fact, a bipartisan group of almost 20 Senators came to the floor yesterday—and I was part of that group—to pledge our commitment to address the national debt.

How ironic that this massive spending bill is being discussed the very next day. Maybe actions speak louder than words. It is time for us to actually back up the rhetoric on controlling spending. A look at the last appropriations bills just since I arrived a couple of years ago shows spending is growing by 17 percent. The sad truth of that number is there is no economy—no economy—that can grow the revenues fast enough to keep up with the spending appetite of Washington, DC.

In fact, in a few years we will be spending more on finance charges than the entire defense budget. It is like a family running up the credit card and then looking for more credit cards. But, unfortunately, it is now commonplace to pass bills that spend $1 trillion when our citizens are saying: Please stop. Unfortunately, the spending has not stopped.

I will oppose this bill, and I will do all I can to advocate that my colleagues do the same. Government spends too much. We need to keep more at home with the people.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

FINISHING THE SENATE'S WORK

Mr. REID. Madam President, as a Christian, no one has to remind me of the importance of Christmas for all of the Christian faith, all of their families all across America.

I do not think any of us, and I do not need to hear the sanctimonious lectures of Senators KYL and DEMINT to remind me of what Christmas means.

My question is, Where were their concerns about Christmas when they led filibuster after filibuster on major pieces of legislation during this entire Congress—not once but 87 times, taking days and days of the people's time in the Senate on wasteful delay?

Senate Republicans need look no further than themselves in casting blame for the predicament we are in right now. In this Congress, I repeat, Republicans have waged 87 filibusters. They have used every procedural trick in the book to delay legislation that is important to the American people.

We have been able to work through most of that and have what, in the mind of Norm Ornstein, the most successful Congress watcher in decades says is the most successful, productive Congress in the history of the country. We have done that in spite of all of the roadblocks that have been thrown in our way.

In just a few minutes, we are going to proceed to the START treaty. I am told the Republicans are going to make us read the entire treaty in an effort to stall us from passing it. Isn't that wonderful. That treaty has been here since April or May of this year—plenty of time to read it.

These are additional days of wasted time that we could be using to pass legislation to get home for the holidays. Yet some of my Republican colleagues have the nerve to whine about having to stay in action and do the work the American people pay us to do. We make large salaries. We could work, as most American do, during the holidays.

Perhaps Senators KYL and DEMINT have been in Washington too long because in my State, Nevadans employed in casinos and hotels and throughout the State of Nevada—on our ranches, basically everyplace—have to work hard on holidays, including Christmas, to support their families.

The mines do not shut down in Nevada on Christmas. People work. They get paid double time a lot of times when they have good contracts. But they work on Christmas holidays. Most people do not get 2 weeks off at any time let alone Christmas week. These people who are lucky enough to have a job in these trying times need to work extra hard just to make ends meet.

So it is offensive to me and millions of working Americans across this country for any Senator to suggest that working through the Christmas holidays is somehow sacrilegious or disrespectful.

The path to finishing this year lies in the hands of Senators such as Senators KYL and DEMINT and any other Senate Republican who is trying to run out the clock or run out the door without finishing the American people's business. If they decide to work with us, we can all have a happy holiday. If they do not, we will continue until we finish the people's business.

TREATY WITH RUSSIA ON MEASURES FOR FURTHER REDUCTION AND LIMITATION OF STRATEGIC OFFENSIVE ARMS—MOTION TO PROCEED

Mr. REID. Madam President, I move to proceed to executive session to Calendar No. 7, the START treaty. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Indiana (Mr. BAYH) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Wyoming (Mr. ENZI).

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

The result was announced—yeas 66, nays 32, as follows:

[Rollcall Vote No. 277 Ex.]

YEAS—66

Akaka	Gillibrand	Murkowski
Baucus	Graham	Murray
Begich	Hagan	Nelson (NE)
Bennet	Harkin	Nelson (FL)
Bennett	Inouye	Pryor
Bingaman	Johnson	Reed
Boxer	Kerry	Reid
Brown (MA)	Klobuchar	Rockefeller
Brown (OH)	Kohl	Sanders
Cantwell	Landrieu	Schumer
Cardin	Lautenberg	Shaheen
Carper	Leahy	Snowe
Casey	Levin	Specter
Collins	Lieberman	Stabenow
Conrad	Lincoln	Tester
Coons	Lugar	Udall (CO)
Dodd	Manchin	Udall (NM)
Dorgan	McCain	Voinovich
Durbin	McCaskill	Warner
Feingold	Menendez	Webb
Feinstein	Merkley	Whitehouse
Franken	Mikulski	Wyden

NAYS—32

Alexander	Crapo	Kyl
Barrasso	DeMint	LeMieux
Bond	Ensign	McConnell
Brownback	Grassley	Risch
Bunning	Gregg	Roberts
Burr	Hatch	Sessions
Chambliss	Hutchison	Shelby
Coburn	Inhofe	Thune
Cochran	Isakson	Vitter
Corker	Johanns	Wicker
Cornyn	Kirk	

NOT VOTING—2

Bayh	Enzi

The motion was agreed to.

EXECUTIVE SESSION

TREATY WITH RUSSIA ON MEASURES FOR FURTHER REDUCTION AND LIMITATION OF STRATEGIC OFFENSIVE ARMS

The ACTING PRESIDENT pro tempore. The Senate will proceed to executive session to consider the treaty.

LEGISLATIVE SESSION

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will return to legislative session for the remarks by the Senator from Arkansas.

The majority leader is recognized.

Mr. REID. Mr. President, could we have the attention of everyone in the Senate.

The ACTING PRESIDENT pro tempore. The Senate will come to order.

MORNING BUSINESS

Mr. REID. Mr. President, I have had a number of conversations in the recent minutes with the Republican leader. I think we would be well advised—and we are going to proceed along this avenue unless someone has an objection—that for the rest of the day and the evening, however long people want to visit, we will be in a period of morning business. As soon as Senator LINCOLN finishes her remarks, we will be in a period of morning business, and Senators will be allowed to speak for up to 15 minutes. I put that in the form of a consent request.

We have a number of Senators over here and on the Republican side who want to speak on the START treaty, but people are not going to be restricted to that. They can speak about anything they want. Then tomorrow morning we will return to the START treaty.

So this afternoon, I again ask unanimous consent that we be in a period of morning business and that Senators be allowed to speak for up to 15 minutes each during this period of morning business, with the understanding that tomorrow morning, at a reasonable hour, we will return to the START treaty and begin debate directly on that.

The ACTING PRESIDENT pro tempore. Is there objection?

The majority leader is recognized.

Mr. REID. And part of that agreement is that today will be for debate only.

The ACTING PRESIDENT pro tempore. Is there objection?

The Republican leader is recognized.

Mr. MCCONNELL. Mr. President, reserving the right to object, and I am certainly not going to object, I want to thank the majority leader. I think it is a good way to go forward. There was some suggestion that some on this side of the aisle wanted to read the treaty. Our view is that that is not essential.

We do encourage our members—I know Senator LUGAR, our ranking member on Foreign Relations, is here and Senator KYL, who has been deeply involved in this issue. We would encourage them to begin the debate on the treaty.

Mr. KERRY. Mr. President, reserving the right to——

Mr. REID. Mr. President, also, if I could respond to my friend, I know Senator LUGAR has spent lots of time on this treaty, as has Senator KYL, as has Senator KERRY and others. Everyone, we will be very generous with time. If Senator LUGAR, who is one of the wizards of foreign policy in the history of our country, needs more time, no one is going to stand in the way of that. So everyone should understand that we did put a 15-minute limitation on it, but there will be consents granted for people to speak longer if, in fact, it is necessary.

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

Mr. KERRY. Mr. President, I appreciate the comments of the leader with respect to that question. I wonder if the order might predicate at the outset that Senator LUGAR—he has asked me for 40 minutes as an opening. I know Senator KYL would probably want to be able to speak an equal amount of time. I would like to, obviously, make an opening, appropriately a little longer. So if we could perhaps make the order 40 minutes to Senator LUGAR, 40 minutes to Senator KYL. I would like a half hour. And we have some other Senators from there. And we could vary this as we go. Is that possible?

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. REID. So the consent request is that Senator LUGAR be recognized for 40 minutes, Senator KYL for 40 minutes, Senator KERRY for 30 minutes; is that right?

The ACTING PRESIDENT pro tempore. That is correct.

Mr. KYL. Mr. President, reserving the right to object, I am not sure I will be speaking for 40 minutes or any particular timeframe here. I want to focus for the moment on the omnibus and a continuing resolution, so my remarks probably would be relevant to that, and therefore I probably should not join in the unanimous consent request at this time.

Mr. REID. OK. So, Mr. President, I am glad we clarified that. But, as I said, anyone can talk about anything they want. So why don't we have the consent request amended that Senator LUGAR be recognized for 40 minutes, Senator KERRY for 30 minutes, and then the rest of the time will be jump ball for people to speak for up to 15 minutes.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

Mr. REID. And I conferred with Senator MCCONNELL. There will be no rollcall votes the rest of the day.

The ACTING PRESIDENT pro tempore. The Senate will come to order.

The Senator from Arkansas is recognized.

Mrs. LINCOLN. Thank you, Mr. President. Well, I hope there is not too much order because it will make me feel a little bit out of place.

Mr. DURBIN. Mr. President, the Senate is not in order.

The ACTING PRESIDENT pro tempore. The Senate will please come to order. Take conversations off the floor.

Mrs. LINCOLN. Thank you, Mr. President. As I said, I hope there is not too much order. I do not want this place to change too much.

FAREWELL TO THE SENATE

Mrs. LINCOLN. Mr. President, I am glad to be here with my colleagues to express my gratitude for the incredible, blessed life's journey I have experienced thus far and the wonderful contributions this place has made to that. I have been enormously blessed by the people of Arkansas to have represented them in the U.S. Congress, first as a Member of the House of Representatives and finally now as a U.S. Senator. Today, I rise as the daughter of two amazing parents, Martha and the late Jordan Lambert, the proud daughter of a seventh-generation Arkansas family, dirt farmers—not to be confused, we didn't farm dirt, but we were hard-working farmers who were not afraid to get dirty, to get our hands into the Earth and to do what it was we have done for generations in Arkansas. I am also the proud wife of Dr. Steve Lincoln and the very proud mother of two incredible young men, Reece and Bennett—great boys. You all have watched them grow up. It is the many unique life experiences each of us brings to this place and to this job that really and truly contribute to the mark we leave on this institution.

When I came to the Senate, my boys were 2 and we were about to celebrate their third birthday. We didn't have any friends up here, so I looked around the Senate to see who had children, who could bring their kids to our birthday party, and there were a few. We kind of had to rent out some kids to come to the Moonbounce to have a great party and it was fun. I realized how important that experience was for me to bring to this body, to share with people. PATTY MURRAY knows—she has been there—MARY LANDRIEU, AMY KLOBUCHAR, and so many others who have had their children here in the Senate. What a difference that makes in your perspective on what you are doing here. It makes a big difference.

Birthdays were a big deal when we first got here. In my household, you are allowed to celebrate your birthday for an entire week, and it is always a great time. My first birthday I celebrated in the Senate was unusual. We had just moved. My husband had moved his practice. The boys were here. They had just turned 3. It was hectic. It was a new Congress. We had all just come through an impeachment trial. There were many things going on. When my birthday came around, it kind of came and went. My husband noticed that. So we had gone to a spouse dinner shortly after my first birthday in the Senate. My good friend, JOE BIDEN, who was my seatmate before he left to become Vice President, and his wife Jill had reached out to us to make us feel comfortable. We were young parents. We had small children. We were both working very hard.

The first spouse dinner we went to, we were sitting with Joe and Jill, and Jill produced a lovely birthday gift. It was a monogrammed box, obviously something that was thought about. It wasn't something she picked up and re-gifted from her closet at home. It meant so much to my husband and to me, that we were a part of a family who realized what we were going through—not just what they were going through but what we were going through. I looked at Jill and told her: You couldn't have done anything to make me or my husband more happy than to think of something that was important in our lives, and they did that. I have been a part of this family, and it has been a great time.

As I glance back on my time here, I do so with great pride, knowing that each of my votes and actions were taken with the best interests of the people of Arkansas in mind. I have always attempted to conduct myself in a manner that would make Arkansans proud, and my tears today I hope are not going to affect that. Living by my mother's rule as we did growing up, if it was rude or dangerous, it was not allowed, and I hope I have definitely met that rule because Mother sent us off with it.

As a farmer's daughter, I am honored to have helped craft three farm bills that were crucial to the economy of Arkansas. I was able to persuade my colleagues to understand the regional differences in production agriculture in our country but, most of all, I am proud I was able to impress upon my colleagues and others, hopefully, across this great Nation of ours the enormous blessing our Nation receives from farm and ranch families, what they bestow upon us, what they allow us and all the rest of the world to do each and every day; that is, to eat, to sustain ourselves, and to be able to grow.

I am particularly honored to have become the first woman and the first Arkansan to serve as the chairman of the Senate Committee on Agriculture, Nutrition and Forestry. It has been a wonderful year I have had, and I will always be proud of what we have accomplished in that committee this year and certainly in years past.

We passed historic child nutrition legislation. As a result, each meal served in schools will meet nutritional standards our children and future generations deserve, putting them on a path to wellness instead of obesity. As a result, we will see an increase in the reimbursement rate for schools for the

first time since 1973—since I was in junior high, younger than my own children today—and we did so by not adding one penny to the national debt as well as doing it in a bipartisan way.

We produced historic Wall Street reform legislation. When I became chairman of the committee, our economy was on the brink of collapse. Our legislation targeted the least transparent parts of the financial system and will bring them not only within the plain view of regulators but also in the view of hardworking Americans who want to know what is going on in our economy and in the marketplace.

Throughout my time in the Senate, I have fought hard on behalf of rural communities and families. In the House, sitting next to ED MARKEY on the Energy and Commerce Committee, he always called me BLANCHE ''Rural'' LAMBERT. He said: BLANCHE, every time your mouth opens, it says rural. I said: That is where I grew up, that is whom I represent, and you will always hear me speaking on behalf of the families in rural America.

I wrote the legislation establishing the Delta Regional Authority, the only Federal agency designed to channel resources, aid, and technical assistance for economic development in the rural and impoverished Mississippi Delta region.

I fought for tax relief for hardworking low- and middle-income Arkansas families, and I am most proud of the refundable child tax credit I worked on with Senator OLYMPIA SNOWE. I have also fought for the certainty for farmers and ranchers and small businesses in Arkansas with fair estate tax reforms with Senator JON KYL.

I am proud of my work on behalf of Arkansas and our Nation's seniors, including my work on the prescription drug program for seniors, working with Senator BAUCUS and others on the Finance Committee; the Elder Justice Act that is now law, the first Federal law ever enacted to address elder abuse in a comprehensive manner. I was honored to be joined in that effort by Senators ORRIN HATCH and HERB KOHL and the hard work we put toward that.

Growing up in a family of infantrymen, I am proud to have fought for Arkansas servicemembers, veterans, and their families, specifically fighting for funding increases for the VA and the creation of the VA's Office of Rural Health, as well as better access to quality mental health care for all our veterans.

I came to Congress to fight on behalf of our Nation's children, families, veterans, small businesses, and farmers, and I am honored and humbled that in each of these areas, I was able to achieve legislative success on their behalf.

But as my mother would say, straighten up and pay attention to what this is about. This speech is not about yesterday, and it is not about today. What I would like for people to remember about this speech is that it was about our Nation's future and what we can achieve together. We have great work to do, great work. I may be leaving this body, but that doesn't mean I give up on my country. You all have much work to do.

Colleagues, we have approached a fork in the road. This is not the first, nor do I suspect it will be the last, but we have within ourselves the ability in this Nation to choose a positive and uplifting path. HARRY REID teases me all the time: Do you smile at everything? You know what. There is a lot to smile about. We have great opportunities ahead of us in this country, but they are not going to happen by themselves. We have the opportunity to choose a path that respects differences of opinion. We have the opportunity to choose a path that sets aside short-term political gains, a path that maintains this body's historic rules that protect the views of the minority but also puts results ahead of obstruction.

Again, I grew up in a family of four kids, and I am the youngest. You all wonder why I am so tough. I have been beat up on all my life. But my dad always said: It is results that count. It is what you finish and what you accomplish. It is not these little battles we fight; it is the war we are going to win, and it is not a war we are going to win without the Republicans or without the administration or without our constituents. It is a war on behalf of our Nation, and it has to be done together.

Many of my colleagues have had the wonderful opportunity of meeting my husband. My husband doesn't like crowds a lot. I love crowds because I love being together. I love being a part of things. I love being a part of a team. My team is here, my Lincoln team. It is a great team. They have been a wonderful group to work with. You are a part of my team. You are my family in the Senate. Being together and working together is an incredible blessing, and we have to make sure we realize that.

Our country is certainly at its best when we are collectively working together for a goal. All you have to do is listen to your parents or your grandparents talk about victory gardens or rationing nylons or anything else that happened during the war when people were working collectively together.

Our country is facing many challenges. There is no doubt the American people are frustrated. They are frustrated with our lack of productivity, and they are so anxious to be a part of the solution that needs to happen here—the coming together, the finding of solutions to the problems we face and the results we need to have. I am confident that, together, we can overcome all these differences and continue to be the leader of the rest of the world as we have been and should be. I leave this body with confidence that we can provide our citizens with the type of government they deserve: a government that provides results and certainty about the future they so longingly want to be a part of and that they want to protect for their children, rather than obstruction and sound bites and confusion.

With teenage children at home, it is a true blessing that we live in a day and in an age where information is available at a moment's notice. I have watched my children—I had to go borrow the encyclopedia from my cousins next door. My kids click on the computer and immediately there are incredible volumes of information. They teach me: Mom, come look at this. Did you ever know this? It is amazing what is available to us. It is equally as important, though, that we, the American people, take the time that is necessary to understand the solutions to the challenges and not succumb to the convenience of modern technologies to take the place of our own good judgment. We cannot do that. The minds of the people of this country, the minds of the body of this institution ensure that we use the good sense God has given us to know what those right solutions are. To all of America, myself included, we must all discern carefully the information that is provided to us. It is all extremely convenient, but convenience is not what this is about. It is not about convenience. It is all about doing the right thing. So I call on not only our good judgment but our collective love for this country so we can meet the challenges our Nation faces. I know I am teaching my children that at home. I am also blocking some of the things they can get on the Internet. But I am also teaching them to use their own minds, their own thoughts: What is it you would have for your fellow man? How would you want people to behave? It is absolutely critical in this day and age.

To my colleagues on both sides of the political aisle, I implore each of you to set the example for our country by working together to move our Nation forward. We must start practicing greater civility toward one another, both privately and publicly. I can't forget when I first came to the House of Representatives, I called my colleague and neighbor, Bill Emerson from southern Missouri. I told him, I said: Bill, you know when you move into a new place, where I come from you bring somebody a cake or a pie, a batch of rolls or something. I said: I am not a bad cook, but I don't have a lot of time on my hands. I want to visit with you. You are a Republican, I am a Democrat, but you are my neighbor, and I am willing to bet you we agree on far more than we disagree on. As we visited for 45 minutes in that very first introduction, we came to the conclusion that we agreed far more on the same things than we disagreed. We decided to start the civility caucus. It lasted 3 months.

The fact is, there is much work to be done there, and we can do it.

Taking advantage of political gusts of wind is not what our constituents

expect of us nor is it what they deserve. I urge you to have the courage to work across party lines. There is simply no other way to accomplish our Nation's objectives, nor should there be. Although you run the risk of being the center of attention for both political extremes, it is a far greater consequence to put personal or political success ahead of our country, and I know firsthand.

We must have the courage to come out of our foxholes—the foxholes we dig into—to the middle, where the rest of America is and discuss our collective path forward. I am counting on each of you to do so in a way that respects the temporary position we have all been granted here and respect this institution of ours that we have been blessed to inherit. It is an amazing place. Each of you has seen it in your own right and you know it.

To the young people of America, I think this is so important. I came here as the youngest woman in the history of our country to ever be elected to the Senate. I did so because I believed so strongly in the difference I could make. I still do. That is what this country is about. It is about making a difference, not for yourself but for others. I continue that journey now, as I leave this place, knowing there are still so many ways I will make a difference. But to those young people out there in this country, do not think this place is reserved just for age or experience. It is here that you could make a difference, whether you are elected or whether you are one of the incredible and phenomenal staff that helps to run this place, or whether you just simply choose to be out there and engaged in what is going on. There are many contributions to be made to this Nation by the young people of this country.

I leave this body with no regrets and with many incredible friendships. You know the old adage, ''If you want a friend in Washington, get a dog.'' You all know I have a very large dog. But I also have some wonderful friends, and I am very grateful for those friendships.

When I first arrived, my friend MARY LANDRIEU had been in the hospital. I showed up at her house with a chicken spaghetti casserole, a bag of salad, and a bottle of wine.

She said: What are you doing here?

I said: You know, where I come from, when your neighbor or friend is sick, you take them dinner.

She said: BLANCHE, we don't do that up here.

I said: Let me tell you, if we forget where we come from, there is a big problem.

I am grateful. I will not attempt to go one by one through each of you, but know that every one of you all have a special place in my heart. You have taught me something. You have enriched my life in such a way, it is amazing. You also know—many of you personally—that I follow in some very large footsteps, between so many Arkansans, most recent being McClellan and Fulbright, David Pryor, and Dale Bumpers, who is my immediate predecessor. I thank Dale for the incredible mentor he has been to me and for the wonderful things he has done for our State.

I leave you with an unbelievable Senator, and that is my good friend MARK PRYOR. He is a statesman. He follows in the footsteps of all of those giants from Arkansas. I am enormously grateful to him for his friendship and, more importantly, for his great service to the people of Arkansas. So I leave you in good hands, without a doubt, with my good friend, Senator MARK PRYOR.

I have been surrounded, both in the past and currently, by an unbelievably dedicated, loyal, and hard-working staff, in my personal Senate office both in Arkansas and Washington, and certainly in the Agriculture Committee. To my staff, they know how much I love them. Our State and this institution are better because of their hard work and dedication. Without a doubt, they are smart and they are a great group of people. I am so blessed to not only know them but to have worked with them.

I have always been blessed with a loving and supportive family who have been my inspiration and bedrock all my life, and they continue to be.

Finally, let me, once again, say thanks to the people of Arkansas. My roots have been and always will be in Arkansas. That will never change. When Steve and the boys and I left after Thanksgiving to come back for the lameduck session—of course, as you all know, traveling with your family and just getting back in time—we left at 5 in the morning. We drove to Memphis because it was faster. We were halfway between. We had been at the cabin duck hunting and celebrating Thanksgiving with family. We were headed to the Memphis Airport, and the Sun was rising over the Arkansas delta.

Now, I am sure many of you all have never seen that, but it is a magnificent view. It reminded me of all of the great things I came here to do. It made me feel blessed with all of the things I was able to accomplish. But to know that I could go back to that same home and see that sunrise, it is unbelievable.

I will always treasure the experiences of this chapter in my life and the thousands of Arkansans I have come to know and love. They are a great group of people. I thank you again from the bottom of my heart.

To the people of Arkansas and this body, my good friends, I yield the floor.

(Applause.)

The PRESIDENT pro tempore. The Senator from Arkansas, Mr. PRYOR, is recognized.

Mr. PRYOR. Mr. President, let me mention a very abbreviated list of BLANCHE LINCOLN's accomplishments: First woman to chair the Senate Agriculture Committee; first woman to chair the Finance Subcommittee on Social Security Pensions and Family Policy—in fact, the first woman to ever chair a Finance subcommittee—chair of the rural outreach for the Senate Democratic caucus; chair of the Senate hunger caucus; cofounder and cochair of the Third Way; creator of the Delta Regional Authority; author of the 2010 child nutrition bill; a key writer of the 2008 farm bill; author of the refundable child tax credit.

Mr. President, I could go on and on, but most of her accomplishments and contributions cannot be measured. As she worked on the Agriculture Committee, the Finance Committee, the Aging Committee, and the Energy Committee, on a countless number of occasions, on amendments and bills, she became the Senator who was the key to passage or defeat. A couple of years ago, I watched a bill that was making its way through the Senate Finance Committee, and there were a lot of people outside of this Chamber who had a vital interest in the outcome of that legislation. Everywhere I would go I would be stopped and asked: Is this bill going to pass? Will it come out of the committee? Will it get through the floor?

What I told the folks who asked that back then turned out to be true: As BLANCHE goes, so goes the Finance Committee, because she was that way on all of her committees. She was the swing vote, the key vote to getting things done in the Senate.

BLANCHE is a role model for many people, especially young women who are interested in government.

I remember sitting down with one of my good friends earlier this year and his teenage daughter. We talked about the Senate and politics, history, and Arkansas. As we were winding up the conversation, my friend asked his teenage daughter: Who is your favorite politician? Of course, I sat there and straightened my tie because I thought I knew what the answer would be.

Then she said: BLANCHE LINCOLN. And I know why. It is because BLANCHE represents the best in Arkansas. She represents the best in Arkansas in politics and in government. She is a workhorse, not a showhorse.

BLANCHE gets things done. The other night, with my teenage daughter, I watched some of ''The Wizard of Oz.'' As I was watching it, I was struck that the scarecrow, the tin man, and the lion were looking for three things that BLANCHE has, and what every Senator needs in large quantities: a brain, a heart, and courage.

One of Senator LINCOLN's role models she refers to often is Hattie Caraway. Hattie Caraway is not exactly a household name in American politics, but her portrait hangs just outside this Chamber, in the corner, opposite the Ohio Clock. Hattie Caraway of Arkansas was the first woman ever elected to the Senate. There is much to admire about Hattie Caraway as a Senator and as a person, but the one thing that BLANCHE inherited from Hattie is the pioneer spirit.

Even in the first decade of the 21st century, BLANCHE is the owner of many ''firsts.'' Even though we don't like to admit it, and we are reluctant to talk about it, there is a double standard in politics for women. There just is. I am proud to serve with the largest number of women this Senate has ever seen, and that goes double for my 8 years with Senator BLANCHE LINCOLN.

Let me say a brief word about her family. Her husband Steve is an old friend of mine. We trace our roots back to Little Rock Central High School and the University of Arkansas. The Lord has blessed BLANCHE and Steve with two bright, energetic, athletic, and even sometimes well-behaved sons—and they are great—who are currently freshmen at Yorktown High School in Arlington. They bring their parents much joy. They are also extremely proud of their mother. I have seen firsthand what a wonderful mother she has been and is. I stand in awe.

In fact, BLANCHE is not only a good Senator and a good mother and a good wife—she is much more. She is a good daughter to her mother, who basically runs Phillips County, AK. She is a good sister in her very large family. She is a good member of her community, helping friends, neighbors, and those in need. BLANCHE is very faithful in her relationship with God, which has given her strength and kept her grounded in good times and in bad. She follows the Golden Rule and puts her faith into action every single day. Simply put, she is a good person.

Lastly, BLANCHE is a good boss. She has drawn to her a very talented and hard-working staff in Washington, DC, and in Arkansas. I know they will always be proud to tell people they worked for Senator BLANCHE LINCOLN.

Before I get carried away, there is one minor matter that I believe I need to address. On occasion—rarely, but every so often—BLANCHE runs a little late. I know many of you are shocked to hear this. Let me tell you why that is. It is because people love BLANCHE and BLANCHE loves people, and she is never too busy to stop, to notice, and to listen. She is never too busy to talk to the Capitol Police or to the janitor here or to that family from Idaho who can't figure out the Dirksen building. She takes time for people. And that is one of her attributes that makes her so special, because those people are as important to her as the most powerful Members of the Congress. That is what makes BLANCHE special.

It is hard to find just one word to describe Senator LINCOLN—kind, smart, fearless, persistent, knowledgeable, no nonsense, and I could go on. But the one word I would like to focus on today is friend. There are 99 Senators today who consider her a friend. They like her, they like working with her, and they respect her. I have had many Republicans and Democrats say how much they hate to see her leave because she makes this place better.

There is a passage in the Bible that says: ''Well done, thou good and faithful servant.'' This applies to BLANCHE, but not only to the job that she has done here in Senate. It applies to her as a person. There is a lot more to BLANCHE than just being a Senator. In January, she starts a new chapter. And as much as she will be missed around here, we all have confidence there are many more great things to come.

I thank the Chair, and I yield the floor.

MORNING BUSINESS

The PRESIDING OFFICER (Mr. BENNET). Under the previous order, there will be a period of morning business with Senators permitted to speak for up to 15 minutes each.

The Senator from Indiana.

NEW START TREATY

Mr. LUGAR. Mr. President, I rise to speak in support of the new START treaty. We undertake this debate at a time when almost 100,000 American military personnel are fighting a difficult war in Afghanistan. More than 1,300 of our troops have been killed in Afghanistan, with almost 10,000 wounded.

Meanwhile, we are in our seventh year in Iraq—a deployment that has cost more than 4,400 American lives and wounded roughly 32,000 persons. We still have more than 47,000 troops deployed in that country. Tensions on the Korean peninsula are extremely high, with no resolution to the problems in North Korea's nuclear program. We continue to pursue international support for steps that could prevent Iran's nuclear program from producing a nuclear weapon. We remain concerned about stability in Pakistan and the security of that country's nuclear arsenal. We are attempting to counter terrorist threats emanating from Afghanistan, Pakistan, east Africa, Yemen, and many other locations. We are concerned about terrorist cells in allied countries, and even in the United States. We remain highly vulnerable to disruptions in oil supplies due to national disasters, terrorist attacks, political instability, or manipulation of the markets by unfriendly oil-producing nations.

Even as we attempt to respond to these and other national security imperatives, we are facing severe resource constraints. Since September 11, 2001, we have spent almost $1.1 trillion in Iraq and Afghanistan. We are spending roughly twice as many dollars on defense today as we were before 9/11. These heavy defense burdens have occurred in the context of a financial and budgetary crisis that has raised the U.S. Government's total debt to almost $14 trillion. The fiscal year 2010 budget deficit registered about $1.3 trillion, or 9 percent of GDP.

All Senators here are familiar with the challenges I have just enumerated. But as we begin this debate, we should keep this larger national security context firmly in mind. As we contend with the enormous security challenges of the 21st century, the last thing we need to is to reject a process that has mitigated the threat posed by Russia's nuclear arsenal.

For 15 years, the START treaty has helped us to keep a lid on the U.S.-Russian nuclear rivalry. It established a working relationship on nuclear arms with a country that was our mortal enemy for 4½ decades. START's transparency features assured both countries about the nuclear capabilities of the other. For us, that meant having American experts on the ground in Russia conducting inspections of nuclear weaponry.

Because START expired on December 5, 2009, we have had no American inspectors in Russia for more than a year. New START will enable American teams to return to Russia to collect data on the Russian arsenal and verify Russian compliance. These inspections greatly reduce the possibility that we will be surprised by Russian nuclear deployments or advancements.

Before we even get to the text of the new START treaty and the resolution of ratification, Members should recognize what a Senate rejection of new START would mean for our broader national security. Failure of the Senate to approve the treaty would result in an expansion of arms competition with Russia. It would guarantee a reduction in transparency and confidence-building procedures, and it would diminish between cooperation and Russian defense establishments. It would complicate our military planning.

A rejection of new START would be greeted with delight in Iran, North Korea, Syria, and Burma. These nations want to shield their weapons programs from outside scrutiny and they want to be able to acquire sensitive weapons technologies. They want to block international efforts to make them comply with their legal obligations. Rogue nations fear any nuclear cooperation between the United States and Russia because they know it limits their options. They want to call into question our own nonproliferation credentials and they want Russia to resist tough economic measures against them.

If we reject this treaty, it will be harder to get Russia's cooperation in stopping nuclear proliferation. It could create obstacles on some issues in the United Nations Security Council, where Russia has a veto. It might also reduce incentives for Russia to cooperate in providing supply routes for our troops in Afghanistan. It would give more weight to the arguments of Russian nationalists who seek to undermine cooperation with the United States and its allies. It would require additional satellite coverage of Russia at the expense of their use against terrorists.

With all that we need to achieve, why would we add to our problems by separating ourselves from Russia over a

treaty that our own military wants ratified? Our military commanders are anxious to avoid the added burden and uncertainties of an intensified arms competition with Russia. They know such competition would detract from other national security priorities and missions. That is one reason they are telling us unequivocally to ratify this agreement. They also have asserted that the modest reductions in warheads and delivery systems embodied in the treaty in no way threaten our nuclear deterrent.

Defense Secretary Robert Gates and Chairman of the Joint Chiefs of Staff ADM Mike Mullen have testified that they have no doubts the new START treaty should be ratified. GEN Kevin Chilton, who is in charge of our strategic nuclear forces, has said the treaty '' will enhance the security of the United States.'' GEN Patrick O'Reilly, who is in charge of our missile defenses, endorsed the treaty saying flatly that it'' does not constrain our plans to execute the United States missile defense program.''

Moreover, seven former commanders of Strategic Command—the military command in charge of our strategic nuclear weapons—have backed the new START treaty. Members of the Senate—Republicans and Democrats alike—have taken pride in supporting the military and respecting military views about steps necessary to protect our Nation.

Rejecting an unequivocal military opinion on a treaty involving nuclear deterrence would be an extraordinary position for the Senate to take. The military is supported in this view by the top national security officials from past administrations. To date, every Secretary of State and Secretary of Defense who has expressed a public opinion about the new START treaty has counseled in favor of ratification. This has included 10 Republicans and 5 Democrats. All five living Americans who served Ronald Reagan as Defense Secretary, Secretary of State, or White House Chief of Staff have endorsed the new START treaty. The list of endorsers includes: President George H. W. Bush, George Shultz, Jim Baker, Jim Schlessinger, Henry Kissinger, Brent Scowcroft, Colin Powell, Condoleezza Rice, Steven Hadley, Howard Baker, Lawrence Eagleburger, and Frank Carlucci. Many of these officials served at a time when the stakes related to Russian nuclear arms were even higher than they are today.

During the Cold War uncertainty over Russia's intentions and weapons advances—and this cost us tens if not hundreds of billions of dollars—an academic industry developed that was devoted to parsing Soviet military capabilities. This was one of the biggest, if not the biggest, expenses of our intelligence budget each year. The fact that we could not accurately judge Soviet military capabilities led us to elevate our spending on weaponry out of a sense of caution. These times were dominated by contradictory risk assessments and rumors about dangerous new Soviet weapon systems. We were constantly worried about missile gaps, destabilizing arms deployments, or Soviet technology breakthroughs. And all of this came at a tremendous cost to the American taxpayer and the psyche of a nation which lived under the threat of mutual assured destruction.

I firmly believe our staunch opposition to an aggressive Soviet state was absolutely necessary and led directly to the achievement of freedom for tens of millions of people in Eastern Europe. It also set the stage for dramatic breakthroughs in international cooperation. But that does not mean the Cold War was a benign experience or that we want to revive nuclear competition, carried out in an environment without verification or basic limits on weapons.

I am not suggesting that we are on the brink of returning to the Cold War. Reality is far more complicated than that. But we should not be cavalier about allowing our relationship with Moscow to drift or about letting our knowledge of Russian weaponry atrophy. Few Americans today give much thought to the nuclear arsenal of the former Soviet Union. Americans have not had to be concerned in the same way as they were during the Cold War years. But large elements of that arsenal still exist and still threaten the United States. Whether through accident, miscalculation, proliferation, or any number of other scenarios, Russian nuclear weapons, materiels, and technology still have the capability to obliterate American cities. That is a core national security problem that commands the attention of our government and this body.

I relate these thoughts about where we have been in part because most Senators entered national public service after the Cold War ended, and even fewer were serving in this body when we were called upon to make decisions on arms treaties.

Only 21 current Members were here in 1988 to debate the INF Treaty. Only 15 current Members were serving in the Senate during the Geneva Summit between President Ronald Reagan and Mikhail Gorbachev in 1985. Only 11 Members were here in March 1983 when President Reagan delivered his so-called ''evil empire'' speech. And only 7 of us were here when the Soviets invaded Afghanistan in 1979. In a few weeks, these numbers will decline even further.

The fundamental question remains as to how we manage our relationship with a former enemy and current rival that still possesses enormous capacity for nuclear destruction. What the START process has done, since it was initiated by President Reagan, is manage an adversarial relationship that previously had been cloaked in volatile uncertainty and accompanied by enormous financial costs to our own society.

One can take the view, I suppose, that unrestrained competition with Russia is the best way to ensure our security in relation to that country. But that has not been the view of the American people and there is no indication that this is what Americans were voting for in November.

It certainly was not Ronald Reagan's view. It was President Reagan who began the START process. His team coined the term ''START,'' standing for ''Strategic Arms Reduction Talks,'' to reflect President Reagan's intent to shift the goal of nuclear arms control from limiting weapons build-ups to making substantial, verifiable cuts in existing arsenals. On May 8, 1982, President Reagan made the first START proposal during a speech at Eureka College in Illinois, calling for a one-third reduction in nuclear warheads. For the rest of his Presidency, he engaged the Russians on numerous arms control proposals that reduced weaponry an established tough verification measures to prevent cheating. He personally conducted five summits with Russian leaders, which primarily focused on arms control. He produced the INF treaty, signed in 1988, which greatly reduced nuclear weapons in Europe. His efforts also led to the original START Treaty which was signed during the first President Bush's term in 1991.

The cornerstone of President Reagan's arms control agenda was verification. His interest in verification is frequently summed up by his oft-quoted line ''trust but verify.'' But what the United States and Russia have done through the START process is far more than just verification. START has provided the structure and transparency upon which unprecedented arms control and nonproliferation initiatives have been built, most notably, the Nunn-Lugar program. The stability that came with a long-term agreement and the commitment implicit in a treaty approved by both the Russians an American legislatures, has been indispensable to the success of Nunn-Lugar and other nonproliferation endeavors with Russia.

Over the course of almost two decades, the Nunn-Lugar program has joined Americans and Russians in a sustained effort to safeguard and ultimately destroy weapons and materials of mass destruction in the former Soviet Union and beyond. The destruction of thousands of weapons is a monumental achievement for our countries, but the process surrounding this joint effort is as important as the numbers of weapons eliminated. The U.S.-Russian relationship has been through numerous highs and lows in the post-Cold War era. Throughout this period, START inspections and consultations and the corresponding threat reduction' activities of the Nunn-Lugar program have been a constant that has reduced miscalculation and has built respect. This has not prevented highly contentious disagreements with Moscow, but it has meant that we have not

had to wonder about the make-up and disposition of Russian nuclear forces during periods of tension. It also has reduced, though not eliminated, the proliferation threat posed by the nuclear arsenal of the former Soviet Union,

This process must continue if we are to answer the existential threat posed by the proliferation of weapons of mass destruction. Every missile destroyed, every warhead deactivated, and every inspection implemented makes us safer. Russia and the United States have the choice whether or not to continue this effort, and that choice is embodied in the New START Treaty before us.

The Senate Foreign Relations and Armed Services Committees held 18 hearings on the treaty with national security leaders who have served in the Nixon, Ford, Carter, Reagan, George H.W. Bush, Clinton, George W. Bush, and Obama administrations. These hearings were supplemented by dozens of staff and Member briefings, as well as nearly 1,000 questions for the record.

We know, however, that bilateral treaties are not neat instruments, because they involve merging the will of two nations with distinct and often conflicting interests. Treaties come with inherent imperfections and questions. As Secretary Gates testified in May, even successful agreements routinely are accompanied by differences of opinion by the parties.

The ratification process, therefore, is intended to produce a Resolution of Ratification for consideration by the whole Senate. The resolution should clarify the meaning and effect of treaty provisions for the United States and resolve areas of concern or ambiguity.

On September 16, 2010, the Foreign Relations Committee approved a Resolution of Ratification for the New START treaty by a vote of 14–4 with important contributions from both Democratic and Republican members. This resolution incorporates the concerns and criticisms expressed over the last several months by committee witnesses, members of the committee, and other Senators. It will be further strengthened through our debate in the coming days.

With this in mind, I would turn to specific concerns addressed in the Resolution of Ratification.

First of all, missile defense.

Some critics of the New START treaty have argued that it impedes U.S. missile defense plans. But nothing in the treaty changes the bottom line that we control our own missile destiny, not Russia. Defense Secretary Gates, Admiral Mullen, and GEN Patrick O'Reilly, who is in charge of our missile defense programs, have all testified that the treaty does nothing to impede our missile defense plans. The Resolution of Ratification has explicitly reemphasized this in multiple ways.

Some commentators have expressed concern that the treaty's preamble notes the interrelationship between strategic offense and strategic defense. But preamble language does not permit rights nor impose obligations, and it cannot be used to create au obligation under the treaty. The text in question is stating a truism of strategic planning that an interrelationship exists between strategic offense and strategic defense.

Critics have also worried that the treaty's prohibition on converting ICBM and SLBM launchers to defensive missile silos reduces our missile defense options. But General O'Reilly has stated flatly that it would not be in our own interest to pursue such conversions because converting a silo costs an estimated $19 million more than building a modern, tailor-made missile defense interceptor silo. The Bush administration converted five ICBM test silos at Vandenberg Air Force Base for missile defense interceptors, and these have been grandfathered under the New START treaty. Beyond this, every single program advocated during the Bush and Obama administrations has involved construction of new silos dedicated to defense on land—exactly what the New START treaty permits. General O'Reilly said a U.S. embrace of silo conversions would be ''a major setback'' for our missile defense program.

Addressing whether there would be utility in converting any existing SLBM launch-tubes to a launcher of defensive missiles, GEN Kevin P. Chilton, Commander of U.S. Strategic Command, stated ''[T]he missile tubes that we have are valuable, in the sense that they provide the strategic deterrent. I would not want to trade [an SLBM] and how powerful it is and its ability to deter, for a single missile defense interceptor.'' Essentially, our military commanders are saying that converting silos to missile defense purposes would never make sense for our efforts to build the best missile defense possible.

A third argument concerning missile defense centers on Russia's unilateral statement upon signature of New START, which expressed its right to withdraw from the treaty if there is an expansion of U.S. missile defense programs. Unilateral statements are routine to arms control treaties and do not alter the legal rights and obligations of the parties to the treaty. Indeed, Moscow issued a similar statement concerning the START I treaty, implying that its obligations were conditioned upon U.S. compliance with the ABM Treaty. Yet, Russia did not in fact withdraw from START I when the United States withdrew from the ABM Treaty in 2001. Nor did it withdraw when we subsequently deployed missile defense interceptors in California and Alaska. Nor did it withdraw when we announced plans for missile defenses in Poland and the Czech Republic.

Russia's unilateral statement does nothing to contribute to its right to withdraw from the treaty. That right, which we also possess, is standard in all recent arms control treaties and most treaties considered throughout U.S. history.

The Resolution of Ratification approved by the Foreign Relations Committee reaffirms that the New START treaty will in no way inhibit our missile defenses. It contains an understanding that the New START treaty imposes no limitations on the deployment of U.S. missile defenses other than the requirement to refrain from converting offensive missile launchers. It also states that Russia's April 2010 unilateral statement on missile defense does not impose any legal obligations on the United States and that any further limitations would require treaty amendment subject to the Senate's advice and consent. Consistent with the Missile Defense Act of 1999, it also declares that it is U.S. policy to deploy an effective national missile defense system as soon as technologically possible and that it is the paramount obligation of the United States to defend its people, armed forces, and allies against nuclear attack to the best of its ability.

In a revealing moment during Senate Foreign Relations Committee hearings on the Treaty, Secretary Gates testified:

> The Russians have hated missile defense ever since the strategic arms talks began, in 1969 . . . because we can afford it and they can't. And we're going to be able to build a good one . . . and they probably aren't. And they don't want to devote the resources to it, so they try and stop us from doing it. . . This treaty doesn't accomplish that for them. There are no limits on us.

I would paraphrase the Secretary's blunt comments by saying simply, that our negotiators won on missile defense. If, indeed, a Russian objective in this treaty was to limit U.S. missile defense, they failed, as the Defense Secretary asserts. Does anyone really believe that Russian negotiating ambitions were fulfilled by nonbinding language in the Preamble? Or by a unilateral Russian statement with no legal force? Or by a prohibition on converting silos, which costs more than building new ones? These are toothless, figleaf provisions that do nothing to constrain us.

Moreover, as outlined, our resolution of ratification states explicitly in multiple ways that we have no intention of being constrained. Our government is investing heavily in missile defense. Strong bipartisan majorities in Congress favor pursuing current missile defense plans.

What the Russians are left with on missile defense is unrealized ambitions. At the end of any treaty negotiation between any two countries, there are always unrealized ambitions left on the table by both sides.

This has been true throughout diplomatic history.

The Russians might want all sorts of things from us, but that does not mean they are going to get them. If we constrain ourselves from signing a treaty that is in our own interest on the basis

of unrealized Russian ambitions, we are showing no confidence in the ability of our own democracy to make critical decisions. We would be saying that we have to live with the end of START inspections and other negative consequences of rejecting this treaty to prevent a U.S. Government in the future from bowing to Russian pressure on missile defense. If one buys into this logic, it becomes almost impossible to seek cooperation with Russia on anything.

Let us be absolutely clear, the President of the United States, the U.S. Congress, and the executive branch agencies on behalf of the American people control our own destiny on missile defense. The Russians can continue to argue all they want on the issue, but there is nothing in the treaty that says we have to pay any attention to them.

The New START treaty's verification regime has also been the subject of considerable debate. The important point is that, today, we have zero on-the-ground verification capability given that START I expired on December 5, 2009, more than 1 year ago. Under START, the United States conducted inspections of weapons, their facilities, their delivery vehicles and warheads, in Russia, Kazakhstan, Ukraine, and Belarus. These inspections fulfilled a crucial national security interest by greatly reducing the possibility that we would be surprised by future advancements in Russian weapons technology or deployment. Only through ratification of New START will U.S. technicians return to Russia to resume verification.

Under New START, the United States and Russia each will deploy no more than 1,550 warheads for strategic deterrence. Seven years from its entry into force, the Russian Federation is likely to have only about 350 deployed missiles. This smaller number of strategic nuclear systems will be deployed at fewer bases. It is likely that Russia will close down even more bases over the life of the treaty.

Both sides agreed at the outset that each would be free to structure its forces as it sees fit, a view consistent with that of the Bush administration. As a practical economic matter, conditions in Russia preclude a massive restructuring of its strategic forces.

The treaty, protocol and annexes contain a detailed set of rules and procedures for verification of the New START treaty, many of them drawn from START I. The inspection regime contained in New START is designed to provide each party confidence that the other is upholding its obligations, while also being simpler and safer for the inspectors to implement, less operationally disruptive for our strategic forces, and less costly than START's regime.

Secretary Gates recently wrote to Congress that ''The Chairman of the Joint Chiefs of Staff, the Joint Chiefs, the Commander, U.S. Strategic Command, and I assess that Russia will not be able to achieve militarily significant cheating or breakout under New START, due to both the New START verification regime and the inherent survivability and flexibility of the planned U.S. strategic force structure.'' We should not expect that New START will eliminate friction, but the treaty will provide for a means to deal with such differences constructively, as under START I.

The Resolution of Ratification approved by the Foreign Relations Committee requires further assurances by conditioning ratification on Presidential certification, prior to the treaty's entry into force, of our ability to monitor Russian compliance and on immediate consultations should a Russian breakout from the treaty be detected. For the first time in any strategic arms control treaty, a condition requires a plan for New START monitoring.

Some have asserted that there are too few inspections in New START. The treaty does provide for fewer inspections compared to START I. But this is because fewer facilities will require inspection under New START. START I covered 70 facilities in four Soviet successor states, whereas New START only applies to Russia and its 35 remaining facilities. Therefore we need fewer inspections to achieve a comparable level of oversight. New START also maintains the same number of ''re-entry vehicle on-site inspections'' as START I, 10 per year. Baseline inspections that were phased out in New START are no longer needed because we have 15 years of START I Treaty implementation and data on which to rely. Of course, if New START is not ratified for a lengthy period, the efficacy of our baseline data would eventually deteriorate.

New START includes the innovation that unique identifiers or ''UIDs'' be affixed to all Russian missiles and nuclear-capable heavy bombers. UIDs were applied only to Russian road-mobile missiles in START I. Regular exchanges of UID data will provide confidence and transparency regarding the existence and location of 700 deployed missiles, even when they are on non-deployed status, something that START I did not do.

The New START treaty also codifies and continues important verification enhancements related to warhead loading on Russian ICBMs and SLBMs. These enhancements, originally agreed to during START I implementation, allow for greater transparency in confirming the number of warheads on each missile.

Under START I and the INF Treaty, the United States maintained a continuous, on-site presence of up to 30 technicians at Votkinsk, Russia to conduct monitoring of final assembly of Russian strategic systems using solid rocket motors. While this portal monitoring is not continued under New START, the decision to phase out this arrangement was made by the Bush administration in anticipation of START I's expiration. With vastly lower rates of Russian missile production, continuous monitoring is not crucial, as it was during the Cold War.

For the United States, the New START treaty will allow for flexible modernization and operation of U.S. strategic forces, while facilitating transparency regarding the development and deployment of Russian strategic forces.

With regard to warhead counting, New START improves on the rules used in both START I and the Moscow Treaty. Under START I, each deployed missile or bomber was attributed a maximum number of weapons, for which it always counted. Each launcher of a missile or weapon also counted regardless of whether it still performed nuclear missions or contained missiles. This resulted in inaccurate counts of warheads, missiles, and launchers. Under the Moscow Treaty, there was never agreement on what constituted an operationally deployed strategic nuclear warhead. Consequently, the parties used their own methodology for counting which warheads fell under the Treaty's limits. Under New START, one common set of counting rules will be used by both parties regarding deployed and non-deployed IBCMs, SLBMs and bombers, and deployed warheads on missiles and bomber weapons, so that the data exchanged under this treaty will more accurately reflect modern deployment of the parties' strategic forces.

New START's bomber counting rules are also different from START I. Under New START, each heavy bomber is attributed one nuclear weapon, despite the aircraft's ability to carry more, which reflects the modern fact that neither party maintains bombers loaded with nuclear weapons on a continual basis.

This rule is not an invention of New START. It is consistent with President Reagan's negotiating position. He proposed that bombers not be counted at all because they are not first-strike weapons and, thus, not destabilizing. It was a concession to Moscow to include heavy bombers as strategic offensive arms in START I, but President Reagan never agreed to count their maximum capacity, as the Soviets sought. Those who have inexplicably criticized New START's bomber counting rules are advocating the historic position of the Soviet Union, not our own.

The Department of Defense plans to maintain up to 60 nuclear-capable bombers under the New START treaty, including a large number of B–52s, each capable of carrying up to 20 ALCMs. Maintaining this standoff delivery capability will enable the United States to field a substantial number of penetrating weapons in the bomber leg of our triad. Flexible counting of one weapon per each B–52 gives us immediate and powerful deployment flexibility, something President Reagan protected, as does New START.

Some opponents of New START also contend that the treaty should not be ratified because tactical nuclear weapons are not covered. But rejection of this treaty would make future limitations on Russian tactical nuclear arms far less likely.

Some critics have overvalued the utility of Russia's tactical nuclear weapons and undervalued our deterrent to them. Only a fraction of these weapons could be delivered significantly beyond Russia's borders. Pursuant to the INF Treaty, the United States and Soviet Union long ago destroyed intermediate range and shorter range nuclear-armed ballistic missiles and ground-launched cruise missiles, which have a range between 500 and 5,500 kilometers. In fact, most of Russia's tactical nuclear weapons have very short ranges, are used for homeland air defense, are devoted to the Chinese border, or are in storage. A Russian nuclear attack on NATO countries is effectively deterred by NATO conventional superiority, our own tactical nuclear forces, French and British nuclear arsenals, and U.S. strategic forces. In short, Russian tactical nuclear weapons do not threaten our strategic deterrent. Our NATO allies that flank Russia in Eastern and Northern Europe understand this and have strongly endorsed the New START treaty.

It is important to recognize that the size differential between Russian and American tactical nuclear arsenals did not come to pass because of American inattention to this point. During the first Bush administration, our national command authority, with full participation by the military, deliberately made a decision to reduce the number of tactical nuclear weapons we deployed. They did this irrespective of Russian actions, because the threat of massive ground invasion in Europe had largely evaporated due to the breakup of the former Soviet Union. In addition, our conventional capabilities had improved to the extent that battlefield nuclear weapons were no longer needed to defend Western Europe. In this atmosphere, maintaining large arsenals of nuclear artillery shells, landmines, and short range missile warheads was a bad bargain for us in terms of cost, safety, alliance cohesion, and proliferation risks.

In my judgment Russia should make a similar decision. The risks to Russia of maintaining their tactical nuclear arsenal in its current form are greater than the potential security benefits that those weapons might provide. They have not done this, in part because of their threat perceptions about their borders, particularly their border with China.

An agreement with Russia that reduced, accounted for, and improved security around tactical nuclear arsenals is in the interest of both nations. Rejection of New START makes it unlikely that a subsequent agreement concerning tactical nuclear weapons will ever be reached. The Resolution of Ratification encourages the President to engage the Russian Federation on establishing measures to improve mutual confidence regarding the accounting and security of Russian nonstrategic nuclear weapons.

Finally, I would like to turn to the nuclear modernization issue.

The New START treaty will not directly affect the modernization or the missions of our nuclear weapons laboratories. The treaty explicitly states that ''modernization and replacement of strategic offensive arms may be carried out.'' Yet Senate consideration of New START has intensified a debate on modernization and the stockpile stewardship programs.

Near the end of the Bush administration, a consensus developed that our nuclear weapons complex was at risk due to years of underfunding. In 2010, the Senate approved an amendment to the Defense authorization bill requiring a report to Congress, known as the 1251 report, for a plan to modernize our nuclear weapons stockpile. The 1251 report submitted by the administration committed to an investment of approximately $80 billion over a 10-year period to sustain and modernize the United States nuclear weapons complex, which according to Secretary Gates, was a ''credible'' program for stockpile modernization. Pursuant to this report, the administration submitted a fiscal year 2011 request for $7 billion, a nearly 10 percent increase over fiscal year 2010 levels. The 1251 plan was recently augmented by an additional $5 billion in funding. The directors of our National Laboratories wrote on December 1 that they were ''very pleased'' with the updated plan, which provides ''adequate support to sustain the safety, security, reliability, and effectiveness of America's nuclear deterrent'' under New START's central limits.

The resolution of ratification passed by the Foreign Relations Committee declares a commitment to ensure the safety, reliability, and performance of our nuclear forces through a robust stockpile stewardship program. The resolution includes a requirement for the President to submit to Congress a plan for overcoming any future resource shortfall associated with his 10-year 1251 modernization plan. The resolution also declares a commitment to modernizing and replacing nuclear weapons delivery vehicles.

In closing, it is imperative that we vote to provide our advice and consent to the New START treaty.

Most of the basic strategic concerns that motivated Republican and Democratic administrations to pursue nuclear arms control with Moscow during the last several decades still exist today. We are seeking mutual reductions in nuclear warheads and delivery vehicles that contribute to stability and reduce the costs of maintaining the weapons. We are pursuing transparency of our nuclear arsenals, backed up by strong verification measures and formal consultation methods. We are attempting to maximize the safety of our nuclear arsenals and encourage global cooperation toward nonproliferation goals. And we are hoping to solidify U.S.-Russian cooperation on nuclear security matters, while sustaining our knowledge of Russian nuclear capabilities and intentions.

Rejecting New START would permanently inhibit our understanding of Russian nuclear forces, weaken our nonproliferation diplomacy worldwide, and potentially reignite expensive arms competition that would further strain our national budget.

Bipartisan support for arms control treaties has been reflected in overwhelming votes in favor of the INF Treaty, START I, START II, and the Moscow Treaty. I believe the merits of New START should command similar bipartisan support.

I thank the Chair and suggest the absence of a quorum.

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

The bill clerk proceeded to call the roll.

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

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

Mr. KERRY. Mr. President, I ask unanimous consent that I be permitted to proceed in morning business for such time as I may consume.

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

Mr. KERRY. I ask unanimous consent that the Senator from California, Mrs. FEINSTEIN, be recognized at the conclusion of my remarks.

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

Mr. KERRY. Mr. President, I ask to rescind that request.

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

Mr. KERRY. And that at such time that the other side has had an opportunity to speak, Senator FEINSTEIN be recognized for 1 hour.

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

Mr. KERRY. I thank the Presiding Officer.

NEW START TREATY

Mr. KERRY. Mr. President, this afternoon, the Senate takes up an issue that is critical to our Nation's security, and we have an opportunity, in doing so, to reduce the danger from nuclear weapons in very real and very measurable terms. We have an opportunity to fulfill our constitutional obligation that requires the Senate to provide a two-thirds vote of the Members present who must vote in favor of a treaty.

The Constitution, by doing that, insists on bipartisanship. It insists on a breadth of support that is critical to our foreign policy and to the security

definitions of our country. That obviously requires that we put politics aside and act in the best interests of our country.

I am confident that in the next days the Senate will embrace this debate in the substantive way it deserves to be embraced, and we look forward to welcoming constructive amendments from our colleagues on the other side of the aisle. We will, obviously, give them time to be able to make those suggestions, and we certainly look forward to having an important discussion about the security of our Nation.

We have been working together for a lot of months now to get us to this point in time, and I think it is indisputable that we have worked in good faith on our side of the aisle to try to provide enormous latitude to colleagues who have had questions about this treaty, some of whom have opposed this or other treaties from the beginning but who wanted to engage in the process.

I think the administration, to their credit—Secretary Gottemoeller and others who have negotiated the treaty—has been available throughout the process. There have been an enormous number of briefings and discussions, dialogs, phone calls. There has been a very open effort, as open, incidentally, as any I can remember in 25 years in the Senate—and I have been through this treaty process with President Reagan, President Bush, President Clinton, and others—and I think this has been as open and as accessible and as in-depth and, frankly, as accommodating as any of those, if not significantly more.

I wish to begin by thanking my colleague in this effort, my friend and a longtime knowledgeable advocate on behalf of nuclear common sense, Senator LUGAR. We all know he is one of the world's foremost experts on the subject of threat reduction and proliferation reduction. There are very few Senators who can look out and see a program that has been as constructive in reducing the threat to our Nation that bears their name—the Nunn-Lugar Threat Reduction Program—and it has been an honor for me to work with Senator LUGAR and to have his wise counsel in this process and, equally important, to have his courage in being willing to stand for what he believes in so deeply and what he knows will advance the cause of our Nation.

I might comment to my colleagues that what we are doing in these next hours and days, providing advice and consent, is a responsibility that is obviously given only to the Senate. The Founding Fathers intended that the Senate be able to rise above the pettiness of partisan politics. As our friend CHRIS DODD said in his valedictory speech:

> The Senate was designed to be different, not simply for the sake of variety but because the Framers believed the Senate could and should be the venue in which statesmen would lift America up to meet its unique challenges.

''Statesmen,'' that is the word we need to focus on in these next days. Too often in recent months—the American people signaled that in the last election—the Senate has been unable to lift America to meet its challenges. Too often we became one of those challenges, and rather than cooperating or compromising, we saw blockade after blockade and an inability to be able to address a number of issues.

As Senator DODD said: What determines whether this institution works is whether the 100 of us can work together.

So with the New START treaty, we have the opportunity to do that and to demonstrate our leadership to the world. I would say to my colleagues that just 2 days ago the Foreign Relations Committee had the privilege of welcoming the entire United Nations Security Council, which came to Washington with our Ambassador, Dr. Susan Rice. Much on their minds was this question of: Could the Senate rise? Would the Senate accomplish this important goal, which has meaning not just to us but to them because they have joined with us in resolution 1929 in order to put pressure on Iran, not to mention the long-term efforts we have made with respect to North Korea.

So what we do is going to be an expression of our opportunity, of our ability to be able to provide leadership to the American people.

Let me clarify one thing at the outset of this discussion. We have enough time to do this treaty. To anybody who wants to come out here and claim: Oh, no, we do not have time; we cannot do it; it is right before Christmas, and so forth, let me just remind people the original START agreement, which was passed back in 1992, was a far more dramatic treaty than the New START.

The original START treaty was formulated in the aftermath of the demise of the Soviet Union. There was huge uncertainty in Russia at that point in time. The Soviet Union had just collapsed. Yet despite all the uncertainty, despite the complexity of going from some 10,000 nuclear warheads down to 6,000, the full Senate needed only 5 days of floor time in order to approve the treaty by a vote of 93 to 6.

The START II treaty, which followed it about 4 years later, took only 2 days on the floor of the Senate. It was approved 87 to 4.

The Moscow Treaty, which actually resulted in the next further big reduction—because START II was ratified by the Senate but not approved by Russia because of what had happened with the ABM Treaty, the unilateral pullout of the United States; so in their pique at that, it was not ratified—but we managed to go to the Moscow Treaty, and it resulted in further reductions to some 1,700 to 2,200 weapons, a very dramatic reduction. That treaty, which did not have any verification measures in it at all—no verification—that treaty took only 2 days on the floor of the Senate, and it was approved 95 to 0.

So we have time to do this treaty. If we approach it seriously, if we do not have delay amendments and delay amendments, I believe we have an opportunity to embrace the fact that this New START treaty is a commonsense agreement in the next step to reduce down to 1,550 warheads and to enhance stability between two countries that together between them possess some 90 percent of the world's nuclear weapons.

It will limit Russia over the next 10 years to those 1,550 deployed warheads, 700 deployed delivery vehicles, and 800 launchers. It will give us flexibility in deploying our own arsenal. We have huge flexibility in deciding what we put on land, what we put in the air, and what we put at sea. At the same time, it will allow us to eliminate surplus weapons that have no place in today's strategic environment. New START's verification provisions are going to deepen our understanding of Russia's nuclear forces.

For the past 40 years, the United States, often at the instigation of Republican Presidents, has used arms control with Russia to increase the transparency and the predictability of both our nuclear arsenals, and this has built trust between our two countries. It has reduced the chances of an accident. It stabilized our relationship during times of crisis. It has provided for greater communication and greater understanding and, as everybody knows, in making military decisions and strategic decisions, one's understanding of the legitimacy of a particular threat and the immediacy of that threat and knowing what the intentions and actions of a potential adversary might be is critical to being able to make wise judgments about what reaction might best be entertained.

Frankly, that trust is exactly why President George H.W. Bush signed the START I and the START II treaties. That is why these treaties passed the Senate with overwhelming bipartisan support.

New START simply stands on the shoulders of those two START agreements. It is not new. There are a few new components of it, a few twists in terms of the verification, other things, but they are not fundamentally new. They also stand on the trust and the fact of the legitimate enforcement of that treaty over all the years that START has been in effect.

So we are not beginning from scratch. We have a 1992 until today record of cooperation and of knowledge and increased security that has come to us because of the prior agreements. That is, frankly, why I was so pleased President Bush—George Herbert Walker Bush—last week, issued a statement urging the Senate to ratify this treaty.

In addition to stabilizing the United States-Russia nuclear relationship, New START has a profound impact on our ability to be able to work to try to stop the spread of nuclear weapons in states such as Iran. I might point out that in the 7 months since President

Obama signed this agreement, Russia has already exhibited a greater cooperative attitude in working with the United States on a number of things, not the least of which is in supporting harsher sanctions against Iran, and they have suspended the sale of the S–300 air defense system to Tehran. That is critical.

We were struggling a couple years ago to try to strengthen the sanctions against Iran. There is not a Member of this body who did not articulate, at one point or another, the need to move to the Iran Sanctions Act. We finally did that, but we did not have a partnership. Neither China nor Russia, who are permanent members of the Security Council, were joining in that effort, so we could not get the United Nations even to move.

Now we have, and there is nobody who has watched the evolution of this restart with Russia who does not understand that cooperation has been enhanced by our signing of this treaty. To not ratify it now would be a very serious blow to that cooperative effort and, in fact, according to many experts, could ignite an opposite reaction that would move us back into the kinds of arms race we have struggled so long to get out from under. So the fact is, we need to understand that relationship.

I might add, I think Steve Forbes, in Forbes magazine, wrote an article just the other day urging the Senate to ratify START because he said it does not just have an implication in terms of the security component of it, the nuclear side, it has a very strong economic component. He is arguing for greater economic engagement between Russia and the United States and Russia and the West. He said the restart relationship is critical to that increased commerce, to that increased economic strengthening between our countries. I hope my colleagues will look carefully at a strong conservative voice such as his that urges the ratification of this treaty.

In addition to the Russian component of the relationship, New START will help us keep nuclear weapons out of the hands of terrorists. One of the greatest fears of our security community is that terrorists may not necessarily get what we strictly call a nuclear bomb, but they may be able to get nuclear material through back channels and through the black market because it has not been adequately guarded and because we have not reduced the numbers of missiles and the amount of material and so they could get a hold of some of that material and make what is called a dirty bomb; that is, a bomb that does not go off in nuclear reaction but which, because of the nuclear material that explodes with it, has a very broad toxic impact on a very large community. That is a legitimate concern and one of the reasons why we drive so hard to reduce the nuclear actors in the world.

The original START agreement was, frankly, the foundation of the Nunn-Lugar Cooperative Threat Reduction Program. That is, simply put, the most successful nonproliferation effort of the last 20 years. As James Baker, former Secretary of the Treasury and Secretary of State, said:

> I really don't think Nunn-Lugar would have been nearly as successful as it was if the Russians had lacked the legally binding assurance of parallel U.S. reductions through the START treaty.

So the New START is going to strengthen our ability to continue to secure loose nuclear materials, and without New START, absolutely, to a certainty, that ability to contain those materials will be weakened.

In short, New START is going to help us address the lingering dangers of the old nuclear age while giving us important tools to be able to combat the threats of the new nuclear age, and the sooner we approve it the safer we will become.

That is why there is such an outpouring of support for this treaty. Every single living former Secretary of State, Republican and Democrat, supports this treaty. So do five former Secretaries of Defense and the Chair and the Vice Chair of the 9/11 Commission. So do seven former commanders of our nuclear forces and the entirety of our uniformed military, including Admiral Mullen and the service chiefs, and our current nuclear commander. All support this treaty as well. It is difficult to imagine an agreement with that kind of backing from so many individuals who contributed so much to our Nation's security, almost all of whom know a lot more about each of these arguments than any Senator—myself, everybody here. They have been in the middle of this, and over the last weeks every single one of them has spoken out in favor of this treaty.

Some have suggested we shouldn't rush to do this, but I have to tell my colleagues, only in the Senate would a year and a half be a rush. We started working on this treaty a year and a half ago. Senators have had unbelievable opportunity to be able to do this. I think the question is not why would we try to do it now, it is why would we not try to do it now. For what reason within the four corners of the actual treaty—not talking about modernization; that is not in the four corners of the treaty—notwithstanding that, the administration has allowed delay after delay after delay in order to help work with Senator KYL and provide adequate increases in modernization, so much so that the modernization is way above what it was under President Bush or any prior administration. But that is not in the four corners of the treaty. That is something you do because you want to maintain America's nuclear force, and we all want to do that, which is why we have worked hard to be able to provide that funding.

I believe the importance here is to recognize it has been more than a year since the original START treaty and its verification provisions expired. It has been more than 1 year since we had inspectors on the ground in Russia without access to their nuclear facilities. Every day for the past year our knowledge of their arsenal or whatever they are doing begins to diminish, one step, one small amount at a time, cumulatively over time, which is why our entire national intelligence community has come out and said this treaty, in fact, will advance America's security and assist us to be able to know what Russia is doing.

Let me point out 2 weeks ago James Clapper, the Director of National Intelligence, urged us to ratify the New START and he said: ''I think the earlier, the sooner, the better.'' That is our National Intelligence Director.

Others have tried to suggest again that this is a squeeze in the last days here, but let me say respectfully I have already given the timeframe. START took 5 days; START II, 2 days; Moscow, 2 days. So if we work diligently, there is nothing to stop us from finishing this in the time we have. We just have to stay here and make it clear we are going to stay here, and the President wants us to, and HARRY REID has said we will, until we get this done. The fact is that starting in June of 2009, over a year ago—a year and a half ago—the Foreign Relations Committee was briefed at least five times during the talks with the Russians. We met downstairs in the secure facilities with the negotiators while they were negotiating. We met with them before they negotiated. We gave them parameters we thought they needed to embrace in order to facilitate passage through the Senate. We met with them while they were negotiating at least five times—Senators from the Armed Services Committee, Senators from the Intelligence Committee, Senators from the Senate's National Security Working Group, which I cochair along with Senator KYL. Whenever Senator KYL wanted to meet with that group, we called a meeting with that group. We met and called in Rose Guttemoeller and others and we sat and talked. The Select Committee on Intelligence did its work. In the end, if you count them, more than 60 Senators were able to follow the negotiations in detail over a 1-year period. Senators also had additional opportunities to meet with the negotiating team and a delegation of Senators even traveled to Geneva, which the administration helped to make happen in order to meet with the negotiators while the negotiations were going on.

So even though the New START was formally submitted to the Senate in May, the fact is Congress knew a lot about this treaty before it was even signed. The President made certain we were continually being briefed and that the input of the Senate was taken into account in the context of those negotiations. No other Senate—not next year's Senate—could come back here and replicate what this Senate has

gone through in preparing for this treaty. We can't replicate those negotiations. They are over. They can't go back and give advice to the negotiators at the beginning. That is done. We did that. It is our responsibility to stand up and complete the task on this because we have put a year and a half's work into it. We have done the preparation. We have the knowledge. It is our responsibility.

The fact is over the last 7 months, this Senate has even become more immersed in the treaty. We have had briefings. Documents have been submitted. Nearly 1,000 formal questions were submitted to the administration and they have been answered. We have volumes of these questions, all of which were asked by Senators, completely within their rights, totally appropriate in the ratification process. We welcome it. I think it has produced a better record and a stronger product.

The Foreign Relations Committee conducted 12 open and classified hearings. We heard from more than 20 witnesses. The Armed Services Committee and the Intelligence Committee held more than eight hearings and classified briefings of their own. We heard from Robert Gates, the Secretary of Defense; from ADM Mike Mullen, the Chairman of the Joint Chiefs of Staff; GEN Kevin Chilton, the Commander of the Strategic Command; LTG Patrick O'Reilly, the Director of the Missile Defense Agency, who incidentally repeated what every single person involved in this, from Secretary Gates all the way through the strategic command, has said:

> This treaty does nothing to negatively impact America's ability, or to even impact it in a way that prevents us from doing exactly what we want with respect to missile defense.

We also heard from the directors of the Nation's nuclear laboratories, the intelligence officials who are charged with monitoring the threats to the United States, and we heard, as I mentioned previously several times, from the negotiators of the agreement. We heard from officials who served in the Nixon administration, Ford, Carter, Reagan, Bush, Bush 41, Clinton, Bush 43. We heard from officials in every one of those administrations, and you know what. Overwhelmingly, they told us we should ratify the New START.

As I said, some of the strongest support for this treaty comes from the military. On June 16 I chaired a hearing on the U.S. nuclear posture, modernization of our nuclear weapons complex and our missile defense plans. General Chilton, Commander of the U.S. Strategic Command, who is responsible for overseeing our nuclear deterrent, explained why the military supports the New START. He said:

> If we don't get the treaty, A, the Russians are not constrained in their development of force structure; and B, we have no insight into what they are doing. So it is the worst of both possible worlds.

That is the head of our Strategic Command telling us if you don't ratify this treaty, it is the worst of both possible worlds.

This treaty may have been negotiated by a Democratic President, but some of the strongest support for this treaty comes from Republicans. Two weeks ago, five former Republican Secretaries of State—five—Henry Kissinger, George Shultz, James Baker, Lawrence Eagleburger, and Colin Powell—wrote an article saying they support ratification of New START because it embraces Republican principles such as strong verification. Last week, Condoleezza Rice published an op-ed which said that the New START treaty deserves bipartisan support when the Senate decides to vote on it. As Secretary Rice wrote, approving this treaty is part of our effort to ''stop the world's most dangerous weapons from going to the world's most dangerous regimes.''

So if some think we haven't somehow considered this treaty carefully, I encourage them to revisit the voluminous record that has been produced over the last year and a half, and I look forward to reviewing it here as we debate New START in the coming days.

In the end, I am confident we are going to approve this treaty just as the Senate approved the original START treaty in 1992. At that time there were also Senators who insisted on delay. There were Senators who suggested that serious questions remained unanswered. That is their privilege. There were Senators who drafted dozens and dozens of amendments. But in the end, within 5 days, the Senate came together to approve the treaty 93 to 6.

So what is important that we pay attention to as we look at the big picture here and to the national imperative, the security imperative behind this treaty and what our military leaders and civilian leaders are urging us to think about, both past and present? Well, if you pay attention to the facts, you can come to only one conclusion, and that is we have to ratify this treaty.

Some of our colleagues have said they could support the treaty if we addressed certain issues in a resolution of ratification. Well, again, I hope they are listening. We have addressed the issues they raised in the resolution of ratification. I think many people may not even be aware of how much we have put into the resolution of ratification and how much we have done over the last 7 months to respond to the concerns raised during the consideration of the treaty.

The draft resolution is 28 pages long. It contains 13 conditions, 3 understandings, 10 declarations, and the conditions will require action by the executive branch. The understandings are formally communicated to the Russians, and the declarations express clear language of what we in the Senate expect to happen in the next years. That is the distinction between each of those categories.

This resolution currently addresses every serious topic we have addressed over the course of the last 7 months. For example, on the issue of missile defense, our military has repeatedly and unequivocally assured us that the New START does nothing to constrain our missile defense plans. The Secretary of Defense says it does nothing to constrain our missile defense plans. The Chairman of the Joint Chiefs of Staff says it does nothing to constrain our missile defense plans. The commander of our nuclear forces says it does nothing to constrain our defense plans. Indeed, the man who probably knows more about these plans in the greatest detail—much more than any Senator—LTG O'Reilly, the head of the Missile Defense Agency, testified that in many ways, the treaty reduces constraints on our missile defense testing. Get that. The head of missile defense says this treaty reduces the constraints on our missile defense testing.

He also testified that the Russians signed the treaty full knowing that we are committed to the phased adaptive approach in Europe. He said:

> I have briefed the Russians personally in Moscow on every aspect of our missile defense development. I believe they understand what it is and that those plans for development are not limited by this treaty.

Now, if the head of our missile defense sees no problem with this treaty, I don't understand the concerns being expressed. But if a Senator is still worried about the New START missile defense treaty, notwithstanding his comments, then they ought to read condition 5, understanding 1, and declarations 1 and 2, all of which speak directly to that issue.

We have also addressed the issue of what resources are needed in order to sustain our nuclear deterrence and modernize our nuclear weapons infrastructure. This is not an issue that falls within the four corners of the treaty, as I mentioned. But as a matter of good faith, in an effort to sort of accelerate the ability of people to support this treaty, every step of the way the administration, in good faith, has worked to provide Senator KYL and others with the full knowledge of how that program is going to go forward from their point of view.

Obviously, the administration doesn't control what a Republican House is going to do next year. I don't know. But Senator INOUYE has given his assurances. Senator FEINSTEIN has given her assurances. We have shown a good-faith effort to guarantee that there is knowledge of the funding going forward—the 1251 program, which lays out the spending going forward and has been made available ahead of schedule, in a good-faith effort to try to make certain every base is covered.

The Obama administration proposed spending $80 billion over the next 10 years. That is a 15-percent increase over the baseline budget, even after accounting for inflation. It would have been much more an amount than was spent during the Bush administration. Notwithstanding that commitment,

still last month some Senators expressed further concerns. So guess what. The administration responded even further and put up an additional $5 billion over the next 10 years. In response, the directors of our three nuclear weapons laboratories sent me a letter saying they were ''very pleased with the new plan,'' and they said:

We believe that the proposed budgets provide adequate support to sustain the safety, security, reliability, and effectiveness of America's nuclear deterrent within the limit of the 1,550 deployed strategic warheads distinguished by the new START Treaty with adequate confidence and acceptable risk.

Last week, the person responsible for running our nuclear weapons complex, who was originally appointed by George W. Bush, told the Wall Street Journal:

I can say with certainty that our nuclear infrastructure has never received the level of support we have today.

That is a ringing endorsement, Mr. President, one that is completely persuasive—or ought to be—to any reasonable mind with respect to this issue. If Senators are still concerned, then I suggest they go see condition 9 of the resolution of ratification. It says if any of this funding doesn't materialize in the coming years, the President is required to report to Congress as to how he or she will respond to that shortfall.

Every other issue that has been raised is also addressed in the resolution as well. If you are worried about modernizing our strategic delivery vehicles, declaration 13 gets at that concern. Conventional prompt global strike capabilities—look at conditions 6 and 7, understanding 3, and declaration 3.

Tactical nuclear weapons are likewise covered in the resolution. Verifying Russian compliance is also covered. Even the concern raised about rail mobile missiles has been addressed in the resolution of ratification.

Obviously, there is room for someone else to come in and say you need to do this or that; not everything has been covered. We completely remain open to any reasonable and legitimate efforts to improve on or guarantee some safeguard that somehow is not included in a way that it can be without obviously trying to scuttle the treaty itself.

I have reached out to colleagues. We have had terrific conversations. I thank my colleagues on the other side of the aisle who have sat with us in a lot of efforts and inquired and helped us to navigate this process. But make no mistake, we are not going to amend the treaty itself. We are willing to accept resolutions that don't kill the treaty, but we are not going to get into some process after all that has been said and done by all of the different bipartisan voices that have inspected this treaty and found it one that we should ratify.

Mr. President, I have been through all the folks who signed and endorsed it, et cetera. I simply say I hope in the next hours we will have a healthy debate. I hope we can also work out—everybody knows the holiday is upon us—I hope we can work out reasonable time periods on amendments. We are certainly not going to prolong debate. I think most Senators have a sense of where they feel on most of these issues.

We look forward to working with our colleagues in a very constructive way to try to expedite the process for our colleagues. We have other business before the Senate, as well, and we are cognizant of that.

This is truly a moment where we can increase America's hand in several of the greatest challenges we face on the planet. First and foremost, obviously, if we are truly committed to a nonnuclear Iran, if the United States can turn away from reducing weapons with Russia in a way that sends a message to them about our bona fides and clean hands in this effort, it would be a tragedy if we didn't take this opportunity in order to strengthen the President's and the West's and the U.N.'s hands in trying to deal with this increasingly threatening issue.

I hope our colleagues will warmly rise to that challenge in the Senate.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

BOEMRE PAPUA, NEW GUINEA VISIT

Mr. VITTER. Mr. President, I rise to discuss an issue that is very important to Louisianians and folks along the gulf coast and very important to the entire country, which is continuing the de facto moratorium—the ''permatorium'' is what many folks have called it—in terms of drilling, energy production in the Gulf of Mexico.

There is one particular headline I want to point out in this context that is very frustrating and baffling. If it weren't so serious, it would be comical. Over the last several months, Louisianians have grown increasingly frustrated with the Interior Department in particular—and in particular, what used to be called MMS but is now the Bureau of Ocean Energy Management, Regulation, and Enforcement or BOEMRE. Louisianians have come to pronounce that ''bummer.'' That is because that agency hasn't been doing its work to issue permits to get Americans back to work to produce American energy.

Related to that, earlier this week I publicly announced a hold on Dr. Scott Doney to be chief scientist at NOAA until Interior and BOEMRE show that it is capable of responding to a letter I had sent it about this ''permatorium,'' the sad state of affairs, and until they are willing to explain to Congress findings in an IG report I had requested back in June.

Since June of this year, not a single new exploration plan or deepwater permit to drill has been approved by these bureaucracies—not a single one—idling billions of dollars of assets and forcing companies to cut their 2011 investment in the gulf to one-third of what it was a year ago.

Time and again we have heard from BOEMRE and Interior Secretary Salazar that they don't have enough people to issue permits. They need more staff and they need to dedicate resources. They need more money and they need to focus on this permitting program. I have also been told that Interior needs more money—specifically $100 million additional.

In light of all these claims, all of these requests—more people and more money—and in light of the enormous frustration we feel in Louisiana and in the gulf, I want to get to this little newspaper headline I referenced a few minutes ago. It came out yesterday, and it reads: ''BOEMRE Team Returns from Papua, New Guinea Visit After Sharing Technical Expertise with Officials.''

It reads:

Experts from the Bureau of Ocean Energy Management, Regulation and Enforcement (BOEMRE) recently completed a technical assistance workshop on offshore oil and gas regulatory programs for the Government of Papua, New Guinea. The workshop was sponsored by the U.S. Department of State's Energy Governance and Capacity Initiative.

This is the same Interior Department that can't get a single exploration plan, not a single deepwater permit to drill out the door; the same Interior Department and BOEMRE that claims they need more money to hire more staff to get this job done.

Apparently, they have plenty latitude and staff and money for a 3-day workshop in Papua, New Guinea, to discuss offshore permitting, which they can't get done in the United States.

I think we need to take a little time to explain to the Government of Papua, New Guinea, that the last thing in the world they want to do, assuming they are interested in creating jobs at home through a workable permitting process, is to talk to these folks. These are the same folks who can't get a single deepwater permit or a single exploration plan out the door.

As I said, this would be comical except it is not because it is dead serious, and it is losing American jobs and it is exporting economic activity from our country overseas.

The Interior Department is crushing domestic energy production that is destroying good-paying jobs, losing revenue for the Treasury, and making America more energy insecure. If I can give one simple recommendation to BOEMRE this holiday season in regard to expediting the permitting process, maybe they should keep their staff planted in their seats at home. Maybe they should pass on the next trip to Papua, New Guinea, and the next workshop with our partners around the globe. Maybe they should focus on getting the first exploration plan and the first new deepwater permit out the door. Maybe they should get that job done and put Americans back to work

producing American energy before more of these outrageous trips and expenses.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

OMNIBUS APPROPRIATIONS

Mr. CORKER. Mr. President, I know the START treaty is going to be before us soon. I realize we had a motion to proceed to that today. I think I have indicated a willingness to support the treaty if all the t's are crossed and the i's are dotted on modernization. I know there are a number of commitments that are forthcoming from the White House and other places regarding modernization.

My hope is the same on missile defense. I am very concerned we are doing this in the middle of an omnibus, which is a 1,924-page omnibus. I am very concerned about a treaty of this substance, this seriousness, dealing with nuclear arms, being taken up in such a disconcerted way.

I voted against the motion to proceed. I do hope, as the leaders indicated, all of those who wish to offer amendments—and I know there will be a number of serious and thoughtful amendments that matter—will be heard. I am still skeptical that can be done in an appropriate way.

Again, I think this treaty, with the t's crossed and i's dotted, with the appropriate time allotted, whether it is now or it ends up being in February, and if the resolution is not weakened in any way, is still something I will plan to support. But I am very skeptical we can do that appropriately during this lameduck session, with this omnibus before us.

Let me turn to the omnibus because that is what the American people are most focused on today. I cannot tell you how disappointed I am that an appropriations bill of this size—one that has an increase in spending and over 6,000 earmarks—as a matter of fact, I know the Chair is aware of this because we had a great conversation this morning about spending. We had a large number of people on the Senate floor yesterday talking about our concern for fiscal issues. But the bill is 1,924 pages long. These are just the earmarks. These are just the earmarks, not the bill itself I am holding.

I am stunned that, after the message that was sent during this last election, Congress will basically say—or many Members—to the American people: We understand you are very upset and that you have concerns that are true concerns about the country's fiscal condition. Yet we don't really care.

Mr. President, it is my hope that what will happen is that saner heads will prevail and that what we will do is pass a short-term CR—a continuing resolution, for those who may be listening in and don't know what that is. That would give us the ability to operate the government through February or March so that people such as the Presiding Officer, who was just elected, and myself and others who care so deeply about the fiscal issues of our country would have the ability to put spending constraints in place.

I think everyone knows our country faces—and these are not rhetorical issues—a crisis as it relates to these issues. The world markets are watching us. I think we have seen our interest rates on our bonds rise pretty dramatically even since the tax bill came out. And that was a tough vote for me because, again, in order to create certainty and to ensure that the economic prosperity of this country resumed and that we continue on the pace we are on today, I felt it was important to go ahead and get that behind us.

But I always thought and I hoped—and still do—that what we would move to very quickly is really driving down spending in relation to our country's gross domestic output. I have offered an amendment to do just that, as I did that on the tax bill. I plan to offer the same on this particular discussion we are having now. But I am unbelievably disappointed that we would even consider punting the spending issue for a year. That is what we would be doing. In essence, if this omnibus bill were to pass, we would be passing a huge spending bill.

Again, let me go back. Typically, appropriations are handled one bill at a time. There are typically 12 appropriations bills. What happens when we do that is we are able to pick out wasteful programs here on the floor and maybe defund those, and we are able to really scrutinize all of the programs of government, which is what the American people want us to do. Instead of that—especially in a climate where the American people almost revolted at the polls, and I know you know this very well—instead of carefully considering our spending, what we are being asked to do is to vote on 1 bill that has all 12 of those appropriations bills packed into it, again with 6,000 earmarks, and we are asked to vote on that here in the next few days. I think it is reprehensible, and I say that respectfully.

I know people on our Appropriations Committee have worked together in a very serious way over the last year. I know they have. And I know the Appropriations Committee is a committee that probably has the most bipartisan spirit of any committee in the Senate. So I can understand their desire to want to finish their work. But it is being done inappropriately. This is not the way serious people conduct their business. They take up these bills one at a time. Sometimes there are two or three, when they are very small appropriations bills, that are banded together. That is called a ''minibus,'' if you will. But to do this all at once flies in the face of everything we know to be good government. All of us know this is not the right way to fund government.

A much better way for us would be to pass a short-term continuing resolution bill, as I just mentioned, to kick this down to February or March and allow us to look at something like the amendment I have offered where we take spending that is at an alltime high of 24 percent of our gross domestic product today and over the next 10 years take it down to our 40-year average of 20.6 percent. CLAIRE MCCASKILL and I are cosponsoring, in a bipartisan way, a bill or an amendment—depending on how it is offered—to do just that, and there may be other things.

We know the deficit reduction commission just spent a tremendous amount of time—and I know the Presiding Officer has talked personally to leaders multiple times—they spent a tremendous amount of time this year looking at what we as a government need to do to be responsible; to make sure people around the world view our credit as something in which they are willing to invest; to really make sure that, for these pages who sit in front of me and who work so hard here, we are not, in essence, living a life and layering debt upon debt on top of the balance sheet they will have to deal with.

I cannot believe that, in the atmosphere of just having that report come forward, having us look at how Draconian the problem is and some of the tough decisions a courageous Congress would need to make to put our country back on the right path, we would even consider passing this massive piece of legislation that, in essence, would kick the can down the road for a year and basically let the wind out of this momentum that has been building for us to actually do the right thing. I can't imagine we would do that.

I know the Chair knows our debt ceiling vote is going to be coming up soon. It is going to happen sometime in April, maybe May. Maybe it will drag out as long as the first week in June. That is a vote where we vote to raise the amount of debt this country can enter into. I know a lot of people say it is irresponsible not to vote for a debt ceiling increase because we have already spent the money. It would be like going out and running up a credit card bill and then not paying it. But I think it is irresponsible not to act responsibly prior to taking that vote.

What I am so disappointed in is that a vote on this omnibus bill before us probably prevents us from going ahead and doing some things this spring that we know are responsible and will really drive down the cost of government to an appropriate level.

So I know there is a lot of pressure, probably, in the caucuses—maybe the caucus on the other side of the aisle that meets at lunch; I know there is a meeting again tomorrow—I know there is a lot of pressure to get this out of the way. But I know with every cell of my body that passing this omnibus right now is absolutely the wrong thing to do for the country from the

standpoint of good government, and I absolutely know it is the wrong thing to do to all of those citizens across this country who became involved in this.

I know there are people on both sides of the aisle who care deeply about the future of this country, and I know there are people on both sides of the aisle who have some commonality as to what the path forward is in making sure this country lives up to its obligations to the American citizens, that we don't just live for today. That is what, by the way, we would be doing by passing this—living for today and passing on those obligations to the future.

I hope that by the time we take the vote on this bill, it will be defeated and that people who deeply care about the future of this country will come together, pass a short-term continuing resolution—which I think most of us in this body know is the responsible thing to do—and that we will begin to work after the first of next year, when this lameduck session ends, doing the things this country needs most, and that is all of us having the courage to make those cuts and do what is necessary to get our country back on a sound footing.

Mr. President, I yield the floor, and I thank the Chair for the time.

The PRESIDING OFFICER. The Senator from California.

NEW START TREATY

Mrs. FEINSTEIN. Mr. President, as chairman of the Permanent Select Committee on Intelligence, I would like to address the Strategic Arms Reduction Treaty—called New START—that is now before the Senate for ratification.

This treaty has been carefully vetted. I am confident the Senate will come to the conclusion that this treaty is in our national interest and will cast the necessary votes for ratification. I strongly support ratification.

Before speaking about intelligence issues related to this treaty, it is important to remind ourselves about the extraordinary, lethal nature of these nuclear weapons.

I was 12 years old when atomic bombs flattened both Hiroshima and Nagasaki. The Hiroshima bomb, estimated to have been 21 kilotons, killed 70,000 people outright. You can see from this chart the absolute devastation this bomb caused in Hiroshima. The Nagasaki bomb, at 15 kilotons—somewhat less—killed at least 40,000 people immediately. This is Nagasaki. Another 100,000 or so who survived the initial blasts died of injuries and radiation sickness. By the end of 1945, an estimated 220,000 people had lost their lives because of these two bombs.

The horrible images of disfigured bodies and devastating ruins have stayed with me all my life. I was part of the generation of youngsters being raised who hid under our desks in drills about atomic bombs and atomic weapons being unleashed.

So here is Nagasaki before the bomb, and here is Nagasaki after the bomb. It gives you a very good look at what it was like.

Today, we live in a world with far more nuclear weapons and even more powerful destructive capabilities. In May of this year, the Pentagon made a rare public announcement of the current U.S. nuclear stockpile—5,113 nuclear warheads, including deployed and nondeployed and not including warheads awaiting dismantlement. According to the Federation of American Scientists, Russia's stockpile includes 4,650 deployed warheads—deployed warheads—both strategic and tactical. Including nondeployed warheads, the estimate of Russia's arsenal is 9,000 warheads, plus thousands more waiting to be dismantled.

Many—and here is the key—many of these weapons are far in excess of 100 kilotons or more than five times the size of the bombs dropped on Hiroshima and Nagasaki. Some are far, far larger. Many of these weapons are on high alert, ready to be launched at a moment's notice, and their use would result in unimaginable devastation.

So I ask my colleagues during this debate to reflect carefully on the extraordinary, lethal nature of these weapons as we consider this treaty.

This treaty is actually a modest step forward, not a giant one. It calls for cutting deployed strategic nuclear warheads by 30 percent below the levels established under the 2002 Moscow Treaty to 1,550 each. It cuts launch vehicles, such as missile silos and submarine tubes, to 800 for each country. Deployed launch vehicles are capped at 700—more than 50 percent below the original START treaty.

According to the unanimous views of our Nation's military and civilian defense officials, this will not erode America's nuclear capability, our strategic deterrent, or our national defense.

The United States will still maintain a robust nuclear triad, able to protect our country and our national security interests.

As GEN James Cartwright, the Vice Chairman of the Joint Chiefs of Staff and former head of the United States Strategic Command, stated:

> I think we have more than enough capacity and capability for any threat that we see today or that might emerge in the foreseeable future.

Additionally, these reductions in this New START treaty won't have to be completed until the treaty's seventh year, so there is plenty of time for a prudent drawdown. But while its terms are modest, its impacts are broad, and I wish now to describe some of the benefits of ratification.

I begin with the ways in which this treaty enhances our Nation's intelligence capabilities. This has been the lens through which the Senate Select Committee on Intelligence has viewed the treaty, and I believe the arguments are strongly positive and persuasive. There are three main points to make, and I will take them in turn.

They are, No. 1, the intelligence community can carry out its responsibility to monitor Russian activities under the treaty effectively. No. 2, this treaty, when it enters into force, will benefit intelligence collection and analysis. And No. 3, intelligence analysis indicates that failing to ratify the New START treaty will create negative consequences for the United States.

My comments today are, of course, unclassified, but I would note that there is a National Intelligence Estimate on monitoring the New START Treaty available to Senators. I have written a classified letter to Senators KERRY and LUGAR that spells out these arguments in greater detail. Members are welcome to review both documents.

Following President Reagan's advice to ''trust but verify,'' and in line with all major arms control treaties for decades, New START includes several provisions that allow the United States to monitor how Russia is reducing and deploying its strategic arsenal, and vice versa.

The U.S. intelligence community will use these treaty provisions and other independent tools, such as the use of national technical means, for example, our satellites, to collect information on Russian forces and whether Russia is complying with the treaty's terms. These provisions include on-the-ground inspections of Russian nuclear facilities and bases—18 a year; regular exchanges on data on the warhead and missile production and locations; unique identifiers, a distinct alphanumeric code for each missile and heavy bomber for tracking purposes; a ban on blocking national technical means from collecting information on strategic forces, and other measures I will describe later in these remarks.

Without the strong monitoring and verification measures provided for in this treaty, we will know less about the number, size, location, and deployment status of Russian nuclear warheads. That is a fact.

As General Chilton, Commander of the U.S. Strategic Command, recently said:

> Without New START, we would rapidly lose insight into Russian nuclear strategic force developments and activities, and our force modernization planning and hedging strategy would be more complex and more costly. Without such a regime, we would unfortunately be left to use worst-case analyses regarding our own force requirements.

That is what a ''no'' vote on this treaty means.

Russian Prime Minister Vladimir Putin made the same point earlier this month. He said that if the United States doesn't ratify the treaty, Russia will have to respond, including augmentation of its stockpile. That is what voting ''no'' on this treaty means.

So these monitoring provisions are key, as are the trust and transparency they bring, and the only way to get to these provisions is through ratification.

In fact, we have not had any inspections or other monitoring tools for over a year, since the original START treaty expired, so we have less insight into any new Russian weapons and delivery systems that might be entering their force. The United States has essentially gone black on any monitoring, inspection, data exchanges, telemetry, and notification allowed by the former START treaty.

Last November, Senator KYL and I traveled to Geneva to meet with United States and Russian negotiating teams. We met at some length with Rose Gottemoeller, the Assistant Secretary of State for Arms Control, Verification, and Compliance, who led the U.S. negotiating team. We also met with the senior members of her team, including her deputy, Ambassador Marcie Ries, Ted Warner, Mike Elliot, Kurt Siemon, and Dick Trout, who led the drafting efforts and represented the Departments of Defense and Energy and the Joint Chiefs of Staff.

These officials and many of the other members of the U.S. team were very impressive in their professionalism and experience. Several had participated in the negotiation of the original START treaty or the Intermediate Range Nuclear Forces treaty, the INF treaty. Several were inspectors who had conducted on-the-ground inspections in Russia under START and INF, or were weapons system operators who had been responsible for hosting Russian inspectors at U.S. bases.

This team was not composed of the uninitiated or of neophytes. They had both background and skill. They were acutely aware of the lessons learned over the past decades of arms control and negotiated this treaty with an understanding of what monitoring and compliance verification mean.

Senator KYL and I also met two or three times during our trip to Geneva with the Russian delegation led by Russian Ambassador Anatoly Antonov, who is an experienced diplomat and negotiator. His delegation included representatives from the Ministry of Foreign Affairs and Defense, the General Staff, and key agencies such as RosAtom and RosKosmos. Like the U.S. delegations, the Russian delegation had among its members inspectors and weapons systems operators, including those from the Strategic Rocket Forces, the Navy, and the Air Force.

The treaty was still being negotiated at that time, but the rough outlines were very much coming into focus. I mentioned to the U.S. and Russian delegations that it would be difficult to get 67 votes in the Senate for a resolution saying the sky is blue. In order to get an arms treaty through the Senate, it would have to have strong monitoring provisions.

In a lengthy conversation over lunch with Russian Ambassador Antonov, I said that, as chair of the Senate Intelligence Committee, I would have to walk onto this very floor and assure my colleagues that the provisions in this treaty are sufficient for the U.S. intelligence community to perform its monitoring role. I believe that Ambassador Antonov clearly understood that, and 1 year later I am able to say on this floor that the Intelligence Committee has reviewed the question of monitoring the New START treaty at length. It is adequate.

After the treaty was submitted to the Senate on May 13, 2010, 7 months ago, the committee began its review of its provisions and annex. We reviewed past intelligence community analyses on monitoring previous treaties and the tools available to monitor Russian behavior under this New START.

The intelligence community completed drafting its NIE on its ability to monitor the treaty's limits in June, 6 months ago. We received a copy on June 30, allowing members to review it before and after the Fourth of July recess. The committee held a hearing on the NIE with senior intelligence officials in July. Not a single one of them questioned the validity or the judgments of the estimates.

Following the hearing, the committee submitted more than 70 questions for the record and received detailed responses from the intelligence community. Those are obviously classified, but they can be seen.

In addition, the committee undertook its own independent review of the NIE and the treaty's implications for the intelligence community. Committee staff participated in more than a dozen meetings and briefings on a range of issues concerning the treaty, focusing on intelligence monitoring and collection aspects.

Based on the committee's review, after reading the NIE and other assessments, and having spoken to Directors of National Intelligence Dennis Blair, David Gompert, and Jim Clapper, it is clear to me that the intelligence community will be able to effectively monitor Russian activities under this treaty.

For the record, I wish to describe the monitoring provisions in this treaty, many of which are similar to the original START treaty's provisions.

No. 1, the treaty commits the United States and Russia ''not to interfere with the national technical means of verification of the other Party.'' That means not to interfere with our satellites and ''not to use concealment measures that impede verification.''

This means that Russia, as I said, agrees not to block our satellite observations of their launchers or their testing. Without this treaty, Russia could take steps to deny or block our ability to collect information on their forces.

Let me make clear, they could try, and perhaps block our satellites.

Like START, New START requires Russia to provide the United States with regular data notifications. This includes information on the production of any and all new strategic missiles, the loading of warheads onto missiles, and the location to which strategic forces are deployed. Under START, these notifications were vital to our understanding. In fact, the notification provisions under New START are stronger than those in the old START, including a requirement that Russia inform the United States when a missile or warhead moves into or out of deployed status.

Let me repeat that. There is an obligation that Russia inform us when a missile or a warhead moves into or out of deployed status.

Third, New START restores our ability to conduct on-the-ground inspections. There are none of them going on, none have been going on, for over a year. New START allows for 10 so-called type one on-site inspections of Russian ICBMs, SLBMs, and bomber bases a year. The protocols for these type one inspections were written by U.S. negotiators with years of inspections experience under the original START treaty. Here is how they work.

First, U.S. inspectors choose what base they wish to inspect. Russia is restricted from moving missiles, launchers, and bombers away from that base.

Second, when the inspectors arrive they will be given a full briefing from the Russians, to include the numbers of deployed and nondeployed missile launchers or bombers at the base, the number of warheads loaded on each bomber—this is important—and the number of reentry vehicles on each ICBM or SLBM.

Third, the inspectors choose what they want to inspect. At an ICBM's base, the inspectors choose a deployed ICBM for inspection, one they want to inspect. At a submarine base they choose an SLBM. If there are any nondeployed launchers, ones not carrying missiles, the inspectors can pick one of those for inspection as well.

At air bases, the inspectors can choose up to three bombers for inspection.

Fourth, the actual inspection occurs, with the U.S. personnel verifying the number of warheads on the missiles or on the bombers chosen. As I mentioned earlier, each missile and bomber is coded with a specific code, both numerically and alphabetically, so that you know what you have chosen, and they cannot be changed.

Under this framework, our inspectors are provided comprehensive information from the Russian briefers. They are able to choose themselves how they want to verify that this information is accurate.

The treaty also provides for an additional eight inspections a year of nondeployed warheads and facilities where Russia converts or eliminates nuclear arms.

Some people have commented that the number of inspections under New START, that is, the total of 18 I have just gone through, is smaller than the 28 under the previous START treaty. This is true. But it is also true that there are half as many Russian facilities to inspect as there were in 1991 when START was signed.

In addition, inspections under New START are designed to cover more topics than inspections under the prior START agreement. In testimony from the Director of the Defense Threat Reduction Agency, or DTRA, Kenneth Myers, the agency doing these inspections, said:

> Type One inspections will be more demanding on both DTRA and site personnel, as it combines the main parts of what were formerly two separate inspections under START into a single, lengthier inspection.

That is important. The inspections are going to be better. So while the absolute number of inspections is down from 28 to 18, the ability to monitor and understand Russian forces is not lessened. I am confident we can achieve our monitoring objectives with 18 inspections a year. I also urge my colleagues to review the New START National Intelligence Estimate which addresses these issues in detail.

Let me discuss a couple of monitoring provisions that were included in the expired START treaty but are not in the treaty we are now considering. First, under START, the U.S. officials had a permanent presence at the Russian missile production facility at Votkinsk. You will hear about Votkinsk.

Inspectors could watch as missiles left the plant and were shipped to various parts of the country. New START does not include this provision. In fact, the Bush administration had taken this provision off the table in its negotiations with the Russians prior to leaving office.

New START does, however, require Russia to mark all missiles, as I have been saying, with unique identifiers so we can track their location and deployment status over the lifetime of the treaty, so it is not necessarily to have a permanent monitoring presence at Votkinsk.

The treaty also requires Russia to notify us at least 48 hours before any missile leaves a plant. So we will still have information about missile production without the permanent presence. Our inspectors and other nuclear experts have testified that these provisions are, in fact, sufficient.

Secondly, START required the United States and Russia to exchange technical data from missile tests—that is known as telemetry—to each other but not to other countries. That telemetry allows each side to calculate things such as how many warheads a missile could carry. This was important as the START treaty attributed warheads to missiles. If a Russian missile could carry 10 reentry vehicles, the treaty counted it as having 10 warheads. Information obtained through telemetry was, therefore, important to determine the capabilities of each delivery system.

New START, however, does away with these attribution rules and counts the actual number of warheads deployed on missiles; no more guessing whether a Russian missile is carrying one or eight warheads. With this change, we do not need precise calculations of the capabilities of Russian missiles in order to tell whether Russia is complying with the treaty's terms. So telemetry is not necessary to monitor compliance with New START.

Nonetheless, as a gesture to transparency, the treaty allows for the exchange of telemetry between our two countries only, up to five times a year if both sides agree to do so.

In fact, it should be pointed out that if the treaty included a broader requirement to exchange telemetry, the United States might have to share information on interceptors for missile defense, which the Department of Defense has not agreed to do.

Third, there has been a concern raised about Russian ''breakout'' capability, a fear that Russia may one day decide to secretly deploy more warheads than the treaty would allow, or to secretly build a vast stockpile that it could quickly put into its deployed force. I do not see this as a credible concern.

According to public figures, Russian strategic forces are already under or close to the limits prescribed by New START, and they have been decreasing over the past decade, not just now but over the past decade.

So the concern about a breakout is a concern that Russia would suddenly decide it wants to reverse what has been a 10-year trend and deploy more weapons than it currently believes are needed for its security. They would also have to decide to do this secretly, with the significant risk of being caught. Because of the monitoring provisions, the inspections, our national technical means and other ways we have to track Russian nuclear activities, Moscow would have a serious disincentive to do that.

Moreover, instead of developing a breakout capability, Russia could decide instead to simply withdraw from the treaty just as the United States did when President Bush withdrew from the antiballistic treaty.

Finally, even in the event that Russia did violate the treaty and pursue a breakout capability, I am confident that our nuclear capabilities are more than sufficient to continue to deter Russia and to provide assurances to our allies. The bottom line is that the intelligence community can effectively monitor this treaty. If you vote ''no'' on this treaty, there will be no monitoring.

As I noted earlier, a second question relevant to New START is whether ratifying the treaty actually enhances our intelligence collection and analysis. This is above and beyond the question of whether the intelligence community will be able to fulfill its responsibility to monitor Russian compliance with the treaty's terms.

While I am unable to go into the specifics, the clear answer to this question is, yes. The ability to conduct inspections, receive notifications, enter into continuing discussions with the Russians over the lifetime of the treaty, will provide us with information and understanding of Russian strategic forces that we simply will not have without the treaty. If you vote ''no,'' we will not have it.

The intelligence community will need to collect information about Russian nuclear weapons and intentions with or without a New START treaty, just as it has since the beginning of the Cold War. But absent the inspector's boots on the ground, the intelligence community will need to rely on other methods.

A November 18 article in the Washington Times noted that:

> In the absence of a U.S.-Russian arms control treaty, the U.S. intelligence community is telling Congress it will need to focus more spy satellites over Russia that could be used to peer on other sites, such as Iraq and Afghanistan, to support the military.

Put even more simply, the Nation's top intelligence official, Director of National Intelligence James Clapper, was recently asked about ratification of the New START treaty. He responded:

> I think the earlier, the sooner, the better. You know my thing is: From an intelligence perspective only, are we better off with it or without it? We're better off with it.

So Members should realize that if they vote ''no'' to ratify this treaty and lose out on its monitoring provisions, that means we are going to have to spend much more, and it is going to be much more difficult if not impossible to get certain information about Russian forces.

The final intelligence-related question on the New START treaty is, what impact ratification—or failure to ratify—will have on our other foreign policy objectives. I think this is important. We live in a different world today where there are nonstate actors, where there are two nations, Iran and Korea, moving to develop a nuclear weapon, and it is very important to be able to achieve a working relationship with the large powers that give confidence to other nations to stand with us.

This question can be addressed largely through open source intelligence. There have been numerous news reports and press conferences in the recent weeks about the broader effects of ratifying New START. Many supporters of the New START treaty have noted that ratification is a key achievement and symbol of the ''reset'' in Russian relations that Presidents Obama and Medvedev have sought.

But beyond generalities of an improved relationship, the Senate's rejection of New START would not only undermine our understanding of Russia's strategic forces, it could derail or disrupt a host of other U.S. policies objectives.

In Russia today, there is a heated debate over whether Moscow is better served by domestic reforms and engagements with the West, or by hardline behavior that rejects cooperation

with the West. Russians view New START as a signature product of the reforms. This is the signature product of Russian reform and the new Russian President. They view the fate of New START in this Senate as a crucial test of the reformists' claim that Russia and America can work together. If we, the Senate, reject this treaty, we can confirm what Russian hard-liners have been saying all along, the United States is not a viable partner.

Here are a few real-world examples. Russia has been allowing the United States and other members of the International Security Assistance Force in Afghanistan to transport material into Afghanistan over Russian territory. This has assisted our war efforts, especially in light of recent attacks against convoys crossing through Pakistan.

Russia has withheld delivery of the S–300 advanced air defense system to Iran and supported the United Nations Security Council sanctions against Tehran. Tehran wanted to buy this sophisticated air defense missile defense system. Russia was going to sell it to them. Russia has withheld that sale.

That is a major achievement. Also, Russia and NATO partners agreed at the recent summit in Lisbon to a new missile defense system in Europe. This is an agreement for a missile defense system which Russia has fought violently over the past decade.

At that same summit, Foreign Ministers from Denmark, Lithuania, Norway, Latvia, Bulgaria, and Hungary spoke out in support of the New START treaty. As neighbors to Russia and the former Soviet Union, they praised New START as necessary for the security of Europe but also as an entrance to engage in tactical nuclear weapons treaties which pose an even greater threat from state or nonstate use.

There is no quid pro quo here. Russia has not agreed to support initiatives of the United States around the world if only the Senate would ratify the New START treaty. But as every Senator knows, when we are trying to get things done, relationships matter.

The relationship between the United States and Russia has been critical since we fought together in World War II and it will continue to be so. This is an unparalleled opportunity to enhance that relationship and to say, by signature and by ratification of this treaty, that, yes, the United States of America wants to work with Russia; yes, the United States and Russia have mutual goals; and, yes, with respect to Iran and other trouble spots, the United States and Russia can, in fact, stand together.

Let me move on to the nonproliferation reasons to ratify this treaty. New START demonstrates to the world that the two nations possessing more than 90 percent of the planet's nuclear weapons are capable of working together on arms reduction and nonproliferation. A ''no'' vote says we are not capable of doing that.

I believe this will pave the way for more multilateral efforts to stop the spread of nuclear weapons as well as restrictions on tactical nuclear warheads that could fall into the hands of terrorist organizations.

Let us not forget the centerpiece of our nuclear nonproliferation regime, the Nuclear Nonproliferation Treaty. It is based on a clear bargain. Those with nuclear weapons agree to eventually eliminate them, and those without nuclear weapons agree to never acquire them. With the signing of the New START treaty, the Presidents of the United States and Russia are showing the other parties to the NPT that we are living up to our end of the bargain. Without New START, with a ''no'' vote on New START, we do not do this.

This will strengthen the resolve of other nations to maintain their commitments and uphold the credibility of the nuclear nonproliferation regime, to hold violators such as Iran and North Korea accountable and subject to sanction.

In fact, we are already seeing the benefits of commitments made in the New START agreement. The latest review conference of the NPT in May of this year ended with 189 parties recommitting themselves to the NPT after the 2005 conference collapsed. On June 9, the United Nations Security Council passed a fourth sanctions resolution on Iran for its violations of its commitments under the treaty with the support of China and Russia.

Ratification of New START also opens the door to further arms control agreements, both to further arms reductions and to address tactical nuclear warheads—the smaller yield devices that are in some ways more dangerous than the strategic weapons with which we are dealing now.

Ratification moves us down the path to a world without nuclear weapons as envisioned by Presidents Obama and Reagan. For years, the idea of a nuclear-free world was ridiculed as a fantasy. This may now be beginning to change. Don't turn it down. Republicans as well as Democrats have come around to the idea that eventual nuclear disarmament is not only desirable, but it is, in fact, doable and is consistent with our national security interests. Former Secretaries of State George Shultz and Henry Kissinger have joined forces with former Senator Sam Nunn and former Secretary of Defense Bill Perry to make this case.

In a January 4, 2007, op-ed in the Wall Street Journal, they called for U.S. leadership in building a ''solid consensus for reversing reliance on nuclear weapons globally as a vital contribution to preventing their proliferation into potentially dangerous hands, and ultimately ending them as a threat to the world.''

We can now do our part to build that consensus and help ensure that we never again see the destruction caused by nuclear weapons.

Once again, I return to these charts. I was 12 years old when I saw these pictures. I was 12 years old when I realized what a 21-kiloton and a 15-kiloton bomb can do. Many of the bombs in the U.S. and Russian arsenals are well in excess of 100 kilotons today. The number is classified but, trust me, they are well in excess. We can destroy the planet Earth with these weapons.

They are deployed and they are targeted. This treaty gives us the opportunity to reduce our arsenals—the U.S. and Russian stockpiles that now make up 90 percent of the nuclear weapons in the world. It is a big deal. To say no to this treaty is, in fact, to say we want to go back to the days of suspicion, of not working together, of the Cold War ethos that we will succumb to the Russian hardliners and take this first major test of Russian reform and effectively trash it. We must not do that.

Mr. President, with the months of debate over this Treaty, a small number of objections have been raised. I would like to address them now.

First, some Senators infer that our nuclear weapons will become unreliable over time. They say they won't vote for this treaty unless it is linked to modernization of the arsenal.

Let's be clear. Both the Secretary of Defense and the Secretary of Energy have certified that our arsenal is safe and reliable in each of the past 14 years. The head of the National Nuclear Security Administration, Tom D'Agostino has assured me of the surety of the stockpile. Our top scientists have told us that these weapons will remain safe and reliable for decades to come.

In fact, an independent group of scientists known as the JASONs, who advises the government on nuclear weapons, has reported that the National Nuclear Security Administration is successfully ensuring the arsenal's safety and reliability, through weapons ''lifetime extension programs.''

Their September, 2009 report said that through such programs, ''Lifetimes of today's nuclear warheads could be extended for decades, with no anticipated loss in confidence . . . ''

And President Obama has made a significant commitment to ensuring that we maintain a safe, secure, and effective arsenal by providing the necessary resources for as long as we have nuclear weapons.

The President's fiscal 2011 budget asks for $11.2 billion for the National Nuclear Security Administration, a 13.4-percent increase over the fiscal 2010 budget.

This includes $7 billion for weapons activities to maintain the safety, security, and effectiveness of the arsenal, an increase of 10 percent, or $624 million from fiscal year 2010.

The President has submitted a plan calling for $80 billion over the next 10 years. In November, he added an additional $4.1 billion over the next 5 years alone to that enormous sum.

Modernization of the nuclear stockpile is surely a major priority, and I will fight to make sure these funds are

appropriated. But these questions and concerns have now been addressed, and should not hold up this treaty.

Second, critics have claimed that New START will impede current and planned missile defense efforts.

They point to language in the preamble of the treaty that notes the inter-relationship between offensive and defensive strategic arms.

They point to the unilateral statement issued by Russia upon signing the treaty indicating that our missile defense plans could prompt Moscow to withdraw from the agreement.

And they note that the agreement prohibits both countries from converting additional ICBM silos or submarine launch tubes for missile defense interceptors.

These arguments are without merit.

First, the preamble language simply acknowledges what we all know: that there is a relationship between strategic offensive and defensive arms. It will not inhibit our missile defense efforts in any way.

Similar language can be found in the original START agreement, and it has not inhibited our missile defense efforts over the past two decades.

Second, the Russian unilateral statement is not a part of the agreement, and the United States is not bound by it in any way. In fact, the United States issued its own unilateral statement clearly stating that it will move forward with its missile defense plans.

Again, it should be noted that the Soviet Union issued a similar unilateral statement when START was signed and it had no impact on our missile defense plans.

Finally, regarding the prohibition on converting additional ICBM silos and SLBM launch tubes for missile defense interceptors: simply stated, our military has no plans to do so. This doesn't block the United States from anything it plans or wants to do.

It is actually cheaper to build new missile defense launchers than to convert existing launch tubes or silos. And the treaty places no constraints whatsoever on that construction.

The Secretary of Defense, the uniformed military leadership, and the head of the Missile Defense Agency have testified this treaty will not harm missile defense.

These concerns have been raised, debated, and answered. It is time for ratification.

Mr. President, the choice before us is not New START and the treaty that some of my colleagues would prefer to have. Rather, the choice is between New START and no arms control treaty at all. To me, that choice is easy.

Either we make progress on reducing our nuclear arsenals and lay the foundation for further reductions including on tactical nuclear weapons or we do not.

New START is in our Nation's national security. Every day that passes without ratification is another day without inspectors on the ground in Russia and a decrease in mutual transparency and trust.

The Senate has a long tradition of overwhelming support for treaties like this one: the Intermediate-Range Nuclear Forces Treaty was approved 93–5; the 1991 START agreement which was approved 93–6; and the 2002 Moscow Treaty which was approved 95–0.

There is nothing in this treaty to suggest that the vote on its ratification should be any different. This should be an easy step for the Senate to take, a step that should be taken in the spirit of protecting our Nation and the world from the devastation of a nuclear war.

I urge my colleagues to support this agreement.

I yield the floor.

The PRESIDING OFFICER (Mr. FRANKEN). The Senator from Georgia.

OMNIBUS APPROPRIATIONS

Mr. ISAKSON. Mr. President, I commend the Senator from California on her remarks. As a member of Foreign Relations, I voted to bring the treaty to the floor. However, there is another pressing matter I wish to discuss this evening.

The Senate now has before it the START treaty, but on a parallel track we have before us the question of financing the government through the end of the fiscal year next year. There are three alternatives available to us. One of them is a continuing resolution through the end of next year. One of them is a continuing resolution that is modified with an Omnibus appropriations that is put on top of it which I understand is the plan. There is a third option which is the short-term CR. It is that question I rise to address for a few moments.

Forty-three days ago, I ran for reelection to the Senate. For 2 years, I traveled the State of Georgia campaigning for my reelection. Throughout that campaign, there were three guiding issues on which I focused. One was tax policy. At a time of economic recession and high unemployment, the worst thing for us to do is to raise taxes of the American people and, in particular, small business, which hires the majority of the people. That is No. 1.

No. 2, I campaigned on the fact that we didn't have a revenue problem nearly as much as we had a spending problem; that we needed to ask of ourselves, as Senators, what every American family has had to ask of themselves at home. They have sat around the kitchen table, looked at what their income was, looked at what it now is, looked at priorities and reprioritized. Times have been tough, and they have been difficult. They did that because they had to.

They don't have the luxury of credit and borrowing as our government has, which takes me to the third point I ran on in the campaign; that is, that unsustainable debt will make this democracy an unsustainable country.

One of the things I understand a little bit about from having been in the real estate business is leverage. Leverage is a powerful thing to be able to do things, but too much can destroy even the best of people or the best of ideas. We are rapidly approaching a time where we owe entirely too much money.

I love to tell the story about a lesson I learned in good politics. I know the Presiding Officer has had the same kind of lessons he has learned.

I was in Albany, GA, making a speech in November of 2009. I kept talking about 1 trillion this and 1 trillion that. This farmer at the back of the room said: Senator, I only graduated from Dougherty County High School. I don't understand how much 1 trillion is. Can you explain.

I oohed and aahed and I babbled. I finally said: Well, it is a lot. I couldn't think of a way to quantify 1 trillion.

I got home that night. My wife took one look at me and said: What in the world is wrong with you?

I said: I got stumped today.

She said: What was the question?

I said: The question was, How much is 1 trillion?

She said: What did you say?

I said: I said it is a lot.

She said: That was a bad answer.

I said: I know that, but I just couldn't think of anything.

She knows better than I a lot of times. She said: Why don't you just figure out how many years have to go by for 1 trillion seconds to pass.

I said: That is a terrific idea.

So I pulled my calculator out and multiplied 60 seconds times 60 minutes to get the number of seconds in an hour.

I multiplied that 24 times for the number of seconds in 1 day. I multiplied that times 365 for the number of seconds in 1 year. Do you know how many years have to go by for 1 trillion seconds to pass? It is 31,709 years. I put an asterisk by that because I didn't count leap years and every fourth year has an extra day. I know that will throw the number off a little bit.

We owe $13 trillion of those dollars, not just $1 trillion. It is an astronomical amount of money. It is an amount we must quantify and begin to lower over time in two ways. One is expanding the prosperity of the American people, because as their prosperity goes up, revenues come back to the government. First and most important, we have to get our arms around spending. I am deeply opposed to putting an Omnibus appropriations bill on the CR that is coming to the Senate and passing 12 appropriations bills in a short-time debate without the transparency we need.

I am not a Johnny-come-lately to this particular position. In the House of Representatives, when President Bush brought an omnibus budget to the House, I voted against it. I voted against it last fall on a number of occasions when we had Omnibus appropriations bills matched up coming to the

Senate floor under President Obama. It is a bad way to do business. By rolling all those things together, you don't have the scrutiny, the oversight or the understanding of where the money is going, and the tendency to push spending beyond your limits actually becomes a reality. I am one who subscribes to the fact that we have to change the way we do business. We have to make hard decisions. We have to execute some tough love. We have to have some shared sacrifice, and we to have do it quickly.

Time has run out on the American Government and our American budget process without substantial reform, which is why it would be a tragic mistake for us sometime this week or this weekend to pass an Omnibus appropriations bill.

There is an underlying reason why I don't support that, and it is because I think a short-term CR makes a lot more sense. A short-term CR will put the Senate in the position of debating the rest of next year's spending or this fiscal year's spending under the cloud of the debt ceiling which is going to confront us in April or May or maybe as soon as the middle of March. If we pass a CR or an omnibus that goes beyond that date to the end of next year, September 30, we have no leverage to address the subject of raising the debt ceiling. It is time we stopped borrowing to spend more money we do not have.

I come at a time when I know the pending business is the START treaty, which I will address on another occasion, but to point out why I am so deeply disappointed that we are rushing to judgment on an Omnibus appropriations spending bill at a time when the American people want us focusing on spending, on the deficit, and on improving the way we do business.

I will vote against an Omnibus appropriations bill. I will vote against cloture on the bill. I will support a short-term CR. That is the best way for us to set up an occasion next year where we address our priorities in the right order and at the right time.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

TRIBUTES TO RETIRING SENATORS

ARLEN SPECTER

Mr. REID. Mr. President, if you asked anyone in this body to summarize ARLEN SPECTER, I think the words that would come up most often would be he is a real fighter. ARLEN SPECTER fought to defend our Nation in Korea. He fought crime in the streets of Philadelphia as a district attorney. He has fought cancer and won three times. And he has fought for Pennsylvania every day he has served with us here in the U.S. Senate.

Senator SPECTER has witnessed three decades of progress in Washington. He is a man who has risen above party lines to demonstrate his independence time after time. But his independence was not about him; it was about the people of Pennsylvania, whom he has served with honor and dignity for 30 years, even when cancer tried to keep him from doing so.

I have known and served with Senator SPECTER for almost 30 years, and I have come to admire his service and dedication. We have not always agreed on how to solve the issues facing America, but he has always been willing to listen to me and any other Senator in the hopes of forging bipartisan agreements that would help the country. He is a very principled man, a man who does what he believes is right, even when few others agree with him.

Senator SPECTER was raised in the Midwest by his mother and a Russian immigrant father who came to the United States and later served his new country in World War I.

He first discovered Pennsylvania as an undergraduate student at the University of Pennsylvania, where he earned a degree in international relations. After serving 3 years in the Air Force during the Korean war, he attended law school at Yale and established a successful law practice in what would become his home State, Pennsylvania.

Just as his father left his native land and served his new home as a member of the United States military, Senator SPECTER left his home in Kansas and served his adopted Commonwealth in a different way—first as a district attorney in Philadelphia for 9 years, and then as a U.S. Senator for the last 30 years. And he did this with his tenacity. He lost a number of elections. He kept coming back, never giving up.

As a Member of Congress, he has been a stalwart for justice, health, and education. He has presided over several Supreme Court confirmation hearings, and played a major role in many more.

He has ensured that vital and potentially lifesaving research for cancer, Alzheimer's, Parkinson's, and other diseases receives Federal dollars to pave the way for real breakthroughs.

One personal experience with Senator SPECTER—the so-called economic recovery package, the stimulus. He was the key vote—one of the three key votes. He was a Republican. He and the two Senators from Maine made it possible to pass that. But his passion in that legislation was the National Institutes of Health. Part of the deal was that they had to get $10 billion. Money well spent. But it is something he believed in fervently, and we were able to do that.

He has also worked to cover children and seniors who struggle to get access to health care they desperately need. He has done that as a member of the Appropriations Committee, where he has worked to make more education available to all students with the help of scholarships and student loans. Furthermore, his work with constituents of every stripe makes a difference every day.

Senator SPECTER is a throwback to a previous chapter in the history of the Senate—a time when moderates were the rule, not the exception.

When I came to Washington, Republicans such as ARLEN SPECTER were every place. That is not the case now. He is a rare breed and will truly be missed.

I wish Senator SPECTER, his wife Joan, and their two sons and four grandchildren the very best in the coming weeks, months, and years.

BLANCHE LINCOLN

Mr. President, Arkansas has given America a lot of which to be proud. From the late Senator William Fulbright, whom I did not know, to President Clinton, whom I do know, Arkansans have always produced proud public servants.

I had the good fortune to serve with two of the finest Senators we have ever had in this body, Dale Bumpers and David Pryor. I have said publicly—I will say again—the finest legislator I have ever served with—I do not want to hurt anyone's feelings here—is David Pryor. David Pryor was a superb representative of Arkansas and the country.

BLANCHE LINCOLN has continued that long tradition of Arkansans who have come to Washington to shape our Nation. And BLANCHE has never forgotten from where she came.

Senator LINCOLN has been a trailblazer during her time in the Senate. In 1998, she became the youngest woman to ever be elected to the Senate. She was also the first woman elected to represent Arkansas in the Senate since World War II. She was the first woman and first from Arkansas to chair the Senate Agriculture Committee.

A dozen years ago, BLANCHE was one of the youngest people in this body. But from day one, she earned a reputation for being very wise, wise beyond her years. She has always understood we are here to serve, first and foremost, and she has never forgotten that.

Senator LINCOLN once said:

> I am not normally a betting person, but I say that putting your money on the American people is about as close to a sure bet as you are going to get.

BLANCHE LINCOLN always bet on the American people, and particularly the good people in Arkansas who first sent her to Washington to get things done in 1992.

Senator LINCOLN never sought the national spotlight. She has always been focused on making sure the people of Arkansas are represented fairly and forcefully. Her legislative accomplishments are too long to list here today.

Her impact will be felt long after she leaves this Chamber.

Perhaps her most important work has been her tireless efforts to protect America's children. Senator LINCOLN was the lead driving force, along with the First Lady, on the passage of the Healthy, Hunger-Free Kids Act to make sure our children have access to healthy meals.

She was a cofounder of the Senate Caucus on Missing, Exploited, and Runaway Children. She is also the current chair of the bipartisan Senate Hunger Caucus.

So I am honored to call Senator LINCOLN a friend and a colleague, and I join my friends and colleagues in saluting her remarkable accomplishments. I will miss her. But we know her too well to think we have heard the last from her.

It would not be appropriate not to say something about her wonderful family. Her doctor husband and her twins are remarkably good individuals. Her husband is one of the nicest people I have ever met. He has such a great presence about him. I have met him on the many occasions we have been able to get together as a Senate family, and he certainly, to me, is part of that family.

But if I ever need to find Senator LINCOLN, I will always know where to look. Because if there is an issue that has gone unnoticed or a person who feels forgotten or a cause that is worth fighting, BLANCHE LINCOLN is probably not far behind and already on the case.

I wish Blanche and her family the very, very best. It has been a pleasure to get to know BLANCHE LINCOLN. I look forward to our future association.

RUSS FEINGOLD

Mr. President, I have served with RUSS FEINGOLD in the Senate for 18 years. There has never been a point where I did not know where he stood and what his core principles were.

Senator RUSS FEINGOLD came to the body in 1992 with one goal in mind: To always represent the people of Wisconsin—not the special interests, not the establishment. And he never compromised his principles, even though sometimes it made it very difficult for me. But he is a man of principle, and that certainly is the truth.

When RUSS first ran for the Senate in 1992, he famously wrote down five core promises he would always keep if he were elected. He wrote them on a piece of paper, and then he affixed this piece of paper and these promises to his garage door at his home.

The promises were: To rely on Wisconsin citizens for most of his contributions; to live in Middleton, WI, and send his children to school there; to accept no pay raise during his time in office; to hold listening sessions in each of the 72 Wisconsin counties each year of his term in the Senate; and to make sure that the majority of his staff are from Wisconsin and with a Wisconsin background.

It should surprise no one that he held true to each of these promises and surpassed every expectation that any Badger could have had for this good man who hails from Janesville, WI.

As quick as Senator FEINGOLD has been to voice thoughtful opposition to anything that would go against his core principles, he never hesitated to reach across the aisle and work in good faith with every Member of this body.

Because of his bipartisan efforts, our system for financing political campaigns is cleaner, more transparent, and more free of undue corporate influence. It is too bad the Supreme Court has so weakened the McCain-Feingold legislation.

In 2002, Senator FEINGOLD spoke on the Senate floor during the campaign finance debate, and he spoke remarkable words about why he fought so hard for that legislation. He said:

> Nothing has bothered me more in my public career than the thought that young people looking to the future might think that it is necessary to be a multimillionaire or somehow have access to the soft money system in order to participate, to participate as a candidate as part of the American dream.

It is a simple statement, but it truly helps us understand why the people of Wisconsin were always proud of their junior Senator—because he spoke simple truths, fought passionately for the middle class, and was able to always tap into what people were discussing over their kitchen tables every night.

RUSS FEINGOLD often stood in the minority to voice his positions that were not necessarily popular. He was a strong advocate for equal rights for same-sex couples even when it wasn't the popular thing to do, and he opposed the 2003 Iraq war from the very beginning and has stayed true to his feelings on this issue since then. But that is the very essence of RUSS FEINGOLD. He stands on principle and his core beliefs even when it isn't convenient. He speaks the truth even when it ruffles feathers. As someone who has been elected to public office for a long time, it is very difficult to express to everyone within the sound of my voice what a special type of person RUSS FEINGOLD is. He is the type of person who will remain firm and steadfast in all the ways he serves. He is that special kind of person.

He has continued the tradition of some of the greatest Members of this body. He combines the tenacity of Paul Wellstone with Ted Kennedy's desire to always fight for the underdog. RUSS FEINGOLD has etched himself into the fabric of this body and for many of us will always be a part of our collective conscience. If we follow the example of Russ Feingold, we can rest easy at night knowing that when we stand on principle, we never have to worry about second-guessing ourselves.

TRIBUTE TO COLONEL BRADLEY TURNER

Mr. MCCONNELL. Mr. President, I rise today to honor the work of an unsung hero, COL Bradley Turner of Booneville, KY. After a 37-year career serving in our Nation's military, Colonel Turner recently retired on September 24 of this year.

Over that nearly four-decade span, he served in the U.S. Marine Corps, the U.S. Army, and the Kentucky Army National Guard. Before earning the rank of colonel, Bradley was a sergeant in the Marines, a captain in the Army, and a lieutenant colonel while in the Guard. In 1991, he was deployed in Operation Desert Storm with the 623rd Field Artillery from Glasgow, KY.

Throughout his career he earned many medals, including the Bronze Star Medal and the Meritorious Service Medal, among others. His dedication in serving our country has truly been a blessing to our Commonwealth and our Nation. I ask my colleagues to join me in congratulating Colonel Bradley Turner for his service. The Booneville Sentinel recently published a story about Colonel Turner and his accomplishments. I ask unanimous consent that the full article be printed in the RECORD following these remarks.

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

[From the Booneville Sentinel, Dec. 8, 2010]

COLONEL BRADLEY TURNER RETIRES AFTER 37-YEAR CAREER

Colonel Bradley Turner of Booneville has retired from the U.S. Army Reserve after a 37-year career. He enlisted in the U.S. Marine Corps in 1973 and served 4 years, attaining the rank of sergeant. After leaving the Marine Corps he attended Lees College and Morehead State University where he graduated with a bachelor of science degree. While in college he attended ROTC and was commissioned in 1981 in the U.S. Army. He served 4 years on active duty, attaining the rank of captain. After leaving active duty, he joined the Kentucky Army National Guard. During his service in the Guard he served as a battery commander, battalion and brigade operations officer, and battalion and brigade executive officer. In 1991 he was deployed to Operation Desert Storm with the 623rd Field Artillery from Glasgow, Kentucky. He was mobilized again in 2003 with the 138th Field Artillery Brigade from Lexington, Kentucky.

While in the Guard he graduated from the U.S. Army War College with a master's degree in strategic studies, and he attained the rank of lieutenant colonel. He then transferred to the 100th Training Division, U.S. Army Reserve where he was the battalion commander of the 10th Battalion of the 100th Division in Lexington, and later a principal staff officer at the division headquarters in Louisville. While at the division headquarters he attained the rank of colonel.

His awards include the Bronze Star Medal, the Meritorious Service Medal (2 awards), the Army Commendation Medal, the Army Achievement Medal, the Military Outstanding Volunteer Service Medal, the Global War on Terrorism Service Medal, the Southwest Asia Campaign Medal, and the Liberation of Kuwait Medal. He is married to Debra Combs Turner and they have three children, Tangee Young of Ricetown, Brandi Thompson of Vancleve, and Jeremy Turner of Booneville. They have 4 grandchildren. They reside in east Booneville, and he is an employee of the Lee Adjustment Center in Beattyville. Colonel Turner retired effective September 24, 2010, at the 100th Division in Louisville, Kentucky.

PORTEOUS IMPEACHMENT

Mrs. MCCASKILL. Mr. President, I ask unanimous consent that a joint statement by myself and Senator HATCH regarding the Porteous impeachment be printed in the RECORD.

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

JOINT STATEMENT OF SENATOR CLAIRE MCCASKILL, CHAIRMAN AND SENATOR ORRIN G. HATCH, VICE CHAIRMAN, U.S. SENATE IMPEACHMENT TRIAL COMMITTEE ON THE ARTICLES AGAINST JUDGE G. THOMAS PORTEOUS, JR. OF THE EASTERN DISTRICT OF LOUISIANA

Because the Senate deliberated in closed session, this statement is the only opportunity during the formal impeachment trial process to formally explain our votes and to offer some views on certain issues for future consideration. We independently evaluated the articles of impeachment brought by the House of Representatives and the motions field by Judge Porteous. Because we came to the same conclusions and share many of the same views regarding the articles and motions, we thought it most useful to file a joint statement for the record.

The unique nature of impeachment, what it is and what it is not, is an essential guiding principle for the impeachment trial process. Impeachment is a legislative, not a judicial, process for evaluating whether the conduct of certain federal officials renders them unfit to continue in office. Our impeachment precedents give some general definition to the kind of conduct that may meet this standard. The Senate, for example, convicted and removed U.S. District Judge Halsted Ritter in 1933 for bringing his court into ''scandal and disrepute.'' Similarly, during the impeachment trial of U.S. District Judge Alcee Hastings, the President Pro Tempore stated that the question is whether the defendant ''has undermined confidence in the integrity and impartiality of the judiciary and betrayed the trust of the people of the United States.''

A consistent focus on the essential nature of impeachment helps answer many of the questions that arise in the impeachment trial process. For example, it sets impeachment apart from the civil or criminal justice processes. Federal officials may be impeached for conduct covered by the criminal law for which they have been convicted, acquitted, or not prosecuted, as well as for conduct that is not criminal at all. Standards of proof that apply in those contexts do not necessarily apply in an impeachment trial; in fact, there exists no single or uniform standard of proof that the Senate as a body must apply.

There also exists no rigid standard for the form that articles of impeachment must take. The Constitution gives the ''sole power of impeachment'' to the House of Representatives, which necessarily includes substantial authority to frame articles of impeachment. As it did in the Hastings impeachment, this may result in articles that each alleges an individual act. But other cases, like the present one, may involve distinct sets or categories of conduct. Just as impeachments arise out of different sets of facts, impeachment articles may take more than one form. In every case, however, the House must prove that the conduct alleged in the articles that it frames and exhibits to the Senate justifies removing a federal official from office.

In July, Judge Porteous filed with the Senate Impeachment Trial Committee a motion to dismiss the articles of impeachment as ''unconstitutionally aggregated.'' Before the full Senate, he revised this motion to request that the Senate take a preliminary vote on each allegation, a total by his count of approximately 25, contained in the articles. The Committee denied the original motion to dismiss and we joined the Senate in unanimously defeating the revised motion. Even though the articles of impeachment include multiple allegations, we believe that each meets the standard established by the Senate Impeachment Trial Committee during the impeachment of U.S. District Judge Walter Nixon and adopted in the present case. Each article presents a coherent and intelligible accusation that properly serves as the basis for the impeachment trial. The need for proving individual elements of an offense is appropriate for the criminal law but, as mentioned earlier, impeachable offenses need not be prohibited by the criminal law at all. Requiring a separate vote on every allegation contained within an impeachment article effectively re-drafts that article, with the result that the Senate would vote on an impeachment matter that the House did not adopt. Finally, Rule 23 of the Senate's impeachment rules explicitly prohibits dividing articles of impeachment for the purpose of voting ''at any time during the trial.''

Unless absolutely necessary, impeachment trials should be decided not on the basis of motions that make broad statements or set broad precedents, but on the merits of individual cases and articles of impeachment as the House frames and exhibits them. In this case, each article of impeachment alleged not a collection of unrelated acts but coherent patterns or sets of conduct. The question for the Senate was whether the conduct alleged in each article justified removing Judge Porteous from the bench.

One somewhat novel issue raised in this case was whether a federal official may be impeached on articles that allege conduct occurring before he took federal office. The proper focus on the essential nature of impeachment is again important here. Judge Porteous argued for an absolute, categorical rule that would preclude impeachment and removal for any pre-federal conduct. That should not be the rule any more than allowing impeachment for any pre-federal conduct that is entirely unrelated to the federal office or the individual's conduct in that office.

Pre-federal conduct should not itself ordinarily be the primary basis for impeachment. Particularly egregious pre-federal conduct that, by itself, would justify impeachment and removal would likely have prevented an individual's appointment in the first place. In most cases, therefore, the question is whether a federal official's conduct since taking office warrants removal from that office. That is the question in the present case because none of the articles of impeachment against Judge Porteous is based entirely on pre-federal conduct.

The conduct alleged in Article I contained substantial pre-federal and federal conduct. The House framed the article to include a kickback scheme whereby the law firm of Jacob Amato and Robert Creely would receive curatorship case appointments from Judge Porteous in exchange for Creely and Amato paying some of the fees back to Judge Porteous through the hands of Creely. All parties agree that there was no explicit agreement regarding these cases, but it is estimated that approximately half of the fees went back to Judge Porteous. The curatorship kickback scheme, by definition, could only have occurred during Judge Porteous's time on the state bench. When Judge Porteous, after his appointment to the federal bench, could no longer assign curatorship cases to Amato and Creely, the money stopped coming to Judge Porteous from Amato and Creely.

This pre-federal conduct flowed into Judge Porteous's federal service in two documented instances. First, Amato was brought on as counsel for Liljeberg in a multi-million dollar lawsuit named Lifemark v. Liljeberg. Judge Porteous was scheduled to try the case without a jury approximately six weeks from Amato's entry into the case. Counsel for Lifemark filed a motion to recuse Judge Porteous because of the close relationship between Amato and Judge Porteous. While opposing counsel did not know of the curatorship kickback scheme, Judge Porteous did. Judge Porteous clearly should have recused himself or disclosed the scheme. Instead, he chose to misrepresent his relationship with Amato during the recusal hearing. Second, after trial in the Lifemark case, Judge Porteous took the case under advisement. During this period, Judge Porteous solicited money from Amato and received $2,000 in cash, split equally by Amato and Creely from the firm's account. There is no legitimate reason that a federal judge would solicit and accept cash from a lawyer with a case in front of him. We believe that soliciting and receiving a $2,000 cash payment from a lawyer in a case currently before him would alone have been enough to warrant Judge Porteous's impeachment and removal. When viewed with the additional factors, including the kickback scheme, the fact that the lawyer stood to make hundreds of thousands of dollars through a contingency fee if he won, that the judge misrepresented his relationship during the recusal hearing, and that the appeals court found that parts of the judge's decision in favor of this lawyer's client were ''apparently constructed out of whole cloth,'' Judge Porteous's conduct deserved the unanimous rebuke of the United States Senate and removal from the federal bench.

The allegations in Article II were very serious and no doubt tainted Judge Porteous's ability to serve on the bench. They involve Judge Porteous's relationship with a bail bonds company and its owners, Louis and Lori Marcotte. This article is, primarily though not exclusively, based upon Judge Porteous's actions prior to his service on the federal bench. The fact that this conduct is pre-federal is not alone a bar to removal, though it is a significant factor to consider when evaluating this and future articles.

We decided to vote against conviction on Article II not only because most of the alleged conduct occurred before Judge Porteous became a federal judge, but also because we were not convinced that the conduct sufficiently proven by the House rose to the level of a high crime or misdemeanor. The Marcottes, who are felons convicted of manipulating the Louisiana justice system for profit, are the only source of evidence against Judge Porteous. Unlike the evidence presented on Article I, there are limited receipts and other documentary evidence supporting the claims made by the Marcottes. We found that the timelines laid out by Louis Marcotte, Lori Marcotte, Jeffrey Duhon, and Aubrey Wallace to be inconsistent with one another and with the documentary evidence that does exist regarding this article.

The most prominent example of the inconsistent timelines deals with the allegation that Judge Porteous improperly set aside or expunged the convictions of Jeffrey Duhon and Aubrey Wallace as a favor to Louis Marcotte. Louis Marcotte testified that his corrupt relationship with Judge Porteous did not really begin until after September 1993. The Duhon conviction was expunged in 1992. In addition, Judge Porteous only performed a ministerial step in expunging the conviction. Another judge performed most of the responsibilities in setting aside and

expunging both of Duhon's convictions. Louis Marcotte testified that he hounded Judge Porteous for weeks about setting aside the conviction of Aubrey Wallace. Marcotte stated that Judge Porteous said he would set aside the conviction but not until after he had secured his ''lifetime appointment.'' As we discuss below in relation to Article IV, this statement may reflect Judge Porteous's awareness that certain decisions or actions might impede his confirmation to the federal bench. The documentary evidence shows, however, that Judge Porteous actually took some of the steps towards removing the Wallace conviction, including a hearing on the set aside motion, before his Senate Judiciary Committee confirmation hearing In addition to the conflicting timelines, the House failed sufficiently to establish that Judge Porteous's actions with respect to the Duhon or Wallace convictions were illegal or even improper under state law.

The House alleges that Judge Porteous was the Marcottes' ''go-to'' judge and would sign almost any bond that they requested. However, the House conceded that they could not point to any individual bond that was set either too high, too low, or improperly in any other way for the benefit of the Marcottes. Additionally, Judge Porteous's former criminal minute clerk suggests the opposite. The clerk indicated that Judge Porteous or a member of his staff was diligent about calling the jail for information about a prisoner for whom Marcotte requested a bond be set, instead of just taking Marcotte's word for it.

The remaining conduct alleged in Article II, that Judge Porteous used his prestige as a federal judge to recruit new state judges for the Marcottes to corrupt, was also not sufficiently proven. The House was able to document six lunches over a ten year period where Judge Porteous is alleged to have helped the Marcottes recruit and train judges. The only evidence that the House presented that Judge Porteous was present at some of these lunches was the fact that there was a reference to Absolut Vodka on the receipt and Judge Porteous was known to drink Absolut Vodka. One of the judges who was allegedly recruited by Judge Porteous, Ronald Bodenheimer, stated that Judge Porteous never told him what to do in relation to the Marcottes, nor did Bodenheimer feel that Judge Porteous ever used his position as a federal judge to pressure Bodenheimer to work with the Marcottes or to issue any bonds. Judge Porteous simply told Bodenheimer that he could trust the Marcottes when it came to providing information related to a particular offender.

While we do not take the position that any of these witnesses was lying, we believe that the House must clear a high bar in proving the guilt of a federal official in an impeachment trial. The House did not meet its burden with respect to the conduct alleged in Article II.

Three features of Article III distinguish it from the others. Article III is the only one alleging conduct that occurred entirely after Judge Porteous was appointed to the federal bench, that conduct was unrelated to either his office or his official conduct in that office, and Article III raises significant factual disputes. Unofficial conduct may constitute the ''high crimes and misdemeanors'' that justify impeachment and removal, but that conclusion must be clearly established after giving Judge Porteous the benefit of the doubt regarding remaining factual disputes.

There is no dispute that Judge Porteous filed his initial bankruptcy petition under a false name, signing the declaration ''under penalty of perjury that the information provided in this petition is true and correct.'' If there was any evidence that he intended to defraud creditors, this alone might be sufficient for impeachment and removal from office. But the evidence is to the contrary. He used the false name only to avoid the embarrassment of his real name appearing in the newspaper's listing of bankruptcies.

The false name existed for only 12 days, and he filed an amended petition with correct information the day after the false name appeared in the newspaper. The amended petition, with the correct identifying information, was then sent to creditors. The fact that so few creditors who were contacted with the correct information actually filed claims suggests that no one was prevented from filing a claim because a false name was on file for less than two weeks. Ironically, if the petition had been filed precisely the same way and the false name had been entered inadvertently rather than deliberately, it likely would not have been discovered and rectified until later in the process.

There is also no dispute that Judge Porteous's bankruptcy petition and accompanying schedules omitted certain assets and debts and inaccurately valued others. This fact might be more serious if Chapter 13 bankruptcies typically are filed without such omissions or inaccuracies. Judge Porteous introduced evidence, however, that the opposite is true, that nearly 100 percent of Chapter 13 bankruptcies contain multiple inaccuracies. For these problems to constitute ''high crimes and misdemeanors,'' there must be clear and convincing evidence that the inaccuracies and omissions were intentional or fraudulent. The record does not contain such evidence. The House forcefully presented a theory that Judge Porteous hid assets so that he would have more money to gamble away, but a theory unsupported by real evidence is not enough to remove a federal judge from office.

Several allegations in Article III raised the question whether ''markers'' used to obtain chips in casinos are checks or credit. This distinction is significant because Judge Porteous was prohibited from obtaining more credit while his bankruptcy plan was in effect. But there was far from clear and convincing evidence settling that question.

On the one hand, gamblers fill out a credit application before they obtain markers. On the other hand, casinos redeem markers by presenting them at the gambler's bank. On the one hand, markers are checks under Louisiana commercial law. On the other hand, Judge Porteous's bankruptcy attorney and the bankruptcy trustee in his case considered them to be credit. Experts testifying before the Committee at the evidentiary hearing strongly and directly disagreed. This dispute, as important as the issue may be, was simply not settled with sufficient clarity to direct a conclusion either way. As such, Judge Porteous deserves the benefit of the doubt.

Finally, Judge Porteous not only successfully completed what is considered a large Chapter 13 bankruptcy, even after the bankruptcy judge nearly doubled his monthly payment, but he actually paid more than the plan called for. That is not the conduct of someone bent on bankruptcy fraud. The question, then, is whether the allegations in Article III that the evidence clearly showed to be intentional acts were sufficient to remove Judge Porteous from the bench. We do not believe so and, therefore, voted to acquit on that article.

We looked at Article IV with particular interest because the conduct by Judge Porteous that it alleged directly implicated the Senate and the judicial confirmation process. One of us not only serves on the Judiciary Committee, but was its Ranking Member when Judge Porteous was confirmed in 1994.

In FBI interviews, as well as in questionnaires before and after his nomination, Judge Porteous was asked whether anything in his personal life could be used by someone else to intimidate or influence him, could be publicly embarrassing to him or the President, or could affect his nomination. He signed both questionnaires, which included the statement that the information provided was ''true and accurate.'' Those questions are still asked and still appear in those questionnaires as part of the confirmation process today. Judge Porteous argues that his negative answers to these questions were true because he did not believe that anything he had done, including in the relationships described in Article I and II, to be improper or embarrassing. But Judge Porteous was never asked whether he personally thought anything in his personal life was improper or embarrassing. There would be little value in asking such a question. Judge Porteous was asked whether anything in his personal life could be viewed by others, or by the public, as embarrassing or, more importantly, affect his nomination. Not only is that important information for the confirmation process, but it is information that in most cases can come only from the candidate or nominee.

What Judge Porteous may have lacked in personal scruples, he possessed in political instincts about matters that could be confirmation obstacles. Louis Marcotte testified, for example, that when he urged Judge Porteous to clear the criminal record of a Marcotte employee, Judge Porteous said he would do so only after the Senate confirmed his nomination. He did not want it coming out in the newspaper and said that he would not let anything stand in the way of his lifetime appointment. Judge Porteous waited until after his confirmation, but before he took the oath of office, to set aside one of those criminal convictions.

The propriety of setting aside that conviction is not the issue. This example simply shows Judge Porteous' awareness that perceptions of his actions might affect his appointment to the federal bench. His instinct, it turns out, was accurate because the New Orleans newspaper reported that Judge Porteous had unlawfully set aside the conviction and the Justice Department would later conclude that his decision was contrary to law. Or consider another example. Judge Porteous' financially interactive relationship with his friends Jacob Amato and Bob Creely may not have bothered him, but it certainly bothered them. While on the state court bench, Judge Porteous began assigning unsolicited curatorship cases to Creely after Creely refused to give him money. Having provided a new source of revenue, Judge Porteous began requesting, and Creely and Amato began providing, a portion of the fees generated by those cases. Amato believed that this arrangement was unethical, a kind of kickback, and warned Creely that it was going to turn out badly. Amato did not disclose it at the recusal hearing in the Lifemark case because he believed he might be disbarred and that Judge Porteous might be removed from the bench. At our evidentiary hearing, the House's judicial ethics expert opined that this conduct violated the ABA model code of judicial conduct, and even Judge Porteous' own expert suggested that it was ethically troubling.

If his own best friend thought disclosing this financial relationship might get Judge Porteous removed from the bench, it is simply not credible that Judge Porteous believed disclosure of that relationship could not affect his appointment to the bench. Instead, he apparently answered those questions in the negative for the same reason that he put off setting aside that criminal

conviction, to avoid any obstacles to a lifetime appointment. This dishonest participation in the confirmation process undermined the integrity of that process and possibly deprived the Senate of information that would have mattered in considering his nomination. His negative answers to questions he was actually asked were material and demonstrably false. For that reason, we voted to convict on Article IV.

The Senate was correct in removing Judge Porteous from the bench. He argued that it was unclear that his actions violated the public trust and warranted removal. The message from the Senate is clear that the privilege of serving the American people comes with a responsibility to be fair, honest, and to behave in a manner that inspires confidence in the courts and our system of justice.

Mr. LEAHY. Mr. President, for just the eighth time in this country's history, the Senate has voted to impeach and remove a Federal judge from the bench. Impeachment is a serious, constitutional act intended not as a form of punishment, but rather as means of protecting the integrity of our system of government. This is particularly true when we consider the impeachment of members of the judiciary. Public confidence in our courts is fundamental to the functioning of our democracy. When a judge engages in conduct that grossly violates the public trust, he or she not only becomes incapable of fulfilling the responsibilities of the office, but also brings disrepute to the entire judicial system.

Prior to the Senate's vote on December 8, I voted three times to convict a Federal judge. In each instance, I carefully considered the facts in the case, as well as my constitutional obligations and the precedent being set for future generations. I have no doubt that just as we looked back to past impeachments to guide our actions in this proceeding, we now leave new precedent that others will look to for guidance and wisdom. For this reason, I wanted to elaborate on the constitutional issues presented during this impeachment trial and explain my decision to vote to convict Judge Porteous on all four Articles of Impeachment.

First, I should note that the impeachment trial against Mr. Porteous was bipartisan, and, I believe, unquestionably fair. The Senate Impeachment Trial Committee held 5 days of evidentiary hearings, with testimony received from 26 fact and expert witnesses. The record before the Senate is well developed, and most of the facts underlying the allegations against Mr. Porteous are uncontested. These facts demonstrate that Mr. Porteous engaged in conduct that compromised the administration of justice, brought disrepute to his office, and required his removal from the bench.

The first article of impeachment alleges that as a Federal judge, Mr. Porteous failed to recuse himself in the bench trial of Lifemark Hospitals of Louisiana, Inc. v. Liljeberg Enterprises, despite having previously engaged in a corrupt scheme with one of the attorneys before the court. The House managers established that as a State judge, Mr. Porteous assigned curatorship cases to two attorneys, one of whom was before him in the Liljeberg case, and had a portion of the fees, totaling approximately $20,000, funneled back to him. Not only did Mr. Porteous fail to disclose these facts or recuse himself from the case, he proceeded to solicit and accept $2,000 cash from those attorneys while the Liljeberg case was still under his advisement.

Out of concern for the public's confidence in our court system, I have frequently expressed disappointment about the lack of recusals by judges with conflicts of interest. There should be no doubt that recusals go to the heart of a judge's impartiality. In gross violation of his judicial ethics, Mr. Porteous engaged in a corrupt scheme with attorneys, solicited and accepted money from attorneys with pending matters before his court, and deprived the public and litigants of his honest services by failing to recuse himself.

The defense argued that article I should be dismissed because of the Supreme Court's recent ruling in Skilling. I am familiar with the Court's ruling, and have authored legislation in response to it. The Supreme Court's holding was about a specific criminal statute, not judicial conduct or impeachment standards. No reasonable judge would believe that soliciting and accepting cash payments from an attorney with a pending case would be allowable or would not be an obvious ground for recusal.

The notion that was raised by the defense that corrupt judges could not be impeached ignores the purpose of impeachment as it relates to public confidence in our justice system. The Constitution did not list a specific set of conduct that would result in impeachment. Instead, Senators should determine for themselves what conduct renders one unfit to hold public office. We must consider the type of duties that the impeached official is called upon to perform and whether the conduct engaged in impairs the official's ability to perform those duties. This analysis differs depending on the office and responsibilities of the official before us.

Article II alleges that as a State court judge, Mr. Porteous took numerous things of value and accepted personal services from a bail bondsman, while setting favorable bonds for his company. As a Federal judge, Mr. Porteous continued to receive things of value in exchange for using ''the power and prestige of his office'' to help these bondsmen form corrupt relationships with State court judges. The evidence showed a pattern before and after his Federal confirmation of capitalizing on his position of power to receive improper gifts. Moreover, as Professor Michael Gerhardt, who served as Special Counsel to the Senate Judiciary Committee during the last two Supreme Court confirmations, testified before the House Task Force on Judicial Impeachment, the Constitution does not state that improper conduct must be committed during the tenure of the Federal office; rather, ''[t]he critical questions are whether Judge Porteous committed such misconduct and whether such misconduct demonstrates the lack of integrity and judgment that are required in order for him to continue to function [as a Federal judge].'' I agree with Professor Gerhardt on this fundamental question.

Certainly if the Senate learned after confirmation that a judge killed someone before he or she was confirmed, the Senate should not be prevented from later removing that judge. Similarly, the Senate should not be foreclosed from removing a judge for serious misconduct not revealed during the confirmation process that goes to the role of the judge. A lifetime appointment to the Federal judiciary does not entitle those unfit to serve to a lifetime of Federal salary and benefits. As chairman of the Judiciary Committee, I reject any notion of impeachment immunity if misconduct was hidden, or otherwise went undiscovered during the confirmation process, and it is relevant to a judge's ability to serve as an impartial arbiter.

With regard to the third article of impeachment, it is clear that Mr. Porteous knowingly and intentionally made material false statements and representations—including signing and filing under the name ''G.T. Orteous''—under penalty of perjury on his personal bankruptcy court filing. It is hard to imagine stronger evidence that this judge believed the law did not apply to him. A judge who lies under oath in court filings is unable to continue in an office that requires him to administer oaths and sit in judgment. Mr. Porteous's actions in his bankruptcy proceedings demonstrate a flagrant disregard for the courts as an institution, making him unfit to serve as a respected member of the judiciary.

The last article of impeachment against Mr. Porteous relates to his actions before the Senate Judiciary Committee. As chairman of the Senate Judiciary Committee, I take the word of judicial nominees that come before our committee very seriously. The process for aiding the Senate in considering these lifetime appointments relies on being able to trust and evaluate the information provided to us by nominees, so it requires their utmost candor.

Mr. Porteous knowingly made material false statements about his past to the Senate by responding ''no'' to questions on his Senate Judiciary Committee questionnaire, and to the FBI in connection with his background review, in order to obtain office. His defense to article IV is that his conduct was ''business as usual'' in New Orleans and, therefore, he believed his responses to be true. Whether he made false statements is not purely a subjective inquiry; and most certainly not where his ''belief'' in the truth of his

statements is in direct conflict with the factual knowledge on which it is based. I am convinced that Mr. Porteous's responses on the Senate questionnaire were material because had his solicitation and acceptance of cash and gifts from parties with matters before him been known to the Senate, he would not have been confirmed.

During the impeachment trial proceedings, I asked both the House managers and Mr. Porteous's defense attorneys the following question: ''The Senate Judiciary Committee requires a sworn statement as part of a detailed questionnaire by a nominee. Until this questionnaire is filed, neither the Judiciary Committee nor the Senate votes to advise and consent to the nomination. Would not perjury on that questionnaire during the confirmation process be an impeachable offense?'' Both sides unequivocally answered that perjury on the Senate questionnaire and during the confirmation process would be an impeachable offense.

As chairman of the Senate Judiciary Committee, I am particularly offended by Mr. Porteous's intentional dishonesty and disrespect for the office to which he was confirmed, and for the entire confirmation process. When a judicial nominee testifies before the Senate Judiciary Committee, they must be completely forthright and honor the promises or statements they make to us. Once confirmed, Federal judges have lifetime appointments. Impeachment is a drastic measure, but one we must take when a nominee conceals serious wrongdoing.

The House managers presented uncontested facts that Mr. Porteous engaged in conduct that violated the public trust and is now unfit to be a district court judge, or hold any other public office. Both sides were well represented in this proceeding, and I thank them for their advocacy and professionalism.

Mr. UDALL of New Mexico. Mr. President, as a member of the Impeachment Trial Committee, I had the privilege of carrying out a constitutional duty that fortunately is a rare occurrence. I commend the work of Chair MCCASKILL and Vice-Chair HATCH, as well as the staff of the committee, Senate legal counsel, and CRS. They have done an excellent job of making a complex and time-consuming process as clear and straightforward as possible.

I began the impeachment process with the belief that my legal background would help guide my judgment as to whether or not Judge Porteous is guilty. As the attorney general of New Mexico for 8 years and a former assistant U.S. attorney, I saw the impeachment process as closely analogous to a criminal trial. It turns out, however, that the two are very different in many key aspects.

Unlike a criminal trial, our role is not to punish the guilty, but is instead to protect the integrity of the judiciary. The U.S. Judicial system is the greatest in the world, but it can only remain so as long as the integrity and impartiality of our judges is never in doubt. Judge Porteous's actions were so contrary to everything we demand of our judges that I have no hesitation in voting to convict him on each article.

One of the primary aspects that make an impeachment trial unique from a criminal trial is the standard of proof. I began the impeachment process believing that the House must prove its case beyond a reasonable doubt in order for a conviction. This is not the case.

Obviously Judge Porteous would like all of us to use the standard of ''beyond a reasonable doubt,'' while the House managers would prefer a ''preponderance of the evidence standard.'' Some scholars have urged a middle ground, suggesting that the appropriate standard of proof should be ''clear and convincing evidence.'' But the fact is that we each have to make our own decision.

I believe that the ''beyond a reasonable doubt'' standard is too high. The Senate does not have the authority to take away Judge Porteous's liberty but only the authority to remove him from a position of public trust. I also believe that whether you use a clear and convincing evidence standard or a preponderance of the evidence standard, the House managers have met their burden.

Another important question each of us must decide is what constitutes an impeachable offense. Judge Porteous's attorneys argue that much of his conduct is not impeachable because it does not meet the constitutional standard of ''high crimes and misdemeanors.'' They also argue that most of his conduct occurred prior to his confirmation to the Federal bench or was not related to his duties as a Federal judge, and therefore not grounds for impeachment. I do not believe any of these arguments are persuasive.

I initially thought of ''high crimes and misdemeanors'' in the context of a criminal trial. My prosecutor experience made me ask what elements had to be proven in order to convict on each article. But now I understand that an impeachment is so fundamentally different than a criminal trial that such comparisons do not work.

Alexander Hamilton wrote that impeachable offenses ''proceed from . . . the abuse or violation of some public trust'' and ''relate chiefly to injuries done immediately to the society itself.'' The Framers also did not use the term ''misdemeanor'' to mean a minor crime, as it is used today. At the time of the Constitution's drafting, a misdemeanor referred to the demeanor or behavior of a public official.

Judge Porteous's counsel made several references to the fact that the judge was not criminally charged for his actions. But this is not a relevant consideration. The 1989 report on the impeachment of U.S. District Judge Walter Nixon provides us with guidance as to what constitutes an impeachable offense. It states:

> The House and Senate have both interpreted the phrase other high Crimes and Misdemeanors' broadly, finding that impeachable offenses need not be limited to criminal conduct. Congress has repeatedly defined [the phrase] to be serious violations of the public trust, not necessarily indictable offenses under the criminal law.
>
> Thus, the question of what conduct by a Federal judge constitutes an impeachable offense has evolved to the position where the focus is now on public confidence in the integrity and impartiality of the judiciary. When a judge's conduct calls into question his or her integrity or impartiality, Congress must consider whether impeachment and removal of the judge from office is necessary to protect the integrity of the judicial branch and uphold the public trust.

We are also faced with deciding whether impeachable offenses are limited to acts occurring after an individual became a Federal official. According to the Congressional Research Service, ''it does not appear that any President, Vice President, or other civil officer of the United States has been impeached by the House solely on the basis of conduct occurring before he began his tenure in the office held at the time of the impeachment investigation, although the House has, on occasion, investigated such allegations.''

I do not see how we can restrict our authority to impeach and convict a Federal official to conduct that only occurred after he or she took office. To do so would lead to a perverse result, one in which, as the House managers argue, ''makes the position of federal judge a lifetime safe harbor for someone who is able to hide his misdeeds and defraud the Senate into confirming him.''

In considering whether pre-Federal conduct should be considered as a basis for impeachment, Professor Michael Gerhardt testified before the House that, ''[t]he critical questions are whether Judge Porteous committed such misconduct and whether such misconduct demonstrates the lack of integrity and judgment that are required in order for him to continue to function'' as a Federal judge.

I believe this is an appropriate standard, and I believe Judge Porteous's conduct as a State court judge was incompatible with the trust we place in our Federal judges. Had his pre-Federal conduct been serious, but outside of the scope of his role as a State judge, I might have been more hesitant to consider it as a basis for impeachment. In this case, however, his corrupt conduct was directly connected to his duties as a judge. In arguing against considering pre-Federal conduct, Judge Porteous is essentially telling the Senate that although he was a corrupt State court judge, that conduct should not be considered in determining his fitness to continue as a Federal judge. I do not find this argument the least bit persuasive.

A final question is whether impeachable offenses should be limited to official acts that are directly related to his duties as a judge. Just as I don't believe pre-Federal conduct must be excluded as a basis for impeachment, I do not feel that nonofficial conduct must be excluded.

In fact, Judge Porteous's own attorney, Jonathan Turley, wrote in a law review article that ''Congress repeatedly rejected the view that impeachable conduct was limited to official acts or abuses of authority. Impeachable conduct often included acts that were incompatible with continuing to hold an office of authority, including crimes or misconduct outside the official realm.''

I believe the question to ask when considering nonofficial acts is the same as that for pre-Federal acts does the misconduct demonstrate a lack of integrity and judgment that are required in order for him to continue to function as a Federal judge? Once again, I found Judge Porteous's nonofficial conduct to reach the level of an impeachable offense. We expect a Federal judge to have the utmost respect for the rule of law, but Judge Porteous knowingly filed for bankruptcy under a false name, an act that he knew was illegal. His attorneys argue that this act was insignificant he filed amended forms a few weeks later and none of his creditors were harmed. But this argument misses the point that a Federal judge had so little respect for the legal process that he would commit perjury in order to avoid embarrassment. Such actions make him unfit for a lifetime appointment to the Federal bench.

For the reasons discussed above, I voted guilty on each of the four Articles of Impeachment.

Mrs. SHAHEEN. Mr. President, it has been a privilege to serve as a member of the Senate Impeachment Trial Committee over the past year. We have been part of a rare event in the history of this Congress and our country and it has been fascinating to watch this process unfold. I want to join my fellow committee members in thanking Chairman MCCASKILL and Vice-Chairman HATCH for leading a fair, effective, and efficient operation. They provided remarkably decisive leadership on complex legal issues while also respecting the rights and the interests of both parties to this matter.

I am proud of the report our bipartisan committee produced, and I would like to once again thank and recognize the trial committee's staff for their hard work. Their efforts were an indispensable part of this unique and historic undertaking.

Judging Articles of Impeachment drawn up by the House of Representatives is one of the more solemn duties given to Senators by our Constitution. After spending more than a week with my fellow committee members hearing the evidence against Judge Thomas Porteous, and after reviewing the parties' final submissions, I concluded that he should be convicted on all four articles and removed from office. I would like to explain the principles I used to reach this conclusion and touch on some of the evidence that supported conviction.

There has been much discussion by the parties about the standard of proof to be employed in an impeachment proceeding, and what constitutes an impeachable offense. The Constitution provides us with limited guidance on these issues. Ultimately, in keeping with precedent established by this body in the past, each Senator must individually decide what conduct is impeachment-worthy and how much proof is necessary to reach that conclusion.

In my opinion, the question before us is whether Judge Porteous's conduct calls his integrity and impartiality into question and whether we must remove him from office to protect the reputation of the judiciary and preserve the public's trust in it. Our courts are the places where citizens expect to receive a fair and legitimate resolution of their disputes. This is a cornerstone of civil society. Any conduct by a judge—whether on the job or off that causes people to seriously question his honesty and basic willingness to dispense justice fairly is a violation of the public trust.

Unfortunately, I think any reasonable citizen walking into Judge Porteous's courtroom would have ample reason to question his commitment to doing justice. This is a judge who used his judicial offices at both the State and Federal levels to routinely obtain personal perks, including meals, alcohol, a bachelor party for his son, trips, and eventually cash kickbacks totaling some $20,000.

Any reasonable citizen would also doubt this judge's ability to be impartial. The House presented substantial evidence related to a multimillion dollar piece of litigation in which Judge Porteous had an obvious conflict of interest but failed to recuse himself. He took thousands of dollars in cash gifts from a lawyer friend representing a party to the case during the course of his deliberations. He then turned around and issued a decision favoring his friend's client. Judge Porteous's ruling was overturned in an absolutely scathing opinion by the Fifth Circuit Court of Appeals, which called his decision ''inexplicable'' and ''close to being nonsensical,'' among other rebukes.

While on the State bench, the Judge maintained close relationships with bail bondsmen working for defendants in his courtroom. The evidence showed that he continuously set favorable bail levels that while perhaps within the bounds of his legal discretion had been suggested by the bondsmen to maximize their profits. For this, the judge enjoyed complimentary steak lunches, midday martinis, at least one trip to Las Vegas, as well as home and car repairs.

I was totally unpersuaded by the defense team's argument that Judge Porteous's ''pre-Federal'' conduct should be outside the scope of our deliberation. I do not believe the act of being confirmed to a Federal judgeship by the Senate erases or excuses an individual's conduct up to the point of confirmation.

Had the Senate known in 1994 what we know now about Porteous's conduct as a State judge, it would have undoubtedly disqualified him from becoming a Federal judge. No judge at any level should accept gifts that would even appear to be designed to affect his judgment or influence his decisions. Yet there is no doubt Judge Porteous did just that.

It is unfortunate that those charged with investigating Judge Porteous's fitness for office in 1994 did not raise more flags about his history. This does not eliminate our duty to act. I see no reason not to remove him from office today when these events still bear on his integrity and impartiality. Plain and simple, the judge perjured himself before this body during his confirmation by representing that nothing in his history would cast doubt on his fitness to hold office.

Finally, Judge Porteous also perjured himself during his own personal bankruptcy proceedings. The House presented evidence that he failed to disclose gambling debts during his bankruptcy, failed to disclose a number of assets, and made other willful misrepresentations in his filings like using a false name in his initial petition. I understand that this conduct may not have been a direct abuse of the judge's office, but his deception during this period reflected a lack of respect for the law and an unwillingness to follow it. A sitting Federal judge should have erred on the side of overdisclosure. Instead, I believe the House has shown that Judge Porteous repeatedly committed perjury.

Serving as a judge is a privilege, and it demands strict adherence to the highest ethical standards. The evidence in this case, taken as a whole, showed that Judge Porteous failed this test routinely over the course of some 15 years. The House presented ample credible evidence to support the charges in each of the articles, and I felt compelled to vote to convict on all four to protect the integrity of the judiciary and its credibility in the eyes of the public.

Mr. KOHL. Mr. President, I want to first commend my colleagues on the Senate Impeachment Trial Committee for the outstanding work they have done to receive and report the evidence in this case to the full Senate. Led by Senators MCCASKILL and HATCH, the committee's dedication to impartiality and integrity is something of which we can all be proud.

The Constitution gives the Senate ''the sole power to try all impeachments.'' The Senate acts as the factfinder in impeachment proceedings and determines, as individuals and as a body, whether the respondent is guilty

of ''high crimes and misdemeanors'' so as to require removal from office.

After carefully reviewing the evidence, I voted to convict Judge Porteous on each Article of Impeachment. On articles I and II, the evidence showed that Judge Porteous used his judicial office for financial gain by failing to recuse himself in a nonjury civil case and engaging in corrupt relationships with Jacob Amato, Robert Creely, and Louis Marcotte. The House managers proved by clear and convincing evidence that Judge Porteous deprived litigants of a fair trial and undermined his sworn judicial duties.

On articles III and IV, I found Judge Porteous guilty because of his dishonesty and gross misconduct. The facts were clear. He filed his bankruptcy petition under a false name, concealed assets and debt to finance his gambling habit and lied to the FBI to obtain Senate confirmation of his judicial appointment.

Finally, I voted against Judge Porteous's motion to disaggregate the articles. I did so because each article contained a series of events that sufficiently related to the charged allegation. The case against Judge Porteous can be distinguished from those of Judge Nixon and President Clinton. Here, the House presented specific, indivisible articles of misconduct which provided a clear record for us to evaluate.

As with each judicial impeachment, the Senate is faced with difficult and novel issues. However, the Constitution makes clear that impeachment is a remedial provision that cures our institutions when officials violate the public's trust and confidence. I do not come to my decision lightly, but removal and disqualification of Judge Porteous is necessary. As required by the Constitution, Judge Porteous no longer enjoys the privilege of sitting on the Federal bench or holding any Federal position ''of honor, trust or profit.'' I thank and appreciate my colleagues for their commitment and collegiality during this process.

Mr. NELSON of Florida. Mr. President, I rise today to discuss the impeachment of Judge Thomas Porteous and specifically to offer my thoughts on the Articles of Impeachment.

First, let me say as a general matter that when we as a body consider the nomination of a Federal judge, we do so with the hope and expectation that the individual being considered will uphold the law and treat people appearing in his or her courtrooms with fairness and impartiality. The lengthy record presented by the House managers demonstrated that Judge Porteous has had an ongoing pattern of conduct that does not comport with the trust that the Senate placed in him when it confirmed Judge Porteous as a U.S. district court judge in 1999.

The managers also presented sufficient evidence for me to vote in favor of each of the Articles of Impeachment. Because of the lengthy, ongoing, and egregious nature of the judge's conduct, I also voted to disqualify Judge Porteous from any future Federal office.

The most compelling evidence presented for each article was as follows:

Article I—The record demonstrated that Judge Porteous, while presiding as a U.S. District Judge, denied a motion to recuse himself in the case of Lifemark Hospitals of Louisiana, Inc. v. Liljeberg Enterprises, despite the fact that he had a corrupt financial relationship with the law firm representing Liljeberg Enterprises. The record also demonstrated that Judge Porteous engaged in corrupt conduct after the Lifemark v. Liljeberg bench trial, and while he had the case under advisement. Judge Porteous solicited and accepted things of value from both Mr. Amato and his law partner, Mr. Creely, including a payment of thousands of dollars in cash, then ruled in favor of the law firm's client, Liljeberg Enterprises.

Article II—The record demonstrated that while Judge Porteous was a U.S. district judge for the Eastern District of Louisiana, he engaged in a corrupt relationship with bail bondsman Louis M. Marcotte, II and his sister, Lori Marcotte. The record also demonstrated that, as part of this corrupt relationship, Judge Porteous solicited and accepted numerous things of value for his personal use and benefit, including meals, trips, home repairs, and car repairs, while at the same time taking official actions that benefitted the Marcottes.

Article III—The record demonstrated that Judge Porteous knowingly and intentionally made material false statements and representations under penalty of perjury related to his personal bankruptcy filing, and that he repeatedly violated a court order in his bankruptcy case.

Article IV—The record demonstrated that Judge Porteous knowingly made numerous material false statements about his past to both the U.S. Senate and the Federal Bureau of Investigation in order to obtain the office of U.S. district court judge. The record demonstrated that these statements included the following:

1. On his Supplemental SF–86, Judge Porteous was asked if there was anything in his personal life that could be used by someone to coerce or blackmail him, or if there was anything in his life that could cause an embarrassment to Judge Porteous or the President if publicly known. Judge Porteous answered no to this question and signed the form under a warning that a false statement was punishable by law.

2. During his background check, Judge Porteous falsely told the Federal Bureau of Investigation on two separate occasions that he was not concealing any activity or conduct that could be used to influence, pressure, coerce, or compromise him in any way that would impact negatively on his character, reputation, judgment or discretion.

3. On the Senate Judiciary Committee's Questionnaire for Judicial Nominees, Judge Porteous was asked whether any unfavorable information existed that could affect his nomination. Judge Porteous answered that to the best of his knowledge, he did ''not know of any unfavorable information that may affect [his] nomination.'' Judge Porteous signed that questionnaire by swearing that the information provided in the statement is, to the best of my knowledge, true and accurate.''

Mr. UDALL of Colorado. Mr. President, I rise to explain my votes in relation to the impeachment of Judge G. Thomas Porteous, Jr. I take my role in the rare process of impeachment seriously, and welcome the opportunity to explain my reasoning for voting guilty on all four Articles of Impeachment and to clarify for the record the limited precedential value that I believe the conviction on Article IV should provide.

When considering the evidence presented by the House and Judge Porteous, I first had to establish what standard of proof I would use to determine his guilt or innocence on each Article of Impeachment passed by the House of Representatives. The Senate has never adopted a standard of proof like 'beyond a reasonable doubt' from the criminal context or 'a preponderance of the evidence' from a civil dispute context; rather, the Senate has allowed individual Senators to decide for themselves what standard is most appropriate. I ultimately settled on the standard suggested by the House Manager, that I be convinced of the truthfulness of the allegations and that they rise to a level of high crimes and misdemeanors.

Mr. President, our founders granted Congress the power of impeachment to protect the institutions of government from those judged to be unfit to hold positions of trust. In Federalist 65, Alexander Hamilton wrote of the jurisdiction to impeach an official: ''There are those offenses which proceed from the misconduct of public men or, in other words, from the abuse or violation of some public trust.'' This captures the standard I applied to reach a determination of guilt on each Article of Impeachment. I was convinced that Judge Porteous, through each action and through his pattern of behavior, undermined the public's faith in him as a government official and in the institution that he represented—the United States Federal Court.

With respect to Articles I, II and III, I am confident that the evidence of specific acts and the pattern of behavior displayed by Judge Porteous justifies my determination that he was guilty of high crimes and misdemeanors. Article IV, however, gives me pause. While I believe that the guilty vote on Article IV was correct, I have reservations about the precedent that scholars and future Senators might find in this impeachment. The questionnaire the judicial nominees fill out for the Senate

Judiciary Committee provides an opportunity for those nominated to answer questions about their past activities and involvement in and with the law. From these questionnaires, we are able to learn of a nominee's legal experience, find information about past statements and generally assess the fitness of the nominee for the federal bench.

On his questionnaire, Judge Porteous was asked whether any unfavorable information existed that could affect his nomination, and he answered that he did not know of any. I believe that Judge Porteous engaged in a pattern of behavior prior to, during and after his nomination to the federal district court that undermined the public's faith in him as a government official, and that this pattern of behavior rose to the level of an impeachable offense that met the standard of high crimes and misdemeanors. Having said that, I do not believe that future nominees should be subject to impeachment simply for a failure to answer a subjective, open-ended question on the Senate Judiciary Committee's questionnaire.

Judge Porteous abused the questionnaire process, misrepresented his background and misled the Senate in an egregious manner that was unique to this specific situation. However, I can imagine a scenario whereby a nominee could falsely affirm that no negative information affecting his nomination existed, yet I might not find that false answer to be an impeachable offense. I do not wish to see the nomination process become even more difficult for qualified men and women of good character, solely because of an onerous application process. Many of us have things in our backgrounds that we might miss when asked open ended questions, and the Senate should not hang the cloud of impeachment over every nominee's head because of such oversights alone—otherwise, we will find ourselves without any nominees.

As a Senator who is not a lawyer, I would like to thank my colleagues who took on the historic task of preparing and presenting this impeachment trial. Specifically, Senator CLAIRE MCCASKILL and Senator ORRIN HATCH who shared the role of chair of the Special Impeachment Trial Committee. I came away from this experience with a renewed respect for the Senate as an institution. When given the opportunity, Senators can work in a productive and civil manner, and I am sure that if he were able to see the dignity and respect with which the Senate treated this impeachment, Alexander Hamilton would be very proud.

Mr. COONS. Mr. President, as a result of today's vote on the four Articles of Impeachment against Judge G. Thomas Porteous, the Senate has fulfilled its constitutional duty to remove a threat to the public's trust and confidence in the Federal judiciary.

The conduct set forth in the first Article of Impeachment alone justifies the Senate's conviction of Judge Porteous. By coercing his former law partners to participate in a kickback scheme while a state judge, by failing to properly disclose this corrupt relationship when warranted as a federal judge in a recusal hearing and by obtaining further improper cash payments from them while taking their case under advisement, Judge Porteous misdemeaned himself in a manner that is directly contrary to the essential public trust of his office. Federal judges cannot solicit improper gifts, and they certainly cannot lie to litigants who appear before them.

The conduct described in the remaining three Articles of Impeachment is, likewise, wholly repugnant to the office of a U.S. judge. Counsel for Judge Porteous argued that the Senate's unprecedented conviction on these counts would weaken the judiciary to political attacks. I do not dismiss these arguments lightly. With only 12 impeachment trials having been completed in our Nation's history, however, novelty of the particular offenses charged is no absolute defense. My votes to convict—whether for conduct on the State bench, as a private citizen, or before the Judiciary Committee—were compelled because they revealed corruption and duplicity that, if countenanced, would destroy the integrity of the federal judiciary. While counsel argued that the behavior charged in the final three articles did not concern Judge Porteous' conduct as a Federal judge, each article charged conduct that bore an essential nexus to his Federal service.

Judge Porteous set bail bonds for the purpose of maximizing the profits of the bail bonds company, rather than protecting the public safety and guaranteeing the defendant's presence at trial. He carried out this scheme to cultivate improper benefits from the bail bonds company, trading official judicial action for personal gain. This behavior was not an isolated lapse in judgment. It lasted for more than a year, stopping only when Judge Porteous was confirmed to be a Federal judge.

Judge Porteous also lied during his bankruptcy while serving as a Federal judge. His only defense was that such conduct was not related to his service as a judge and included only acts taken as a private citizen. A judge cannot repeatedly demean a Federal court by lying to it, as here, in an attempt to avoid embarrassment and to continue to amass more gambling debts.

Likewise, Judge Porteous' lies and deceptions during his confirmation process reflect a willingness to subvert the truth, under penalty of perjury, for personal gain. His claim that any mistakes were inadvertent is simply not credible. The evidence demonstrates that Judge Porteous actively concealed the corrupt bail bonds scheme from FBI investigators, and failed to disclose much more corrupt behavior.

Our Federal courts are an enduring symbol of our national commitment to equal justice under the law. Judge Porteous' long history of corruption, deceit, and abuse of power renders him incompatible with that commitment. His removal strengthens our judiciary and confirms the integrity of those who remain a part of it.

OMNIBUS APPROPRIATIONS

MANIILAQ ASSOCIATION

Mr. HARKIN. Mr. President, in Division H of the explanatory statement accompanying the fiscal year 2011 Consolidated Appropriations Act, under the authority of the Center for Mental Health Services at the Substance Abuse and Mental Health Services Administration, please add Senator BEGICH to the list of members requesting funds for the Maniilaq Association in Kotzebue, AK, to provide suicide prevention activities in northwest Alaska.

DIVISION G

Ms. MIKULSKI. Mr. President, I rise to make a clarification regarding a project that is listed in the congressionally designated spending table to accompany Division G, the Interior, Environment and Related Agencies division of fiscal year 2011 omnibus appropriations bill. I understand that due to a clerical error, I was listed as a sponsor for the following water infrastructure project: ''City of Baltimore for Penn Station pipe relocation.'' I would like the RECORD to reflect that I am not in fact a sponsor of this project.

Mrs. FEINSTEIN. Mr. President, as the chairman of the Subcommittee on the Interior, Environment and Related Agencies, I regret that such an error was made. I would like to reconfirm that my colleague, Senator MIKULSKI, should not be listed as a sponsor for this project.

TRIBUTES TO RETIRING SENATORS

BOB BENNETT

Mr. CONRAD. Mr. President, I want to take a moment to honor a friend and colleague, Senator BOB BENNETT, who will be moving on from the Senate after 18 years of service to the people of Utah.

BOB has had a long and impressive career. Out of college, he served for several years in the Utah National Guard and worked as a congressional liaison for the Department of Transportation. Turning next to the private sector, he worked for 20 years in public relations and later in the technology field. He put that experience to good use once elected to the Senate, using his high-tech know-how to chair the Senate Special Committee on the Year 2000 Technology Problem, serve on the Senate Republican High-Tech Task Force, and work on issues from broadband infrastructure development to cyber security.

Utah and North Dakota have many things in common. Both are largely

rural States with unique needs that often go unrecognized by those who live in densely-populated areas. Senator BENNETT should be proud that he has been a vocal and consistent supporter of funding for Utah's farmers and ranchers, veterans, rural health care institutions, military installations, and roads, highways, and mass-transit infrastructure. I know that Utah has many reasons to be grateful for what BOB BENNETT's hard work on the Appropriations Committee has brought to the State over the years.

During his time here, Senator BENNETT and I have worked closely on a number of important issues, especially those related to our national defense. As an important member of the Senate ICBM Coalition, Senator BENNETT has worked with me to ensure that our Nation preserves both its fleet of Minuteman III intercontinental ballistic missiles and the infrastructure required to keep them operational for years into the future. Senator BENNETT is also a member of the Senate Tanker Caucus, which has vocally and consistently pushed for the Department of Defense to quickly and fairly select and procure a next-generation aerial refueling tanker to replace the aging KC–135. His advocacy on this issue has been key in the work of the caucus.

Finally, of course, and I think most importantly to BOB, he is a dedicated and outstanding family man. Though I know he will be missed here in the Senate, the new time he will have to spend with his wife Joyce and his six children will certainly be counted among his many blessings. My wife Lucy and I wish BOB and his family many happy years ahead.

EVAN BAYH

Mr. President, I rise today to honor my colleague from Indiana, Senator EVAN BAYH, who is retiring from the Senate. Senator BAYH has been a strong voice for the people of Indiana , both in two terms as their Governor and 12 years as their Senator. He has brought a keen intellect and a commonsense perspective to the Senate that should make his fellow Hoosiers proud. Building on the Senate traditions he learned from his father, he has worked hard to build consensus across party lines to strengthen our country.

It is clear to me that Senator BAYH never forgets his other job in life. As a father of twin boys, he often reminds his colleagues to consider the impact of our decisions on our children and the following generations.

That is why I admire Senator BAYH's deeply held belief in fiscal responsibility. Senator BAYH played a key role in helping push for a fiscal commission to address our Nation's debt. He also urged that the long-term debt increase we passed earlier this year include a commitment to dealing with our debt.

With his experience on the Senate Select Committee on Intelligence and the Senate Armed Services Committee, Senator BAYH has been a respected voices on national security issues. He has used that position to make sure our troops are properly equipped and supplied while on duty and to reduce the financial burden on their families. He has also been a strong supporter for efforts to keep nuclear weapons out of the hands of dangerous states and terrorist groups.

Senator BAYH also understands the importance of education as a source of opportunity to our people and a key investment in the ongoing prosperity of our country. As Governor of Indiana, Senator BAYH created the 21st Century Scholars Program, which offers a path to higher education at Indiana's State universities for at-risk students. Senator BAYH continued his strong support of education in the Senate, working to make college more affordable through new tax credits for qualified tuition expenses, higher student aid grants, and more affordable student loans.

Senator BAYH has served the people of the State of Indiana with integrity. I will miss having him as a colleague in the Senate, but I also know that his wife Susan and his sons, Beau and Nick, will be excited to have him back home in Indiana. I wish him success in whatever he chooses to do in the next chapter of his life.

CHRISTOPHER DODD

Mr. President, I rise today to pay tribute and recognize the accomplishments of a colleague and friend who will be retiring from the U.S. Senate at the end of this term. Senator CHRISTOPHER DODD has represented Connecticut in Congress for 36 years, and has been an unrelenting advocate for his constituents and working-class Americans.

Senator DODD has led a very impressive career, and his dedication and love of public service is evident. After graduating from Providence College, he volunteered with the Peace Corps in the Dominican Republic for 2 years. Upon returning to the United States, DODD enlisted in the Army National Guard and later served in the U.S. Army Reserves. In 1972, he earned a law degree from the University of Louisville School of Law, and practiced law before his election to the United States House of Representatives in 1975. In 1981, he became the youngest person to join the United States Senate in Connecticut history. Senator DODD followed in the footsteps of his father, the late Senator Thomas Dodd, being elected to both Chambers of Congress.

Since his election to Congress, Senator DODD has served his State and the Nation admirably. He has been a true advocate for our children and their families, forming the Senate's first Children's Caucus. He was a champion and author of the Family and Medical Leave Act, which guarantees working Americans time off if they are ill or need to care for a sick family member or new child. In addition, he has consistently fought to improve and expand the Head Start program, a critical investment in our Nation's future. Due to his tremendous advocacy of the program, he was named Senator of the Decade by the National Head Start Association.

Senator DODD was also one of the key Senators who made passage of health care reform, the Patient Protection and Affordable Care Act, a reality. A close and personal friend of the late Senator Ted Kennedy, Senator DODD worked tirelessly on health reform in the Senate Health, Education, Labor and Pensions Committee, and in the full Senate during Senator Kennedy's battle with brain cancer and after his passing. Senator Kennedy, who had been the leader in the Senate on reforming our health care system for several decades, would have been very proud of Senator DODD and his relentless efforts to reform our Nation's health care system.

The health care reform law that Senator DODD helped to craft will expand health insurance coverage to approximately 32 million Americans and create some common-sense rules of the road for the health insurance industry in an effort to clamp down on abusive practices such as jacking up premiums or dropping coverage just when people need it most. It also builds on our current private, employer-based system by expanding coverage, controlling costs, and improving quality, competition and choices for consumers.

Senator DODD is chairman of the Senate Banking, Housing and Urban Affairs Committee. He has been instrumental in working to put our country back on sound economic footing. As we all remember too well, in the fall of 2008 we faced a financial crisis. Senator DODD and I and other leaders from both Chambers were called to an emergency meeting in the United States Capitol as the Nation's economy teetered on the brink of collapse. At this meeting, the Chairman of the Federal Reserve and the Secretary of the Treasury from the previous administration told us they were taking over AIG the next morning. They believed if they did not, there would be a financial collapse. Those were very, very serious days.

A few weeks later, the Bush administration proposed virtually unfettered authority for the Treasury Secretary to respond to the financial crisis. Senator DODD, to his lasting credit, insisted on defining the Treasury's authority, subjecting it to strict oversight, and protecting the taxpayer. He played a key role in improving the legislation, culminating in non-stop negotiations into the middle of a Saturday night in October. When the history of the financial crisis is written, I expect CHRIS DODD will be given great credit for responding to the crisis, helping to prevent a Great Depression, and improving the legislation. He played a central role, I believe, in shaping the response so that the ultimate cost to taxpayers will be far, far lower than originally expected.

Senator DODD also took the lead in writing landmark Wall Street reform legislation to help prevent another financial sector collapse. It will allow

the government to shut down firms that threaten to crater our economy and ensure that the financial industry, not the taxpayer, is on the hook for any costs. Senator DODD is owed great thanks for his leadership and hard work on these financial issues during a very difficult time for our Nation.

These are just a few of the examples of the great work Senator DODD has done for the country. I would like to close by saying that Senator DODD's presence will certainly be missed in this Chamber. He has served the people of Connecticut faithfully, and I know that his many contributions will not be forgotten. It has been an honor for me to work with such a compassionate and dedicated Senator, and I wish him and his family the very best.

GEORGE LEMIEUX

Mr. President, I want to take a moment to recognize our retiring colleague from Florida, Senator GEORGE LEMIEUX.

Senator LEMIEUX came to the Senate in September of 2009, amid extraordinary economic conditions. When he took office, Floridians were facing historically high rates of unemployment—a trend too common across the country. And by November 2009, an estimated 45 percent of home mortgages in Florida were ''upside down,'' meaning affected Floridians owed more on their property than it was worth. Needless to say, there were significant economic challenges facing the incoming junior Senator from Florida.

It takes uncommon character and dedication to accept appointment to public office, especially in these uncertain times. Senator LEMIEUX chose to confront our country's economic challenges by serving the people of Florida in the United States Senate.

Since arriving in the Senate, Senator LEMIEUX has expressed his desire to address our unsustainable fiscal condition—a problem I agree will cripple our country without bipartisan compromise. If we are to address our fiscal challenges, we must work together to craft solutions to our economic challenges.

In addition to historic economic and fiscal challenges, Senator LEMIEUX has confronted unexpected environmental challenges. Not long after Senator LEMIEUX arrived in the Senate, our country saw one of its greatest environmental disasters of all time. For 3 months, oil gushed into the Gulf of Mexico, causing extensive damage to marine life, coastline, and commerce. Senator LEMIEUX, along with his fellow gulf coast colleagues, worked to secure Federal relief to mitigate the effects of the spill on the coastal region.

It is not easy to navigate the Federal disaster relief system, especially for a new Senator. I commend Senator LEMIEUX for his work to protect his fellow Floridians from the effects of the gulf oil spill.

Despite our political differences, I respect Senator LEMIEUX's desire to make a difference in the lives of everyday Floridians. I have appreciated the opportunity to work with Senator LEMIEUX and thank him for his service to our country.

CARTE GOODWIN

Mr. President, I rise today to recognize the accomplishments of a colleague who has left the Senate. Senator Carte Goodwin represented West Virginia admirably after the passing earlier this year of our dear friend and colleague, U.S. Senator Robert Byrd, who was the longest serving Senator in history. Senator Goodwin took the oath of office on July 20, 2010, and joined the U.S. Senate as the Chamber's youngest serving Member at the age of 36.

Senator Goodwin has led a very impressive career. After graduating from Emory University School of Law in 1999, he clerked for Judge Robert King of the U.S. Court of Appeals, Fourth Circuit. In 2000, Senator Goodwin joined the family private practice of Goodwin & Goodwin and remained there until 2005, when he became the general counsel to West Virginia Governor Joe Manchin. After serving a full term for the Governor, Senator Goodwin returned to the family private practice before being selected by Governor Manchin to temporarily fill the vacated seat of the late Senator Byrd until the November 2010 elections.

Senator Goodwin's leadership became immediately evident in the Senate as his first vote cleared the way for an important extension of unemployment benefits to help those most in need during this tough economic time. He also introduced legislation in September, the Access to Button Cell Batteries Act of 2010, to protect children against the hazards associated with swallowing button cell batteries that can be found in everything from musical greeting cards to car keys.

As chairman of the Budget Committee, it has been a pleasure to have Senator Goodwin serve on that committee, and see first-hand his commitment and dedication to his Mountain State constituents and the country. It is no wonder that Senator Goodwin was recently named to Time Magazine's list of ''40 Under 40—Rising Stars of U.S. Politics.''

Senator Goodwin is a man of outstanding integrity, who has a relentless work ethic. He has set a fine example for our Nation's young politicians to follow. He has also been a true defender of West Virginia. His compassion and conviction will be missed in the U.S. Senate. I wish Senator Goodwin and his family great success, and many happy years ahead.

ROLAND BURRIS

Mr. President, I want to take a moment to honor my colleague, Senator Roland Burris, who will be retiring from the Senate after serving 2 years.

Senator Burris has had a long and distinguished career as a public servant, both at the State and local levels. Upon graduation from Howard Law School in 1963, Senator Burris became the National Bank Examiner for the Office of the Comptroller of the Currency for the U.S. Department of the Treasury. In 1978, Senator Burris became the first African American to be elected to a statewide office when he was elected comptroller of the State of Illinois. Senator Burris continued to break barriers when elected as attorney general for the State of Illinois, becoming only the second African American ever to be elected to the office of State attorney general in the United States.

Mr. Burris was appointed to fill President Obama's open Senate seat on December 30, 2008. In his nearly 2 years in the Senate, Mr. Burris has been active on the Armed Services and Homeland Security Committees, as well as the Committee on Veterans' Affairs.

Whether it is fighting hard for Illinois' veterans or casting an important vote in favor of health care legislation, Senator Burris has done much with his limited time in the Senate. A lifelong resident of Illinois, there are very few people more invested in their State's future than Roland Burris.

As he departs the U.S. Senate and heads off to future endeavors, there is no doubt that his beloved wife Berlean and his two children, Rolanda and Roland II, will be by his side. I wish Senator Burris lots of luck and happiness in the years ahead.

ARLEN SPECTER

Mr. President, today I wish to pay tribute and recognize the achievements of a colleague who will be leaving the Senate at the end of this term. Senator ARLEN SPECTER has represented Pennsylvania in the Senate for three decades, making him the longest-serving Senator in his State's history. During his tenure, he has been an unrelenting advocate for his constituents and working-class Americans.

Senator SPECTER has had an impressive career in both the public and private sector. After graduating from the University of Pennsylvania, he served in the U.S. Air Force from 1951 to 1953. Following his service, he attended Yale Law School and worked as editor for the Yale Law School Journal. After graduating from law school, Senator SPECTER became an outstanding lawyer. As an aide to the Warren Commission, he investigated the assassination of former President John F. Kennedy. He also served as the district attorney in Philadelphia from 1966 to 1974, and practiced law as a private attorney before being elected to the U.S. Senate in 1980.

In the Senate, Senator SPECTER and I found significant common ground, as his strong sense of integrity and moderate philosophy have been key in passing some of the this institution's most important legislation. During his time in Congress, the Senator will be remembered for presiding over historic

U.S. Supreme Court confirmation hearings as chairman of the Judiciary Committee. While undergoing chemotherapy for advanced Hodgkin's disease, Senator SPECTER managed the intense confirmation proceedings for Chief Justice John Roberts Jr. and Justice Samuel Alito Jr. As a senior member of the Appropriations Committee, he led the fight to increase funding for the National Institutes of Health from $12 to $30 billion to expand medical research to find cures for cancer, Alzheimer's, Parkinson's and other devastating and debilitating diseases. It is no wonder that Time Magazine listed him among the 10 best Senators in 2006.

ARLEN SPECTER embodies what it means to be a good Senator—integrity, a strong work ethic, courage, dedication, and being true to one's convictions. Senator SPECTER has been a real champion for Pennsylvania and this country. His compassion, independence and voice of reason will be missed in the U.S. Senate. I have appreciated the opportunity to work with Senator SPECTER, and wish him and his family the very best.

TED KAUFMAN

Mr. President, I wish today to pay tribute to my distinguished colleague, Senator Ted Kaufman. Ted has retired after just 2 years as a United States Senator. He was appointed to this position in January 2009 after Senator Joe Biden was elected as Vice President of the United States.

Ted was an obvious choice to fill Joe's well-established shoes. He has a tremendous amount of experience on Capitol Hill, and there are few who understand the inner workings of the Senate as well as he does. Before being appointed to fill Delaware's vacant Senate seat, Ted served almost 20 years as Chief of Staff for Senator Biden. This experience served him well as Ted proved himself to be a strong and effective leader for Delaware.

After only a month of Senate service, Ted introduced the Fraud Enforcement and Recovery Act, which increases the number of FBI agents and prosecutors available to prosecute individuals who committed fraud during the financial meltdown. This legislation became law May 20.

In addition, Ted has been a tireless advocate for improving regulation and safety in the financial services market to help protect Americans from another devastating economic decline as a result of loose rules and abusive banking practices. He was also a strong proponent for renewing our country's focus on science, technology, engineering, and mathematics research to help propel our country into the 21st century.

Ted also established a unique tradition during his time in the Senate. Every week, he made it a priority to honor the lifelong services of Federal employees. All too often, the hard work of these public servants goes unrecognized, and I commend Ted for his efforts to honor these men and women.

Even in retirement, Ted will continue serving the American people. He was recently named Chairman of the TARP Congressional Oversight Panel.

There are few who could make such a tangible mark on public policy in such a short time. I thank Ted for his years of service and wish him all the best in the coming years.

BYRON DORGAN

Mr. LEVIN. Mr. President, I have been honored for the past 18-plus years to serve alongside Senator BYRON DORGAN, who is preparing to leave the Senate after three distinguished terms. Senator DORGAN has been one of the most plain-spoken, energetic, and formidable forces in the U.S. Senate, and I will sorely miss his voice.

Some might, at first, see relatively little in common between more urban, industrialized Michigan and more rural, agricultural North Dakota. But Senator DORGAN and I saw eye-to-eye on issue after issue—problems that needed to be tackled, outrages that needed to be exposed.

One of those problems is tax abuse. Senator DORGAN has been one of the Senate's most stalwart and active opponents of tax cheats who rob the Treasury of billions of dollars each year, while unloading their tax burden onto the backs of honest taxpayers. He introduced legislation, commissioned key GAO reports, and fought long and hard against tax breaks that encourage U.S. companies to ship jobs offshore, set up factories in other countries, and use phony offshore companies to dodge taxes. I remember one floor fight last year in which he led a successful effort to stop legislation that would have opened the floodgates to billions of dollars that U.S. companies had hoarded offshore and wanted to bring back home without paying the same tax rate as their competitors. I remember battles we fought to stop so-called ''inverted'' corporations—companies that pretend to move their headquarters offshore as a method of dodging U.S. taxes—from participating in Federal contracts. I remember joining with him to request data exposing how U.S. companies have stopped bearing their share of the tax burden. I am going to miss his iron will and sharp wit in the ongoing battles to combat tax abuse.

Senator DORGAN has also been an articulate and strenuous defender of American workers, benefitting working families not only in North Dakota and Michigan, but across the Nation. For years, he has fought for fair trade policies, insisting trade partners like South Korea and Japan, that export millions of autos to the United States, open their doors to U.S.-made autos. There may be no major auto factories in Senator DORGAN's home State, but that did not prevent him from exposing the hypocrisy and injustice of unequal market access and demanding change. I will miss his voice in the ongoing battles to pry open markets now shut to American goods.

Senator DORGAN also fought for American working families when he helped author the Creating American Jobs and Ending Offshoring Act, a bill that sought to end the tax benefits given to employers that send jobs overseas, and instead reward the companies that invest in the United States. I am hopeful that the Senate may yet see the wisdom of his legislation and enact it into law. Senator DORGAN literally wrote the book on how corporate interests and political short-sightedness are hurting U.S. workers and the U.S. economy, and the Nation will continue to benefit from his work on this issue even after he has left the Senate.

Similarly, as cochair of the Congressional-Executive Commission on China, Senator DORGAN has done much to shed light on human rights abuses in China and to illustrate how China has often failed to make good on its World Trade Organization commitments. I am a member of the commission, and my brother is Senator DORGAN's cochair, and we have both enjoyed the privilege of working with him in that forum.

Finally, Senator DORGAN has been an essential voice in the Senate on reining in the excesses of Wall Street. As chairman of the Permanent Subcommittee on Investigations, which conducted a 2-year investigation into the financial crisis, I know personally how diligent, informed, and intense his efforts were to restore sanity to the U.S. financial system. He took it upon itself to organize Senators into a force for change and reform. When lobbyists claimed banks were the victims rather than the perpetrators of the crisis, that their executives had done nothing wrong, and their multi-million paychecks were justified, Senator DORGAN dug into the facts, educated himself on the most esoteric financial engineering, and took on the special interests. For example, he crafted an amendment to the Wall Street reform legislation to ban ''naked'' credit default swaps and worked with me to add my amendment banning synthetic asset-backed securities. Our joint amendment was unsuccessful, but time will show those types of high-risk, empty bets do nothing to advance the real economy and much to direct dollars into the mindless casino that plagued the U.S. financial system.

I will sorely miss Senator DORGAN's insight and determination in the ongoing battles to rein in Wall Street excess. The people of North Dakota are rightly proud of Senator DORGAN. He is a fighter, and he never stopped fighting for them. They have benefitted greatly from Senator BYRON DORGAN's service. The people of our Nation have benefitted. I know the working families of my State have benefitted. I want to thank him for his service, for his energy, for his diligence, for his tenacity, and for his friendship. On a personal level, Barbara and I wish him and Kim and their family the best as they embark on this new path together.

BLANCHE LINCOLN

Mr. President, over the last 210 years, many pioneers and groundbreakers have passed through this Chamber.

Today, I would like to pay tribute to one such groundbreaking Senator, one who will leave the Senate at the end of this session.

When the people of Arkansas elected BLANCHE LINCOLN to represent them in the Senate in 1998, she became the youngest woman ever elected to this body. After compiling an impressive list of accomplishments after joining the Senate, she became, in 2009, the first woman to chair the Committee on Agriculture, Nutrition and Forestry. These accomplishments are just some of the highlights of an impressive career of Senate service.

Senator LINCOLN has been among the Senate's most passionate and effective voices in combating hunger, helping found the Senate Hunger Caucus to focus attention on an issue that affects far too many Americans. And she has been a tireless advocate for the working families of America's rural communities.

I am especially grateful for the work Senator LINCOLN has done this year in helping craft comprehensive financial reform. She was instrumental in ensuring that the bill we passed into law this year brought new transparency and safety to the largely unregulated world of derivatives trading. I know from hard experience that passing reform that Wall Street doesn't like is, to say the least, challenging. The financial system is more secure, and the people of Arkansas and the Nation are better off, because Senator LINCOLN was willing to take on that challenge and able to overcome it so effectively. She will long be remembered as one of the architects of financial reform.

Arkansas has given the Nation many accomplished public leaders, names such as Caraway, Fulbright, Bumpers, Pryor and Clinton. As she prepares to leave the Senate, Senator LINCOLN can proudly join that list of Arkansans who have improved the lives of those in their State and this country. I have been proud to call her a friend and a colleague, and I know that, while she is leaving the Senate, her contributions to her country are far from over.

EVAN BAYH

Mr. President, I want to take a few moments today to congratulate Senator BAYH on a productive two terms in this body, and thank him for his service, in particular as a member of the Armed Services Committee and on issues of importance to both our States.

As chairman of the Armed Services Committee, I have seen first hand the diligence Senator BAYH brought to his work on national security. He has been active on one of the greatest threats to our security, the proliferation of nuclear weapons and materials, seeking to support and extend the work of his Indiana colleague, Senator LUGAR. He has been equally effective in working, on a bipartisan basis, to pass legislation seeking to hold the government of Iran accountable for its egregious human rights abuses. And he has been active in helping the committee carry out its oversight function, bringing his thoughtful approach to his role as chairman of the our Subcommittee on Readiness and Management Support over the last 2 years. The committee, the Senate, and the American people have greatly benefitted from Senator BAYH's efforts in these areas.

Senator BAYH represents a State that is part of America's industrial heartland, and he has energetically sought to ensure that we pursue policies that do not damage the industrial economy. I would mention two such efforts in particular.

In 2007, Senator BAYH, along with me and other members of the Auto Caucus, worked to ensure that negotiations on a free trade agreement with South Korea addressed the unfair and unbalanced way in which automotive imports are treated in South Korea. Barriers to entry make the South Korean market essentially closed to U.S.-made vehicles, while Korean automakers have found an open lucrative market in the United States. He, like I and many others, is deeply concerned about the impact of any potential trade agreement on the auto industry, and I have been privileged to stand with him on this issue.

Senator BAYH also has been a leader in fighting against intellectual property theft by China and other nations. Manufacturers in both our States have been harmed by the ability of foreign companies to copy their products and reproduce them in violation of international standards, and by the inability or unwillingness of other nations to combat such piracy. Along with Senator VOINOVICH, Senator BAYH in 2007 introduced the Intellectual Property Rights Enforcement Act. This legislation would be an important safeguard protecting American companies from intellectual piracy.

Whether the issue was defense of American companies' rights or defense of our Nation, Senator EVAN BAYH has been a thoughtful, balanced and capable member of the U.S. Senate. The people of Indiana have gained much from his service. I will miss him as a colleague and a friend, and I wish him and his family the best of luck as he seeks to continue to serve his State and Nation.

BOB BENNETT

Mr. ENZI. Mr. President, it is always a bittersweet moment when the end of a session of Congress draws near and it becomes time for us to say goodbye to those of our colleagues who will be returning home at the end of the year. We know we will miss them when the next session of Congress begins not only for their many contributions to the day-to-day work of the Senate but for their friendship and the good advice they have provided to us for so long as we deliberated issue after issue on the Senate floor.

I can't think of anyone who better fits that description than BOB BENNETT. BOB was born in Utah, a member of a family who was very active in their community and the government. BOB was therefore blessed with some great role models early on in his life. He soon found he had a talent for business and a great understanding of the needs of businesspeople all over the State and around the Nation. Because of his insights and his ability to promote his good ideas and products, he took his company from a 4-person shop in 1984 to an $82 million company just a few years later with more than 700 newly created staff. With today's economy we can really appreciate that—that is a lot of jobs.

From there he decided to take on the challenge of a run for the Senate. As we all know, that first run for the Senate is never easy as it takes more than the vote of a community to make it happen. You have to take your case to every corner of the entire State. That means putting a lot of miles on your car and getting to know people from every city, town, and neighborhood.

It wasn't an easy bid for office that brought BOB to Washington. But, in the end, he proved to have what it takes to be a successful candidate. He had a vision for the future of Utah and the United States, a willingness to work hard, and a sense of humor. He took his job and the position he holds of Senator very seriously, but he was never one to take himself too seriously. In fact, he sees his job principally in terms of what he can do to help the people of Utah who elected him.

That is why, when he arrived in Washington, he immediately established a reputation as one of the Senate's most influential and sought after conservatives. Like me, he learned at a very young age that it was better to be a workhorse than a showhorse because there is no limit to what you can do if you don't care who gets the credit. BOB never cared about getting his share of the credit; he was always too busy working on the next issue and helping to form another compromise agreement to make sure things continued to get done.

BOB has left quite a legacy of achievement during his service in the Senate and a big pair of shoes for those who will follow him to fill. The media knows him not for an assortment of catchy one liners but for his ability to provide easily understood, readily accessible explanations about what was going on in the Senate—and why. No one has a better, clearer understanding of the inner workings of the Senate than BOB does. He has been such a valued resource, in fact, that many of us have sought him out more than a time or two just to get his take on things.

One of the things I will most remember about BOB is his love of gadgets. He was the first Senator to drive a high-mileage, low-emissions, gasoline-electric hybrid car. His interest stemmed from his awareness of the importance of conserving energy and the need to pursue solutions to our transportation problems that would make good and wise use of our resources.

He was also a leader in encouraging the Senate to tackle a very thorny issue—Social Security. Social Security is a lot like the weather: we all complain about it, we all know something needs to be done about it, and we are all sure we will know the right solution when it appears magically on the Senate doorstep. That wasn't what we should do, as BOB saw it. Then again, he was never one to shy away from getting the conversation started on just about anything.

In addition, as fellow small businessmen, we both took a great interest in proposals that were offered by both sides that would have caused problems for other small businessmen who were trying to do what they do best—make a profit and create more jobs. Thanks to BOB, our small business community had a champion in the Senate who was willing to take a stand against efforts to make owning and running your own business more difficult than it already is.

Those are just a few short snippets of BOB's record and the great success he has been able to achieve for his constituents and for our great Nation. During his service in the Senate, BOB was not only a part of our Nation's history, he helped to write a new chapter of it every day.

Before I close, I want to thank BOB for the great gift of his friendship. It has meant a great deal to me ever since that first day that Diana and I drove our van into Washington from Wyoming, unsure of what the future held for us but excited to begin this great new adventure in our lives. BOB made a difference for us from the first time we met him and Joyce, and we will always be grateful for that. We are very proud of them both and the difference they have made over the years in our lives and so many more. Thanks to their efforts together, the future will be a lot better and a more hopeful place for our children and our grandchildren.

I don't know what you have planned for the years to come, but one thing I am certain of—we haven't heard the last from you. That is a good thing. You have proven to be a great success at so many things. You have always been an important addition to our debates and deliberations, and you will be missed. It is good to know you will never be more than a phone call away.

Good luck in all your future endeavors, my friend. Keep in touch with us, and we will keep in touch with you. God bless.

EVAN BAYH

Mr. President, soon the current session of Congress will be gaveled to a close. When that happens, it will also bring to a close the Senate careers of several of our colleagues. I know we will miss them and their spirited participation in our deliberations both in committee and on the floor.

I have always said that every Member who comes to the Senate has something to teach us—a message that only they could bring. EVAN BAYH, who will be retiring at the end of this session is such an individual. I will always remember him as the young Governor who was able to serve in the Senate without losing sight of his ideals and principles both as a Hoosier and a parent and devoted and loving father.

EVAN's career in politics began after he had clerked for a judge and practiced law for a while. An opportunity presented itself for him to run for office, and he did, winning an election that made him the secretary of state at the age of 30. In just 2 years he then became the youngest Governor in the Nation. He served in that capacity for 8 years, during which he made a strong reputation for himself as someone who was able to get things done.

Then, when term limits prohibited his run for reelection, he set his sights on a Senate seat and again found success. He ran a good campaign, took his case to the people, and they liked what they heard. They also knew him and what he stood for from his previous service to the State. They knew they could send him to Washington to the Senate, and he would champion what they believed in and fight for what was needed during his service there.

During his Senate career, you could always find him in the political center looking for a compromise agreement that would benefit everyone involved. I have always thought he would agree that it is better to get a half of the loaf than none at all, especially when the available half was the part that was needed the most.

We also agree on something else. When a Democratic win at the polls helped them to obtain control of the Senate, BAYH joined a breakfast group of Senators that was designed to get Republicans and Democrats more involved in a regular dialogue. He understood that by getting both groups to talk more and to get to know each other better in a context that was separate from our legislative duties, the Senate would be more productive and it would be easier to create and promote compromises between the two parties.

Now that EVAN's Senate career has come to a close, he will be able to do something he has always looked forward to—spend more time with his family.

In the end, I think that is one of the things that EVAN will always be known for—his great love of his own family and his understanding of the great love all of his constituents have for theirs. He believes everyone deserves their shot at the American dream, no matter their age, and the best way to do that is to be careful and cautious in our approach to any sweeping legislation and to ensure that we do everything we can so our children and grandchildren will have the same chance we have had to reach their goals and live their dreams.

Diana joins me in sending our best wishes for a happy and healthy retirement to EVAN and his wife Susan. We wish them the best. I don't know what EVAN has planned for the future, but one thing I feel certain of—we haven't heard the last from him. Good luck in all your future endeavors and in whatever you decide to do. Keep in touch.

GEORGE LEMIEUX

Mr. President, each year that brings a session of Congress to an end, it has long been a tradition for the Senate to take a moment to say goodbye to those who will not be returning in January for the beginning of the next session of Congress. One of those I know I will miss who will be heading home to Florida as his term concludes is GEORGE LEMIEUX.

It may surprise a lot of people to learn what a powerful presence GEORGE has been in the Senate. Although he did not serve a full term of 6 years, the months he has spent representing Florida have been very productive.

Simply put, GEORGE is an impressive individual who understands the importance of the work we must do to control spending in the years to come and, if we fail to do that, the impact it will have on our Nation and our children as they try to pursue their goals and live the American dream.

GEORGE grew up in Florida and, like me, he came to Washington, D.C., for his college studies. I graduated from George Washington University, and GEORGE graduated from Georgetown University. When he returned home to begin his career, his attendance at a high school reunion proved to be a turning point in his life when he met a former classmate named Meike who soon became his wife.

Years later, when an individual of GEORGE's talents and abilities was needed to complete the Senate term of Mel Martinez, the Governor knew who would be the right person for the job—GEORGE LEMIEUX. Soon, GEORGE was on his way back to Washington, looking forward to the opportunity to use his knowledge, skills, abilities, and professional experience to serve the people of his home State.

There were some eyebrows raised when he arrived. Some people thought he wasn't the best candidate for the job. Others thought he didn't have the background necessary to be a productive Senator. It didn't take him long before he proved them all wrong.

GEORGE not only hit the ground running, but he proved to be a natural and effective legislator. I don't think I have ever seen anyone who has had such an impact on the Senate after such a short time in office.

Over the past months, GEORGE has not only fulfilled his duties as a Senator, he has taken them to another level as he came up with good ideas for legislation, especially on the need to control spending and reduce the deficit which he has referred to as the ''single greatest threat'' to our future and the prosperity of our people.

That is the kind of Senator that GEORGE has been—strong, spirited, focused, and determined to speak out about the consequences that will come

from not being good stewards of our Nation's financial resources. His concern about our debt and the world we will leave behind for our children and grandchildren means even more to him today now that his Washington experience includes the addition of a fourth child—his first daughter.

I don't know what the future holds for you, GEORGE, but I do know that we will all be watching with great interest and expectation. You have already established a reputation for hard work that has earned you the friendship of your colleagues on both sides of the aisle. Whatever you decide to do, I am sure you know you can count on us to support and encourage you as you begin the next great adventure of your life. I am hoping it will be as the elected Senator from Florida. You can certainly run on experience. You have done more in months than some do in a career.

Diana joins in sending our best wishes to you and Meike. You have made a difference in just a few months, and we are sure there is more to come. Keep in touch when you return home. We will always be pleased to hear from you with your thoughts and suggestions about the legislation being considered by the Senate and what we can do to make it better.

TED KAUFMAN

Mr. President, soon the gavel will bring to a close this session of Congress, and many of us will return home to be with our families for the holidays. Before we leave, it is one of the Senate's traditions to say a few words to express our appreciation to those who will no longer be serving in the Senate when we reconvene for the next session of Congress in January. One Senator I know I will miss in the months to come is Ted Kaufman.

Ted isn't one of those who followed the typical road to the Senate. He came to be a part of our work after first making career stops as a college instructor, a political consultant, and a chief of staff for JOE BIDEN, whose seat he was appointed to fill when Senator BIDEN became our Nation's Vice President.

Each stop along the way provided Ted with a different perspective about government and its effect on the people it was created to serve. The different roles he has played and his knowledge of and experience with the workings of the Senate made him a good choice to serve the remainder of JOE BIDEN's Senate term. When the Governor made the appointment, she cited Ted's knowledge of the Senate which he gained during his many years of service here that she believed would enable him to hit the ground running and be an ''effective Senator for Delaware from day one.'' She was right on both counts.

Ted is one of only two Senators who holds a degree in engineering. Just as I have found being the Senate's only accountant has helped me during our debates on the budget and how to handle the deficit, Ted's understanding and appreciation of the sciences have given him some valuable insights into the importance of moving science and technology careers ''back in their rightful place in our economy.''

As the ranking member of the Committee on Health, Education, Labor, and Pensions, I share his concern about the need to encourage our young people to take a closer look at those fields and consider a career in one of them. Unless they do, we will continue to fall further and further behind in the number of science students we graduate. That will have an impact on our place in the world economy and our ability to attract the kind of jobs that will enable our workers to find jobs that are both challenging and rewarding.

Although I do not know what the future holds for Ted as he leaves the Senate, I do know that he has taught in the past about government and the process of governing. His experience as a Senator would add a vital dimension to another round of those classes. I hope he considers sharing what he has learned with the next generation of our leaders—and help to groom our future Senators. It will be yet another way for him to make a difference in the world.

Good luck, Ted. Thanks for your willingness to serve. You can be very proud of the contribution you have made to the Senate and to the history of our country. Every day another chapter of our history is written in our Nation's Capitol and, as one of only 100 Senators, you have played a key role in that effort that has now been recorded and will not be forgotten.

Our thanks also go to your wife Lynne, who has been a part of this and all your life's adventures. As we both know so well, serving in the Senate means a lot of late nights, trips back home with little notice, and a lot of other things we have to deal with because they come with the job. Fortunately our wives never complain because we could never do what we have to do without them. While I am thanking you for your service, I think Lynne also deserves a word of recognition for all she has done over the years to support your efforts. Together, you are a remarkable team, and that is why Delaware is so proud to claim both of you as their own.

ROLAND BURRIS

Mr. President, soon the gavel will bring to a close this session of Congress, and many of us will return home to be with our families for the holidays. Before we leave, it is one of the Senate's traditions to say goodbye to those who will not be with us when we reconvene for the next session of Congress in January. One Senator I know I will miss in the months to come is Roland Burris.

Roland is quite a remarkable individual—a man of many firsts who has never been one to shy away from any challenge. He was the first African American to win a statewide election in Illinois, for example, and for the past months he has been serving the people of that State as their Senator.

Through the years, Roland has had a wide and varied career. He has been a lawyer, a lobbyist, a college instructor, the director of a civil rights nonprofit, a bank executive, and so much more. He has a great understanding of how government works from many different perspectives, and that knowledge has helped him to make an important contribution to the work of the Senate every day.

One aspect of his character I will always remember is his great love of God and his willingness to share so much of himself and his faith in our Senate Prayer Breakfasts. He has always had something important to say, a word or an insight that had not been mentioned until he spoke and added something that needed to be said by him—and heard by us.

I am always amazed to discover that no matter how many times I have read or reflected on a passage in the Bible, there is always someone who is able to offer a fresh insight, a new approach to the text that I had never heard or considered before. That is what made Roland such an important part of our Senate Prayer Breakfasts. On many occasions he was able to offer a personal perspective on the Bible that was gained from his unique life experience. His heartfelt dedication to the words of the Bible meant a great deal to me and to all those in attendance. Through these past 2 years, I have enjoyed listening to him speak about his faith and the source of strength and support it has been for him throughout his life.

Now Roland will be returning home to Illinois in search of another mountain to climb, another adventure to enjoy. I have no idea what the future holds for him, but if his past is any indication, we haven't heard the last from him. He has always been a trailblazer in a number of fields, and I am certain he will continue to be all of that—and much, much more.

Diana and I send our best wishes to Roland, his wife Berlean, and their children. Thank you for your willingness to serve. Life in the Senate has never been easy, and you have handled its pressures very well. God bless.

JIM BUNNING

Mr. President, it is always a bittersweet moment when we come to the end of a session of Congress. As the clock winds down on the final hours of our legislative activities, it also signals the time when several of our colleagues will be retiring and ending their years of service in the U.S. Senate. One of our colleagues who will be leaving at the end of this session is my good friend JIM BUNNING of Kentucky. I know we will all miss him, his spirited presence in the Senate and the friendship he has shared with us through the years.

Someday when he gets the urge I have no doubt that JIM will be able to write another book or two about his life that will sell countless copies all

over the country. It can't miss. JIM has a truly remarkable story to tell about his life that has all the makings of a best seller. An old adage reminds us that it isn't the number of years in your life that is important, it is the life in your years. If that is the standard we are going to use, I can't think of anyone who has been able to fit more into every day of his life than JIM and I for one would enjoy reading all about it. This time JIM might think about writing about how playing baseball was a lot like politics—and how the bean balls he used to throw at batters became verbal fast balls that came with lightning speed right at other Senators and members of the media.

I would imagine the first volume of this new series would be about JIM's years in baseball. There is definitely a lot still to be written about his Hall of Fame career and the outstanding results he was able to achieve that kept him in the Major Leagues for so many years.

JIM's 17 year career in baseball began when he broke into the big leagues on July 20, 1955 with his first team, the Detroit Tigers. In the years that followed, he pitched for the Philadelphia Phillies, the Pittsburgh Pirates and the Los Angeles Dodgers, notching 100 wins and 1,000 strikeouts in both the American and National Leagues. When he retired he had the second highest number of career strikeouts in the history of major league baseball and two no-hitters, one of them the seventh perfect game in baseball history that he pitched on June 21, 1964—Father's Day—which made the game that much more meaningful for him. He was then inducted into the Baseball Hall of Fame in 1996.

For anyone else that would have been enough. A Hall of Fame career, after all, is the kind of thing that most people can only dream about—but JIM was never one to be like most people. He had another career in mind, and it was time to get started on his other dream—making government work better for the people of Kentucky.

Soon after he first tossed his cap into the political arena, JIM won an election to serve on the city council in Fort Thomas. He then ran for and won a seat in the Kentucky State Senate where he soon came to serve as its Republican leader. Then, when the opportunity presented itself, JIM ran for and won an election to the U.S. House of Representatives, where he served for 12 years.

Fortunately, for the people of Kentucky and the Senate, JIM then ran for and won a seat in the Senate. At every level, it was JIM's willingness to work hard and his commitment to his country and his beloved Kentucky that not only got him noticed, but helped him to make progress on all fronts.

Here in the Senate, JIM became the first Kentuckian in nearly 40 years to serve on the Finance Committee. He also served on the Banking Committee, chaired that committee's Economic Policy Subcommittee, and then served on the Energy Committee which gave him a chance to work to make our Nation more energy independent.

At every post he has held he has been a fighter—for a sound budget, one that would provide the funds that were needed for our national priorities, like our Armed Forces—especially those who were serving overseas. For 12 years in the House and 12 years in the Senate, JIM held true to the values and principles that had guided his life and served as his inner compass through all of his life's challenges and opportunities.

JIM has had more great moments in his life than most other people could ever hope for. He has his victories on the mound during a Hall of Fame career to look back on. He had all those wins on election day to remember with pride. Still, there was one moment that still stands head and shoulders above them all—his marriage. That day when Mary said ''I do'' was the best moment of his life. She is a strong source of support for him and I am sure he has already said that whatever success has come into his life he owes to a large degree to Mary. Theirs has been a remarkable marriage, during which they raised nine children who have blessed them with an abundance of grandchildren and some great grandchildren, too.

Just like the title of the movie so many of us enjoy during this time of year JIM is having a wonderful life. Each day, each week, each month and every year, he's played a full and active role in his community and his nation. As a baseball player he proved to be one of the best there ever was. As a Senator and a Representative, he showed a willingness to bring that same determination that had won him so many games on the mound to our deliberations on the Senate floor.

I don't know what JIM is thinking of taking on next—but given his legacy of excellence that he continues to add to every day, I wouldn't be surprised to learn we haven't heard the last from him. That would suit me and so many who know him just fine. His is a voice that is still needed.

That is why, in the months to come I hope I continue to hear from him with his thoughtful ideas and suggestions about the issues we will be taking up in the current Congress. I will miss hearing what he has to say—but if I know JIM—I have a hunch he will make his views known.

Thanks, JIM, for your willingness to serve the people of Kentucky and the Nation. With both careers you have inspired countless people of all ages to pursue their goals and work to make their dreams a reality. Thanks most of all for your friendship. Diana and I wish you and Mary all the best that life has to offer. You have earned all of that and so much more. For all your life you have been leading the best way—by example—and living a life that has been nothing short of a great and grand adventure—just what life was always meant to be.

SAM BROWNBACK

Mr. President, if I could sum up the service of SAM BROWNBACK in the Senate in just a few words, I would choose a phrase that is very familiar to the people of Wyoming and the West. SAM is an individual who says what he means and means what he says. That is why when he made a promise that he would step down after he had served 2 full terms in the Senate—he did it.

Fortunately, as the classic old film reminds us, whenever a door is closed, somewhere, God opens a window and that window was SAM'S opportunity to run for Governor. Now that he has been elected, the Senate's loss will be Kansas' gain as the people of that State will have the benefit of his leadership for many years to come.

Here in the Senate, SAM followed a philosophy he calls ''pro-life, whole life.'' Simply put that means that the great respect we have for life doesn't end at birth, it continues throughout. If it sounds familiar I believe that is what our Founding Fathers meant when they spoke of ''life, liberty and the pursuit of happiness'' as the great gifts that are given to us by our Creator that can never be taken away from us.

Throughout the years, SAM has followed that philosophy wherever it has taken him as he has worked to support legislative initiatives that seemed to clearly follow from it. That is why you would find him working with members on both sides of the aisle to reach out to ''everybody on the planet'' who was in need ''everywhere on the planet'' they could be found.

Looking back, there is so much that SAM has accomplished that should serve as a great source of pride for him, his staff and the people of Kansas. He has taken a consistent stand for human rights whenever he was called to do so and this is another reason why his is a voice that will be missed in the Senate in the months to come.

Through the years, I have never met anyone who had a stronger or more firmly aligned inner compass when it comes to doing what is right because it is right than SAM. In everything he does, his faith and his relationship with God have served to direct his efforts. That heartfelt approach of his has helped to keep his work in perfect alignment with his core values and the thinking of the people of Kansas who sent him to Washington to do what he thought was best to protect and preserve the American dream and keep it available for generations to come.

SAM is someone we will always remember for the things he did and how well he did them. He is a natural leader who leads with actions—not words because he knows that is the only way to get the important things done—and done quickly.

That philosophy showed itself in things like SAM'S work to address the needs of the people of Africa. He did

not have to do it—but because he did, countless lives were saved. If you asked him why he was working so hard to make a difference in a nation so far from home, he would probably say that is just another example of his philosophy that the whole world is his backyard and everyone, everywhere is his neighbor.

I am certain that SAM is very familiar with the Parable from the Bible in which the Master expresses his appreciation for the good work of his servant. ''Well done, my good and faithful servant. Since you were faithful in small matters, I will give you great responsibilities.''

I mention that because SAM has done so very well in the Senate, it is as if the people of Kansas have now placed him in charge of great responsibilities as their Governor. I have no doubt that he is the right person at the right time for this difficult job the people of his State have now entrusted to his care.

SAM has often told the story about a comment that was made to him by an older gentleman as he traveled throughout the State, listening to voters at the end of his campaign for Governor. The message he heard from this one voter was simple but it spoke volumes. ''Be a good governor,'' was all he said. It's good advice but easier expressed than done. Still, I have no doubt in the years to come SAM will be all of that and so much more.

Diana joins in sending our best wishes to SAM and his special wife Mary. Together they make up a remarkable team and they can and should be very proud of all they have accomplished together.

Thank you for your willingness to serve and most of all, thanks for your friendship. Although you won't be with us in the Senate Chamber next year, you will be just down the road in the Governor's office in Kansas. I hope you continue to let your thoughts and suggestions be known as we take up those issues that were such a source of great interest—and action—during your service here. Good luck in the months to come as you take on this new and very difficult challenge in your life. God bless.

ARLEN SPECTER

Mr. President, soon the current session of Congress will be gaveled to a close. When that happens it will also bring to an end the Senate careers of several of our colleagues. I know we will miss them and the contributions they have made over the years to the debates and deliberations they have participated in on the Senate floor and in committee.

In the years to come I know I will miss ARLEN SPECTER. He has been such a strong and active presence in the Senate for so many years and in so many ways the coming session of Congress won't be the same without him.

His long and varied history as a public servant really began to take shape when he was asked to bring his skills and abilities to the Warren Commission's investigation of the circumstances surrounding the death of President John F. Kennedy. It was a difficult and challenging job, but ARLEN proved to be well up to the task. After studying and surveying the evidence surrounding the President's murder, ARLEN developed the ''single bullet theory'' that proved to be the key to the case that helped to explain what happened that day.

In the years soon after, ARLEN'S understanding of the law and all the technicalities and the countless details that surround it made him an ideal candidate for the position of district attorney. In 1965 he ran for the position in Philadelphia and served there for 8 years.

I have always believed that every life is a mixture of both success and disappointment. How we handle them both defines to a great extent the quality of our lives.

That is why ARLEN'S unsuccessful reelection bid and a few disappointments after that may have slowed him down—but it didn't stop him. It was just a few years later that ARLEN would run a successful campaign for the Senate. It was here that ARLEN really found his niche as he was soon in the middle of a number of high profile battles in the Judiciary Committee that won him the notice of his colleagues for his in-depth knowledge of Senate procedure, the law and our Constitution.

ARLEN'S reputation as a warrior has stayed with him over the years as he has faced a number of challenges in committee and on the floor—as well as a number of very difficult health issues in his life. He fought them all with the same strength and heartfelt determination that would make any fighter from Philadelphia proud.

Although ARLEN credits his successful return to health to his enjoyment of squash, a difficult sport that he says kept him strong and healthy enough to make it through each health crisis he faced, I credit his good health to his strong Philadelphia roots.

As ARLEN wrote in his book ''Never Give In,'' the key to so much of life is to ''keep working and keep fighting.'' That is the only way to ensure you will continue to make progress—or at least—make your presence felt in the war you are waging. That is how ARLEN has lived his life as he has pursued each goal he set his sights on. In the end, as he wrote in his book ''The tougher the battle, the sweeter the victory.''

ARLEN has now served five terms for a total of 30 years in the Senate. He has survived countless battles at the ballot box and a wealth of health issues that would have convinced a lesser individual that the time had come to take it easy for a while. Not ARLEN, however. He has always been someone who fought with all his heart for the things he believed in and as a result, he has known the sweetness of victory many, many times in his life.

ARLEN is not only the longest serving Senator in Pennsylvania's history he is also one of the most productive. He has left a remarkable legacy and shoes that will be very difficult for any future Pennsylvania Senator to fill. Together with his wife Joan they have been a team that has made a difference throughout their home state of Pennsylvania and the Nation.

Thanks, ARLEN, for your willingness to serve the people of your home State for so long and so well. Diana joins in sending our best wishes and our appreciation for your friendship to you both. I hope you will keep in touch with me and with all your colleagues in the years to come. Good luck. God bless.

BLANCHE LINCOLN

Mr. President, the final gavel will soon bring to a close the 111th Session of Congress. When it does, we will all return home to spend time with our friends and families to celebrate the holidays. We will also have a chance to meet with our constituents as we prepare for the challenges the New Year and a new session of Congress will bring.

Before all of that occurs, we will have to say goodbye to several of our colleagues who will be returning home at the end of the year. We will miss them and the important presence they have been in our lives and our work over the past few years. One such Senator I know we will miss is BLANCHE LINCOLN who will be returning home to her beloved Arkansas.

During her service in the House and the Senate, BLANCHE was known for being one of the strongest voices for rural America. She understands that what works well in the big cities and towns back East doesn't always work so well in rural areas—like those in her State and mine.

BLANCHE came by her knowledge and understanding of the difficulties and challenges inherent in rural life from the days of her childhood. She comes from a family that for seven generations has farmed rice, wheat, soybeans and cotton. She may be the only Senator who has walked a rice levee.

BLANCHE is a woman of great faith, and she is very open about her personal relationship with Jesus Christ. ''When I talk to Him,'' she said, ''it's pretty informal. I just lay it out there and say it like it is.'' That is the kind of straight talk that the people she represents found so appealing. Simply put, what life is like on a daily basis for them has been the same for her.

Although she takes great pride in her title as Senator, she has another that means just as much if not more to her—she's the mother of twin boys. She works hard at both jobs—raising her family and making sure she is prepared for every issue that comes to the floor.

Because she was raised on a farm she has a great interest in what can be done to help support the farming community of Arkansas and the rest of the United States. That is what made her such an important part of the effort to draft a major farm policy overhaul. She was no stranger to the issue, having served as a subcommittee chair on

agriculture. She did such a good job with those issues she was honored for her efforts with a ''Golden Plow'' award from the American Farm Bureau Federation.

Her support for farmers across the country and her willingness to work in a bipartisan fashion to forge workable solutions to difficult problems reflect the kind of principles that have helped to guide and direct her during her service in the Senate and throughout her life. Another is the importance of family—her own—and families just like hers all over the country.

Those aren't just my observations—they are common knowledge back in Arkansas. When BLANCHE won a seat in the House of Representatives everyone was certain that the sky was the limit for her. After she had served for 2 terms; however, she decided not to run for another when she learned she would soon be giving birth to twins. She decided to return home so she could take care of her family while she waited for another opportunity to serve the people of Arkansas to present itself—which is exactly what happened.

As her twins began to grow up, she was able to return to politics. She made a run for Dale Bumpers' seat when he retired and was elected by a margin of 13 percent. Her victory made her the youngest woman ever elected to the Senate, an expression of the great confidence and trust the people of her State had in her.

For 12 years BLANCHE has worn the title of Senator with great pride not for her accomplishment, which was historic, but for the opportunity it gave her to make the world a better place for the people of Arkansas, the people of rural America, the citizens of our great Nation and, of course, for those twins of hers.

I do not know what BLANCHE has planned for the days to come but I think I can predict with safety and certainty that we haven't heard the last from her—and that is a good thing.

Keep in touch, BLANCHE. We will always be pleased to learn what you are doing and your thoughts on the latest issues before the Senate. Diana and I send our best wishes to you and all your family. God bless and keep all of you.

HONORING OUR ARMED FORCES

DANIEL EDWARD DUEFIELD

Mrs. SHAHEEN. Mr. President, it is with a heavy heart that I rise today to honor the life of a young veteran, Daniel Edward Duefield, who died at the age of 24 on November 17 at his home in Grafton, NH. A veteran of the Iraq war, Daniel served his country on two tours of duty as a member of the 10th Mountain Division in the U.S. Army.

A native of New Hampshire, Daniel was born in Franklin on December 14, 1985. He attended Mascoma Valley Regional Schools and graduated from Mascoma Valley Regional High School in June 2004. From playing video games with his nephew, Josh, to relaxing on a fishing trip, Daniel enjoyed spending time with family and friends.

He also felt a deep and abiding love for his country, enlisting in the Army in June 2005. Daniel graduated from Army basic training in Fort Benning, GA, and joined the 10th Mountain Division out of Fort Drum, NY. He was excited to have the opportunity to protect his country and family and succeeded in doing so throughout his service until he was honorably discharged in July 2008. The American people will forever be grateful to Daniel for his willingness to serve.

Daniel was a true patriot whose service to his country and family will endure in our memories. No words can lessen the pain of losing this young hero and brave New Hampshire son. It is now up to us to honor him by continuing to improve the support we provide to our veterans and their families and ensuring America's continued security.

Daniel is survived by his parents, Harold ''Duffy'' E. Duefield III and Ruth E. Duefield of Grafton, NH; his fiancé, Alicia Vasquezi of Grafton, NH; his grandfather, Harold E. Duefield, Jr., and extended family. This young patriot will be dearly missed.

I ask my colleagues and all Americans to join me in honoring the life of Daniel Edward Duefield.

JUDICIAL NOMINATIONS

Mr. LEAHY. Mr. President, this morning, both the New York Times and the Washington Post published strong editorials condemning the delays in Senate consideration of the President's nominees. The Washington Post wrote about the extraordinary and damaging treatment of Jim Cole, who is nominated to serve as the No. 2 official at the Justice Department, a position with extensive responsibilities for national security and law enforcement. The New York Times wrote about the across-the-board objections to Senate consideration of judicial nominees, including dozens who have been reported without opposition by all Republicans and Democrats on the Judiciary Committee.

Two weeks ago, I came to the floor and asked unanimous consent that the Senate consider the long-pending nomination of Jim Cole to be the Deputy Attorney General, and that the Senate schedule for debate and a vote without further delay. Senator SESSIONS objected to my request and we continue to be prevented from acting on this critical national security nomination.

I will ask consent to have printed in the RECORD at the conclusion of my statement today's editorial from the Washington Post entitled, ''An Unacceptable Delay.'' The editorial notes:

James M. Cole appeared well on his way in July to filling the important No. 2 slot at the Justice Department after earning a favorable vote from the Senate Judiciary Committee.

But the full Senate has yet to vote on Mr. Cole's nomination to what is essentially the post of chief operating officer of the mammoth department. The five months between committee and floor vote appear to be the longest delay endured by any deputy attorney general nominee.

The slow crawl comes courtesy of some Senate Republicans who question Mr. Cole's approach to terrorism cases and his role as an independent monitor for struggling financial giant American International Group (AIG). These concerns should not derail Mr. Cole's confirmation—and they certainly should not be used to block a vote.

Mr. Cole's nomination has been pending on the Senate's Executive Calendar since it was reported favorably by the Judiciary Committee in July. Those continuing to block this nomination from debate and a vote are wrong. As the editorial observes: ''There is no suggestion that Mr. Cole suffers from the kind of ethical or legal problems that would disqualify a nominee.'' If Senators disagree, they are free to vote against the nomination. But it is long past the time to end the stalling.

I noted 2 weeks ago that the letter from eight former Deputy Attorneys General of the United States who served in the administrations of President Reagan, President George H.W. Bush, President Clinton, President George W. Bush, as well as the current administration, correctly observed that ''the Deputy is also a key member of the president's national security team, a function that has grown in importance and complexity in the years since the terror attacks of September 11.'' They are right. This is a dangerous game that partisans are playing in stalling this important nomination in what is really an unprecedented way.

Mr. Cole's nomination has been pending five times longer than the longest-pending Deputy Attorney General nomination in the last 20 years. All four of the Deputy Attorneys General who served under President Bush were confirmed by the Senate by voice vote an average of 21 days after they were reported by the Judiciary Committee. In fact, we confirmed President Bush's first nomination to be Deputy Attorney General the day it was reported by the committee. We treated those nominations of President Bush with the ''enormous deference in executive branch appointments'' that the Post editorial today states that every President deserves.

Jim Cole served as a career prosecutor at the Justice Department for a dozen years, and has a well-deserved reputation for fairness, integrity and toughness. As he demonstrated during his confirmation hearing months ago, he understands the issues of crime and national security that are at the center of the Deputy Attorney General's job. Nothing suggests that he will be anything other than a steadfast defender of America's safety and security. His critics are wrong about Jim Cole's approach to terrorism. He has testified strongly that the President should use every power and weapon and tool he possesses in this fight.

His critics are also wrong to try to blame him for the actions of AIG. His role was limited to a monitor of other corporate functions and there is no showing he did not perform his assignment well. In fact, former Republican Senator Jack Danforth introduced him to the committee and gave him a strong endorsement. Let us hold those responsible at AIG accountable. Those who disagree are free to vote against the nomination of this good man if they choose, but they should end the holds and the stalling and let the Senate decide whether to consent to this nomination. As today's editorial concludes, ''have the decency to hold a floor vote and give him a thumbs down.'' I am confident that when allowed a vote, he will be confirmed. He should be confirmed with bipartisan support and that vote should have been taken months ago. The months of delay of this nomination have been unnecessary, debilitating and wrong.

I urge those Senators who are objecting to debate and a vote to turn away from their destructive approach so that we can consider and confirm Jim Cole immediately and he can finally begin his important work to help protect the American people.

For over a year now, I have been urging all Senators, Democrats and Republicans, to join together to take action to end the crisis of skyrocketing judicial vacancies now threatening the ability of Federal courts throughout the country to administer justice for the American people. That has not happened. I have asked that we return to longstanding practices that the Senate used to follow when considering nominations from Presidents of both parties. This has not happened. As a result, 38 judicial nominations that have been favorably reported by the Judiciary Committee continue to be stalled without final Senate action on the Senate's Executive Calendar.

I will ask consent to have printed in the RECORD at the end of my statement today's editorial from The New York Times entitled ''Advise and Obstruct.'' It rightly calls for an end to the across-the-board obstruction of President Obama's judicial nominations. The editorial notes that the Senate has been blocked from considering a single judicial nomination since September 13. In fact, the Senate has only considered five Federal circuit and district court nominations since the Fourth of July recess. Of the 80 judicial nominations reported by the Judiciary Committee and sent to the Senate for final action in order to fill Federal circuit and district court vacancies, only 41 have been considered. That is a historically low number and percentage. Meanwhile, dozens of judicial nominees with well-established qualifications and the support of their home state Senators from both parties have been ready and kept waiting for Senate consideration all year.

The editorial also points to the high costs of obstruction ''at a time when an uncommonly high number of judicial vacancies is threatening the sound functioning of the nation's courts.'' The editorial is right. The vacancies on the Federal courts around the country have doubled over the last 2 years and now are at the historically high level of 111. Fifty-two of these vacancies are deemed judicial emergency vacancies by the nonpartisan Administrative Office of the U.S. Courts. The Senate has received letters from courts around the country calling for help to address their crushing caseloads, including letters from the Chief Judges of the Ninth Circuit Court of Appeals and the U.S. District Courts in California, Colorado, Illinois and the District of Columbia. They have pleaded with us to end the blockade and confirm judges to fill vacancies in their courts.

The Times editorial accurately portrays a grim picture of where we are in considering these nominations and also points the way forward:

> At this point, the Senate has approved 41—barely half—of President Obama's federal and district court nominees reported by the Judiciary Committee. Compare that with the first two years of the George W. Bush administration when the Senate approved all 100 of the judicial nominations approved by the committee. The final days of the lame-duck session are a chance to significantly improve on this dismal record and to lift the judicial confirmation process out of the partisan muck.

The editorial calls for a vote on all 38 judicial nominations awaiting final action by the Senate. I agree and have been calling for votes on all of these nominations. We should do as we did during President Bush's first 2 years in office and consider every judicial nomination favorably reported by the Senate. During those two years the Judiciary Committee favorably reported 100 judicial nominations and the Senate confirmed every one of them, including controversial circuit court nominations reported during the lameduck session in 2002. In contrast, we have during President Obama's first 2 years favorably reported 80 circuit and district court nominations, but considered only 41, barely half.

I have been trying to end this obstruction, yet it continues. Agreements to debate and consider nominations have been sought repeatedly, but the Republican leadership has objected time and time again.

Of the 38 judicial nominations currently stalled on the Executive Calendar, 29 of them were reported unanimously, without a single negative vote from the 19 Republican and Democratic members of the committee. Another three were reported with strong bipartisan support and only a small number of no votes. Of these 32 bipartisan, consensus nominees, 17 of them were nominated to fill judicial emergency vacancies. They should all have been confirmed within days of being reported, not obstructed with weeks and months of delay. It will be a travesty if they are not all confirmed before the 111th Congress adjourns.

These consensus nominees include six unanimously reported circuit court nominees, and another circuit court nominee supported by 17 of the 19 Senators on the Judiciary Committee. The nomination of Judge Albert Diaz of North Carolina, a respected and experienced jurist who served in the Armed Forces, for a judicial emergency vacancy on the Fourth Circuit has been stalled for 11 months despite the support of his home state Senators from both parties. Judge Ray Lohier of New York would fill one of the four current vacancies on the U.S. Court of Appeals for the Second Circuit. He is another former prosecutor with support from both sides of the aisle. His confirmation has been stalled for no good reason for more than seven months. Scott Matheson is a nominee from Utah supported by Senator HATCH; he was reported without opposition over 6 months ago. Mary Murguia, a nominee from Arizona supported by Senator KYL, was reported without opposition over 4 months ago. Judge Kathleen O'Malley of Ohio is nominated to the Federal Circuit and was reported without opposition nearly 3 months ago. Justice James Graves of Mississippi, whose nomination has the strong support of his home State Republican Senators, was reported unanimously to serve on the Fifth Circuit. Also pending is a seventh consensus circuit court nomination, Susan Carney of Connecticut, who was reported with strong bipartisan support to fill another judicial emergency vacancy on the Second Circuit.

The nominees currently being blocked from consideration also include 30 district court nominations, some reported as long ago as February. The Republican blockade of these nominations is a dramatic departure from the traditional practice of considering them expeditiously and with deference to the home State Senators. These 30 district court nominees include 23 nominees reported unanimously by the Judiciary Committee. Fifteen of these nominations are for seats designated as judicial emergencies. All of these nominees have well established qualifications and are at the top of the legal community in their home states. All have put their lives and practices on hold in an attempt to serve their country and their community. There is no cause for continuing to block the Senate from considering their nominations and no precedent for extending these delays further.

In addition, I have urged for many months that the Senate debate and a vote on those few nominees that Republican Senators decided to oppose in committee. These nominees include Benita Pearson of Ohio, William Martinez of Colorado, Louis Butler of Wisconsin, Edward Chen of California, John McConnell of Rhode Island, and Goodwin Liu of California. As I have said before, I have reviewed their records and considered their character,

background and qualifications. I have heard the criticisms of the Republican Senators on the Judiciary Committee as they have voted against this handful of nominees. I disagree, and believe the Senate would vote, as I have, to confirm them. Each of these nominees have been reported favorably by the Judiciary Committee, several of them two or three times, and each deserves an up-or-down vote. That they will not be conservative activist judges should not disqualify them from consideration by the Senate or serving on the bench.

All 38 of these judicial nominations should have an up-or-down vote, just as all 100 of President Bush's judicial nominations reported by the committee in his first 2 years had a vote in the Senate. Even if Republican Senators will not follow our example and treat President Obama's nominees as we treated President Bush's, even if they will not abide by the Golden Rule, they should at least listen to their own statements from just a few years ago. They said that every judicial nomination reported by the Senate Judiciary Committee was entitled to an up-or-down vote. They spoke then about the constitutional duty of the Senate to consider every judicial nomination. The Constitution has not changed; it has not been amended. The change from the days in which they made those statements is that the American people elected a new President and he is making the nominations. In fact, President Obama has reached out and worked with Senators from both sides of the aisle. We have not sought to proceed on one of his judicial nominees without the support of both home State Senators.

Time is running out in this Congress to turn away from the disastrous strategy of blocking nominations across the board. It is time to return to the Senate's longstanding traditions and reject this obstruction. The Federal courts and the American people who depend on the courts for justice are suffering.

Today, December 15, is the anniversary of the ratification of the Bill of Rights, the first 10 amendments to the Constitution of the United States. Let us renew our commitment to the Constitution, to our Bill or Rights, and to our liberty by turning away from the destructive partisanship that has delayed Senate consideration of these nominations. Let us act in the spirit of the Founders, in the spirit of the season, and move forward together to consider and vote on these important nominations of a Deputy Attorney General and U.S. judges.

Mr. President, I ask unanimous consent to have printed in the RECORD the articles to which I referred.

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

[From the Washington Post, Dec. 15, 2010]

AN UNACCEPTABLE DELAY

James M. Cole appeared well on his way in July to filling the important No. 2 slot at the Justice Department after earning a favorable vote from the Senate Judiciary Committee.

But the full Senate has yet to vote on Mr. Cole's nomination to what is essentially the post of chief operating officer of the mammoth department. The five months between committee and floor vote appear to be the longest delay endured by any deputy attorney general nominee.

The slow crawl comes courtesy of some Senate Republicans who question Mr. Cole's approach to terrorism cases and his role as an independent monitor for struggling financial giant American International Group (AIG). These concerns should not derail Mr. Cole's confirmation—and they certainly should not be used to block a vote.

Mr. Cole, who is in private practice and spent some 13 years in the Justice Department, criticized the Bush administration in a 2002 opinion piece in Legal Times for some of its post-Sept. 11, 2001, tactics, including the use of ''military tribunals to try noncitizens for terrorist crimes.'' Sen. Jeff Sessions (R-Ala.), ranking member on the Senate Judiciary Committee, condemned Mr. Cole for labeling the attack a crime rather than an act of war; he also questioned the wisdom of embracing ''a law enforcement approach.''

''You capture enemies. You arrest criminals,'' Mr. Sessions said during the confirmation hearings. Mr. Cole said he believes that recently reconstituted military commissions are a legitimate option, but he rightly refused to rule out federal court prosecutions for some suspects—an approach that mirrors that of the president and the attorney general.

Some Republicans also are troubled by Mr. Cole's work, starting in 2006, as a special monitor for AIG. Mr. Cole made several suggestions about needed improvements in AIG's business practices, but he appears not to have addressed the risky and unregulated credit default swaps that led to AIG's collapse and subsequent government bailout because they were not part of his portfolio.

The president deserves enormous deference in executive branch appointments. There is no suggestion that Mr. Cole suffers from the kind of ethical or legal problems that would disqualify a nominee. If Republicans nevertheless find Mr. Cole unacceptable, they should have the decency to hold a floor vote and give him a thumbs down.

[From the New York Times, Dec. 14, 2010]

ADVISE AND OBSTRUCT

The Senate's power to advise and consent on federal judicial nominations was intended as a check against sorely deficient presidential choices. It is not a license to exercise partisan influence over these vital jobs by blocking confirmation of entire slates of well-qualified nominees offered by a president of the opposite party.

Nevertheless, at a time when an uncommonly high number of judicial vacancies is threatening the sound functioning of the nation's courts, Senate Republicans are persisting in playing an obstructionist game. (These, by the way, are the same Senate Republicans who threatened to ban filibusters if they did not get an up-or-down vote on every one of President George W. Bush's nominees, including some highly problematic ones.)

Because of Republican delaying tactics, qualified Obama nominees who have been reported out of the Judiciary Committee have been consigned to spend needless weeks and months in limbo, waiting for a vote from the full Senate.

Senate Republicans seek to pin blame for the abysmal pace of filling judicial vacancies on President Obama's slowness in making nominations. And, no question, Mr. Obama's laggard performance in this sphere is a contributing factor. Currently, there are 50 circuit and district court vacancies for which Obama has made no nomination. But that hardly explains away the Republicans' pattern of delay over the past two years on existing nominees, or the fact that Senate Republicans have consented to a vote on only a single judicial nomination since Congress returned from its August recess.

At this point, the Senate has approved 41—barely half—of President Obama's federal and district court nominees reported by the Judiciary Committee. Compare that with the first two years of the George W. Bush administration when the Senate approved all 100 of the judicial nominations approved by the committee. The final days of the lame-duck session are a chance to significantly improve on this dismal record and to lift the judicial confirmation process out of the partisan muck.

Of the 38 well-qualified judicial nominees awaiting action by the full Senate, nearly all cleared the Judiciary Committee either unanimously or with just one or two dissenting votes. Some nominees have been waiting for Senate action for nearly a year. Senator Mitch McConnell, the minority leader, should allow confirmation of all 34 nominees considered noncontroversial, including the 15 nominees cleared by the committee since the November election.

There are four other nominees who were approved by the committee over party-line Republican opposition. They, too, deserve a prompt vote rather than requiring President Obama to start the process over again by renominating them when the next Congress begins. That short list of controversial nominees includes Goodwin Liu, an exceptionally well-qualified law professor and legal scholar who would be the only Asian-American serving as an active judge on the United States Court of Appeals for the Ninth Circuit. His potential to fill a future Supreme Court vacancy seems to be the main thing fueling Republican opposition to his nomination.

Mr. McConnell is said to be negotiating a deal with Senator Harry Reid, the majority leader, that allows for confirmation of 19 nominees approved by the committee before the election but denies consideration by the full Senate to the others. That would be a disservice to the judicial system, to Mr. Obama's nominees and to the idea that bipartisanship should exist, at last, in the advice-and-consent process for federal judges.

NATIONAL HOME CARE AND HOSPICE MONTH

Ms. COLLINS. Mr. President, November is National Home Care and Hospice Month, which gives us the opportunity to honor the home health and hospice caregivers and volunteers who make such a remarkable difference in the lives of their patients and their families. The highly skilled and compassionate care that home health and hospice agencies provide has helped to keep families together and enabled millions of our most frail and vulnerable individuals to avoid hospitals and nursing homes and stay just where they want to be in the comfort and security of their own homes.

Home health and hospice have consistently proven to be compassionate and cost-effective alternatives to institutional care. In fact, a recent survey conducted for the Maine chapter of

AARP found that 9 out of 10 Mainers would prefer to receive services at home as opposed to a nursing home or other residential care facility. Moreover, by helping patients to avoid more costly hospitals and nursing homes, home health and hospice save Medicare, Medicaid, and private insurers millions of dollars each year.

Over the past several years, I have had the opportunity to meet and visit with a number of home health and hospice patients and providers around my State. I have seen firsthand what a difference the highly skilled and compassionate care that these health professionals provide makes to the lives of their patients and families. That is why I am such a committed and passionate advocate for home health and hospice care. I therefore urge all of my colleagues to join me in paying tribute to these wonderful health care professionals and volunteers during the month of November as we celebrate National Home Health and Hospice Month.

TRIBUTE TO MELISSA SHUTE

Mr. SESSIONS. Mr. President, I rise today to bid farewell to a trusted member of my staff who will be departing the Senate. Melissa Shute has served as my legislative counsel, handling issues involving energy, natural resources, and public lands. I have been fortunate to have a wonderful tradition of outstanding staffers to handle my energy and environmental issues; however, the problem with good staff is that they often get pulled away.

Melissa is no exception. She came to me in 2008 after serving as lead counsel to one of our former Members whom I highly regard, Senator Pete Dominici, on the Senate Committee on Energy and Natural Resources. While on the committee, Melissa was a key player on legislation to increase domestic energy production in the United States. Melissa has developed an expertise in energy and environmental issues and the importance they play in our economy. She is an enthusiastic warrior for the principles we share.

Melissa has provided critical counsel to me regarding major issues in nuclear, coal, and renewable fuel research and development. She also took a leading role in helping Alabamians living on the gulf coast during the tragic oil spill. Melissa and my energy team went above and beyond to take the steps necessary to help those impacted by the environmental disaster receive the support and information they need to begin the road of clean-up and recovery.

A graduate of the University of Tulsa's College of Law, Melissa has demonstrated a sound legal mind in analyzing legislative proposals that would impact current moratoria on off-shore drilling. She understands that we need to decrease our dependence on foreign oil and find new ways to tap the rich energy supplies our country has to offer.

She has been a great partner as we have worked to reduce the huge wealth transfer from the United States to purchase foreign oil, to reduce pollution, to produce energy at the lowest possible prices, such as nuclear power, and to create jobs in America. It has been a good run.

Mr. President, I express my deepest gratitude to Melissa for all of her efforts and leadership, and I wish her well as she moves on to a new chapter in her life.

TRIBUTE TO STEPHEN BOYD

Mr. SESSIONS. Mr. President, I rise today to say goodbye to one of the most esteemed members of my staff. Stephen Boyd, an exceptional individual with a deep devotion to the State of Alabama, will be leaving my office to become chief of staff for a new member of the Alabama delegation, Congressman-elect Martha Roby.

Stephen came to my office 7 years ago right out of law school. I was immediately impressed not only by his talent but by his tenacity. No matter how difficult the task given him he would pursue it with vigor, and he would not relent until he arrived at a solution. Stephen sees every obstacle as a challenge to overcome.

In his first post as my legislative assistant for energy issues, he worked on efforts to establish the Coastal Impact Assistance Program. That program became law through the Energy Policy Act of 2005. Stephen also played a significant role in developing the Gulf of Mexico Energy Security Act, which President George W. Bush signed into law in 2006.

Early on, Stephen also recognized the need to pursue alternative energy sources in order to diminish our dependence on foreign oil. Through his efforts he brought considerable attention to switchgrass as a renewable energy resource, ultimately leading to switchgrass' potential being recognized in President Bush's 2006 State of the Union Address.

One of Stephen's most valuable assets is his ability to anticipate problems and to prepare for the unpredictable. Stephen was the point person for our office response when Hurricane Katrina hit in 2005. But before that disastrous hurricane hit, Stephen had already implemented an office action plan to make sure we could quickly and efficiently respond to an emergency.

In the last 4 years, Stephen has served first as my press secretary, followed by a swift promotion to communications director. He played a key role in overseeing office communications during some of the most difficult and challenging issues our country has faced in a long time—from wars in Afghanistan and Iraq, to the recent economic crisis, to the disastrous oilspill in the Gulf of Mexico.

Stephen also made an invaluable contribution in two Supreme Court confirmations, helping deliver a crucial message about preserving the integrity of America's courts—defending them from the corruption of politics and grounding them in the firm bedrock of our Constitution.

Given his myriad accomplishments and his stellar service to this office, it is no surprise that Stephen is highly regarded by his colleagues in the Senate. Allow me to share what others have said:

Don Stewart, communications director for Senate minority leader MITCH MCCONNELL, said, ''Stephen has shown the kind of calm leadership that was needed in one of the most active periods I've ever seen in my time here. He doesn't yell and scream, he just gets it done.''

Josh Holmes, staff director for Senate minority leader MITCH MCCONNELL's Republican Communications Center, said, ''Stephen is one of the rare commodities in Washington who prefers achieving results over personal accolades. He's a consummate professional and effective advocate who has been an absolute pleasure to work with.''

Rick Dearborn, my chief of staff, said, ''I am proud to have worked alongside Stephen Boyd. I have always admired his attention to detail and the great clarity of his perspective. He has a commonsense approach I've witnessed him apply to all manner of complex problems to be solved, issues to be decided or given further thought.

So much of what I believe has guided him to excel has been his basic honesty, his strong core integrity and a sincere commitment to serve the people of Alabama on behalf of Senator SESSIONS through his various roles in our office.

Our loss in the Senate is Martha Roby's gain in the House and the second District of Alabama. He now assumes a key position within our staff delegation, as the Congresswoman's new chief of staff. She could not have made a better choice.''

Matt Miner, staff director for the Senate Judiciary Committee, said, ''Stephen Boyd has been a tremendous asset to the Judiciary Committee during Senator SESSIONS' tenure as ranking member. Through two Supreme Court confirmations and numerous national security debates, Stephen's calm and thoughtful work as communications director helped focus the national debate and convey the Republican message. He is one of the most talented people with whom I have worked on Capitol Hill, and I wish him all the best in his next endeavor.''

Brian Benczkowski, former staff director for the Senate Judiciary Committee said, ''It was a professional and personal pleasure to work with someone as gifted and hard-working as Stephen Boyd. Stephen has an uncanny ability to analyze any given subject like a top-notch lawyer, while also applying a good dose of Alabama common

sense to the problem, and then communicating the result in clear and unmistakable terms. These skills were an invaluable resource for the Senate Judiciary Committee during my tenure, particularly during the Sotomayor and Kagan nominations. If there is a silver lining in his departure from Senator SESSIONS' staff, it is that he will continue his public service for the people of Alabama. His keen judgment and excellent personal integrity will be an asset to Congresswoman Roby, and I know he will be missed by his colleagues in the Senate.''

Alan Hanson, chief of staff to Senator RICHARD SHELBY, said, ''It is a credit to Stephen's abilities and work ethic that he has so rapidly advanced in his Capitol Hill career. Having worked with him for 3½ years and known him much longer, I can personally attest that he is a singularly talented and capable jack-of-all-trades. Senator SESSIONS' loss is truly Congresswoman Roby's gain, and I look forward to witnessing the great things STEPHEN will accomplish in his new role in the House of Representatives.''

Sarah Haley, press secretary for Senator SESSIONS, said, ''Stephen Boyd is a man of scrupulous character, sound ethics, and servant leadership. It has been a privilege to work under him. Stephen will be greatly missed by all of us.''

Stephen Miller, press secretary for the Senate Judiciary Committee, said, ''Stephen Boyd is a brilliant communicator, operating at a truly elite level. And yet he is the furthest thing from an elitist. Thoughtful, genuine, sincere—these are the traits so familiar to those who know him. I am proud to have had the chance to work with Stephen Boyd. But I am prouder still to call him a friend.''

Ryan Patmintra, press secretary for Senator JON KYL, said, ''Stephen's background in both policy and communications made him one of the top-notch Senate communicators on either side of the aisle. His ability to go beyond talking points and walk reporters through our arguments served us well. We were lucky to have him on our team. His presence and expertise will be sorely missed in the Senate.''

Cindy Hayden, who served with Stephen Boyd during her tenure as my chief counsel, said, ''Stephen displays unwavering devotion to Senator SESSIONS, to the people of Alabama, and to his principles. A talented lawyer and a trusted colleague, Stephen possesses a likeability even his opponents find hard to resist. I am confident his future colleagues will enjoy working with him as much as I did.''

I will miss Stephen. He was always thinking down the road, anticipating programs, and protecting me and the Senate from unwise actions. That kind of attention to detail and good judgment is rare and noteworthy.

From the first day he joined my staff, Stephen has been a tremendous asset. He has earned the respect and admiration of his colleagues, and has proven himself as a leader. His journey is only beginning, and I wish him all the best in the months and years to come.

TRIBUTE TO KEVIN LANDY

Mr. LIEBERMAN. Mr. President, I wish today to bid farewell and express my special thanks to Kevin Landy for his 13 years of extraordinary service on the Homeland Security and Governmental Affairs Committee.

Kevin, presently the committee's chief counsel and my longest serving committee staff member, is leaving the Senate this month. But I am happy to say he will continue his career in public service as the Director of the Immigration and Customs Enforcement's Office of Detention and Policy Planning, an office responsible for formulating and implementing reforms at immigration detention facilities.

As a Senator, I am privileged to work with dedicated Senate staffers like Kevin Landy, who want to take their talents, skills, and passions and put them to work for the American people.

Thomas Jefferson once asked the question: ''What duty does a citizen owe to the government that secures the society in which he lives?''

Answering his own question, Jefferson said: ''A nation that rests on the will of the people must also depend on individuals to support its institutions if it is to flourish. Persons qualified for public service should feel an obligation to make that contribution.''

Kevin has answered his Nation's call and leaves the Senate with an exemplary record of achievement on behalf of the American people, on a wide range of issues. In particular, I'd like to highlight Kevin's role as my lead staff member on four bills that I count among my most important legislative accomplishments.

In the 107th Congress, Kevin successfully and simultaneously stewarded to passage two very different pieces of legislation. One of those bills established a new framework for the government's uses of the Internet and passed after a great deal of careful consensus building; the other bill established the 9/11 Commission to independently investigate the circumstances of the terrorist attacks and was enacted after a vigorous and often contentious campaign to surmount the administration's resistance.

First, Kevin drafted the E-Government Act, which I introduced in May of 2001, and which called for greater citizen access to government information, services, and regulatory proceedings over the Internet; better management of information technology; and greater protections for privacy and security.

When Kevin began work on this initiative he was trained as a lawyer and had no government IT background. Yet he worked meticulously with every relevant group and constituency first to become fully informed and then to ensure their concerns were addressed. More importantly, Kevin spent months negotiating with OMB officials to overcome the administration's initial opposition. The work paid off when the legislation passed both the House and the Senate by unanimous consent on the same day, November 15, 2002, and was subsequently signed into law the next month.

Some of Kevin's most significant work for our country was on legislation creating and reforming the institutions charged with the defense of our homeland from the terrorist threat.

Soon after the tragic September 11 attacks, Senator MCCAIN and I called for an independent bipartisan commission to investigate the circumstances surrounding the terrorist attacks and to provide recommendations designed to guard against future acts of terrorism. Kevin helped draft the legislation to establish the 9/11 Commission, which I introduced with Senator MCCAIN on December 20, 2001.

At first we had no other cosponsors, and faced the opposition of the administration. But over the next year Kevin worked closely with the families of the victims of 9/11, who lobbied arduously for our legislation both in the Halls of Congress and in the media, and the administration finally reversed its position the night before the Senate voted to approve the Commission by a vote of 90 to 8. Contentious negotiations with White House officials followed, but on November 27, 2002, the legislation establishing a 9/11 Commission was enacted.

Kevin's effectiveness and his strong relations with 9/11 family members stood him in good stead when I asked him to lead an even greater challenge 2 years later: helping win enactment of legislation to implement the Commission's ambitious and wide-ranging recommendations.

Following the release of the 9/11 Commission's report on July 22, 2004, Kevin led the combined efforts of the staffs of four Senators to quickly draft legislation, S. 2774, that implemented all of the Commission's recommendations, covering not only comprehensive reform of the intelligence community and the creation of a National Counterterrorism Center but also information sharing, terrorist travel, border security, and secure identification, among other topics. Because of the determined efforts of Kevin and his colleagues, I was able to join with Senators MCCAIN, BAYH, and SPECTER in introducing the legislation on September 7, just 6 weeks after the Commission's recommendations had been released.

Kevin continued to play a leadership role as I worked with the committee chairman and my close friend, Senator SUSAN COLLINS, to draft legislation that focused on the Commission's intelligence reform recommendations, S. 2845. On the Senate floor, provisions of the two bills were merged as we faced a blizzard of amendments and tough votes, before we won an overwhelming

Senate victory. An arduous conference followed, as several House committee chairmen adamantly opposed the bill—through it all Kevin fought to uphold the principles laid down in our legislation. We prevailed, resulting in the historic enactment on December 17, 2004, of the Intelligence Reform and Terrorism Prevention Act, IRTPA.

We faced even more complex procedural hurdles in 2007, when Senator COLLINS and I led the efforts of multiple Senate committees to assemble and enact provisions that built on what we had accomplished with IRTPA, mandating counterterrorism improvements in areas such as terrorist travel, communications interoperability, and aviation and maritime security. By then the committee's chief counsel, Kevin had demonstrated his skills at legislative maneuvering in a variety of circumstances. I called on him once again to help coordinate our team as we pushed through a difficult markup, a lively Senate debate, and a fiercely contested conference, at which approximately 15 Senate and House committees claimed jurisdiction and joined the fray. Our work resulted in ambitious legislation, known as the ''Implementing Recommendations of the 9/11 Commission Act of 2007,'' enacted on August 3, 2007.

I have described his biggest accomplishments in the areas of national security and good government, but through his entire career Kevin has also shown a passion for the pursuit of justice, including justice for the powerless. Upon graduating from Amherst College, Kevin went to work defending the rights of prisoners to humane conditions in the Texas penal system. Then after graduating from Yale Law School, one of Kevin's jobs took him to Cambodia, where he worked with that nation's judges and prosecutors in an effort to help improve the rule of law as that nation struggled to emerge from its brutal totalitarian past.

On the committee, Kevin has worked tirelessly to improve the treatment of asylum-seekers who often languish in county jails and other immigrant detention facilities as they pursue their claims. He drafted the first bill to address immigration detention reform, the Secure and Safe Detention and Asylum Act, and in 2007 we won Senate passage of the bill as an amendment to ultimately unsuccessful immigration reform legislation. Although legislative progress in this area has proven elusive, Kevin's work helped to bring greater attention to the need for reforms. He has now embraced the opportunity to support the detention reform initiatives being undertaken at the Department of Homeland Security.

I have benefited greatly from Kevin's commitment to my goals and to the pursuit of excellence while achieving them. I want to thank him again for his hard work, his long hours, and selfless persistence in pursuit of worthy legislation.

ADDITIONAL STATEMENTS

TRIBUTE TO HAWAII EDUCATORS

● Mr. AKAKA. Mr. President, I wish to congratulate two outstanding educators from my state, John Constantinou, from Kea'au High School, and Yannabah Lewis, from Kealakehe High School, for receiving the Presidential Award for Excellence in Mathematics and Science Teaching.

This award, administered by the National Science Foundation on behalf of the White House Office of Science and Technology Policy, is the highest recognition that a mathematics or science teacher may receive. Since the program's inception in 1983, more than 3,900 educators nationwide have been recognized for their contributions to mathematics and science education. As a former educator and principal, I know firsthand about the countless hours that go into creating curricula, and it makes me proud to see outstanding teachers receive recognition for their hard work.

The dedication of John and Yannabah to their field and to the children of Hawaii is undeniable. I applaud them both for receiving this outstanding recognition, and I wish them the very best in their future endeavors.●

TRIBUTE TO CAROL TWEDT

● Mr. THUNE. Mr. President, today I wish to recognize Carol Twedt as she celebrates retirement from more than 20 extraordinary years of public service. Her earnest dedication to and enthusiasm for service to her fellow citizens has set an example for all to follow.

Carol's career began when she joined Jim Abdnor's successful Senate campaign against George McGovern in 1980. Her passion was pushed to a new level when Carol's husband Curt passed away at an early age in 1987. It was this event which prompted her to undertake the challenge of running for Minnehaha county commissioner. The level of courage and perseverance she demonstrated through her first campaign paid off with an overwhelming victory. In her five subsequent terms as a county commissioner, she has shown unceasing dedication and compassion to serving her constituents. Because of this remarkable resolve, Carol has made praiseworthy accomplishments in combating homelessness, improving juvenile services, and, above all, working to improve the effectiveness and efficiency of county operations.

Carol's service has benefitted the people of Minnehaha County over her many years of service. I would like to extend to her my heartfelt gratitude for her many years of outstanding service.●

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

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

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

MESSAGE FROM THE HOUSE

At 10:18 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 1405. An act to redesignate the Longfellow National Historic Site, Massachusetts, as the ''Longfellow House—Washington's Headquarters National Historic Site''.

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–8492. A communication from the Director, Employee Services, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''Prevailing Rate Systems; Redefinition of the Chicago, IL; Fort Wayne-Marion, IN; Indianapolis, IN; Cleveland, OH; and Pittsburgh, PA, Appropriated Fund Federal Wage System Wage Areas'' (RIN3206–AM21) received in the Office of the President of the Senate on December 14, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC–8493. A communication from the Director, Peace Corps, transmitting, pursuant to law, the Office of Inspector General's Semiannual Report for the period of April 1, 2010 through September 30, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC–8494. A communication from the Chairman of the National Endowment for the Arts, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from April 1, 2010 through September 30, 2010 and the Chairman's Semi-Annual Report on Final Action Resulting from Audit Reports, Inspection Reports, and Evaluation Reports; to the Committee on Homeland Security and Governmental Affairs.

EC–8495. A communication from the Assistant Secretary for Congressional and Legislative Affairs, Department of Veterans Affairs, transmitting, pursuant to law, the Department of Veterans Affairs Fiscal Year 2010 Performance and Accountability Report; to the Committee on Homeland Security and Governmental Affairs.

EC–8496. A communication from the Department of State, transmitting, pursuant to law, a report relative to the Arms Export Control Act (OSS Control No. 2010–1961); to the Committee on the Judiciary.

EC–8497. A communication from the Staff Director, United States Commission on Civil Rights, transmitting, pursuant to law, the report of the appointment of members to the Alaska Advisory Committee; to the Committee on the Judiciary.

EC–8498. A communication from the Staff Director, United States Commission on Civil Rights, transmitting, pursuant to law, the report of the appointment of members to the Wisconsin Advisory Committee; to the Committee on the Judiciary.

EC–8499. A communication from the Staff Director, United States Commission on Civil Rights, transmitting, pursuant to law, the report of the appointment of members to the Vermont Advisory Committee; to the Committee on the Judiciary.

EC–8500. A communication from the Staff Director, United States Commission on Civil Rights, transmitting, pursuant to law, the report of the appointment of members to the North Carolina Advisory Committee; to the Committee on the Judiciary.

EC–8501. A communication from the Staff Director, United States Commission on Civil Rights, transmitting, pursuant to law, the report of the appointment of members to the Idaho Advisory Committee; to the Committee on the Judiciary.

EC–8502. A communication from the Director of Regulation Policy and Management, Veterans Health Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''Payments for Inpatient and Outpatient Health Care Professional Services at Non-Departmental Facilities and Other Medical Charges Associated with Non-VA Outpatient Care'' (RIN2900–AN37) received in the Office of the President of the Senate on December 13, 2010; to the Committee on Veterans' Affairs.

EC–8503. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures (85); Amdt. 3400'' (RIN2120–AA65) received in the Office of the President of the Senate on December 14, 2010; to the Committee on Commerce, Science, and Transportation.

EC–8504. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures (12); Amdt. 3401'' (RIN2120–AA65) received in the Office of the President of the Senate on December 14, 2010; to the Committee on Commerce, Science, and Transportation.

EC–8505. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures (29); Amdt. 3403'' (RIN2120–AA65) received in the Office of the President of the Senate on December 13, 2010; to the Committee on Commerce, Science, and Transportation.

EC–8506. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures (98); Amdt. 3402'' (RIN2120–AA65) received in the Office of the President of the Senate on December 13, 2010; to the Committee on Commerce, Science, and Transportation.

EC–8507. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Pratt and Whitney Canada Corp. PW305A and PW305B Turboprop Engines'' ((RIN2120–AA64) (Docket No. FAA–2010–0892)) received in the Office of the President of the Senate on December 14, 2010; to the Committee on Commerce, Science, and Transportation.

EC–8508. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bell Helicopter Textron Canada Model 222, 222B, 222U, 230, and 430 Helicopters'' ((RIN2120–AA64) (Docket No. FAA–2010–1137)) received in the Office of the President of the Senate on December 13, 2010; to the Committee on Commerce, Science, and Transportation.

EC–8509. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Dassault-Aviation Model FALCON 7X Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2010–0760)) received in the Office of the President of the Senate on December 13, 2010; to the Committee on Commerce, Science, and Transportation.

EC–8510. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Robinson Helicopter Company (Robinson) Model R22, R22 Alpha, R22 Beta, and R22 Mariner Helicopters, and Model R44, and R44II Helicopters'' ((RIN2120–AA64) (Docket No. FAA–2010–0711)) received in the Office of the President of the Senate on December 13, 2010; to the Committee on Commerce, Science, and Transportation.

EC–8511. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Model 737–900ER Series Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2010–0764)) received in the Office of the President of the Senate on December 13, 2010; to the Committee on Commerce, Science, and Transportation.

EC–8512. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Agusta S.p.A. Model A109E Helicopters'' ((RIN2120–AA64) (Docket No. FAA–2010–0449)) received in the Office of the President of the Senate on December 13, 2010; to the Committee on Commerce, Science, and Transportation.

EC–8513. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Cessna Aircraft Company (Cessna) 172, 175, 177, 180, 182, 185, 206, 207, 208, 210, 303, 336, and 337 Series Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2008–1328)) received in the Office of the President of the Senate on December 13, 2010; to the Committee on Commerce, Science, and Transportation.

EC–8514. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Various Aircraft Equipped with Rotax Aircraft Engines 912 A Series Engines'' ((RIN2120–AA64) (Docket No. FAA–2010–0522)) received in the Office of the President of the Senate on December 13, 2010; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, with an amendment in the nature of a substitute:

S. 3480. A bill to amend the Homeland Security Act of 2002 and other laws to enhance the security and resiliency of the cyber and communications infrastructure of the United States (Rept. No. 111–368).

By Mr. KERRY, from the Committee on Foreign Relations, with an amendment in the nature of a substitute:

S. 3297. A bill to update United States policy and authorities to help advance a genuine transition to democracy and to promote recovery in Zimbabwe (Rept. No. 111–369).

EXECUTIVE REPORT OF COMMITTEE—TREATY

The following executive report of committee was submitted on December 15, 2010:

By Mr. KERRY, from the Committee on Foreign Relations:

[Treaty Doc. 110–19 Treaty on Plant Genetic Resources for Food and Agriculture with one understanding and one declaration (Ex. Rept. 111–7)]

The text of the committee-recommended resolution of advice and consent to ratification is as follows:

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to an Understanding.

The Senate advises and consents to the ratification of the International Treaty on Plant Genetic Resources for Food and Agriculture, adopted by the Food and Agriculture Organization of the United Nations on November 3, 2001, and signed by the United States of America on November 1, 2002 (Treaty Doc. 110–19), subject to the understanding of section 2 and the declaration of section 3.

Section 2. Understanding.

The advice and consent of the Senate under section 1 is subject to the following understanding, which shall be included in the United States instrument of ratification:

The United States of America understands that Article 12.3d shall not be construed in a manner that diminishes the availability or exercise of intellectual property rights under national laws.

Section 3. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This treaty is not self-executing.

EXECUTIVE REPORTS OF COMMITTEES—NOMINATION

The following executive reports of nominations were submitted:

By Mrs. LINCOLN for the Committee on Agriculture, Nutrition, and Forestry.

*Ramona Emilia Romero, of Pennsylvania, to be General Counsel of the Department of Agriculture.

By Mr. BAUCUS for the Committee on Finance.

*Carolyn W. Colvin, of Maryland, to be Deputy Commissioner of Social Security for the term expiring January 19, 2013.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

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. DODD (for himself, Mr. LAUTENBERG, Mr. CASEY, and Mr. MERKLEY):

S. 4027. A bill to provide for programs and activities with respect to the prevention of underage drinking; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SCHUMER:

S. 4028. A bill to amend part B of title IV of the Social Security Act to authorize the Secretary of Health and Human Services to award grants to local and tribal governments for hiring child protective services workers; to the Committee on Finance.

By Mr. SCHUMER (for himself, Mr. BROWN of Massachusetts, and Mrs. SHAHEEN):

S. 4029. A bill to protect children from registered sex offenders, and for other purposes; to the Committee on the Judiciary.

By Mr. SANDERS:

S. 4030. A bill to amend the Food, Conservation, and Energy Act of 2008 to establish a community-supported agriculture promotion program; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BAYH (for himself and Mr. BOND):

S. 4031. A bill to promote exploration for and development of rare earth elements in the United States, to reestablish a competitive supply chain for rare earth materials in the United States and countries that are allies of the United States, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SPECTER:

S. 4032. A bill to amend the Controlled Substances Act to more effectively regulate anabolic steroids; to the Committee on the Judiciary.

By Mr. SPECTER:

S. 4033. A bill to provide for the restoration of legal rights for claimants under holocaust-era insurance policies; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 28

At the request of Mr. SCHUMER, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 28, a bill to ensure that the courts of the United States may provide an impartial forum for claims brought by United States citizens and others against any railroad organized as a separate legal entity, arising from the deportation of United States citizens and others to Nazi concentration camps on trains owned or operated by such railroad, and by the heirs and survivors of such persons.

S. 853

At the request of Mr. COONS, his name was added as a cosponsor of S. 853, a bill to designate additional segments and tributaries of White Clay Creek, in the States of Delaware and Pennsylvania, as a component of the National Wild and Scenic Rivers System.

S. 3221

At the request of Mr. KOHL, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 3221, a bill to amend the Farm Security and Rural Investment Act of 2002 to extend the suspension of limitation on the period for which certain borrowers are eligible for guaranteed assistance.

S. 3293

At the request of Mr. HARKIN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 3293, a bill to reauthorize the Special Olympics Sport and Empowerment Act of 2004, to provide assistance to Best Buddies to support the expansion and development of mentoring programs, and for other purposes.

S. 3320

At the request of Mr. WHITEHOUSE, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 3320, a bill to amend the Public Health Service Act to provide for a Pancreatic Cancer Initiative, and for other purposes.

S. 3390

At the request of Mr. FRANKEN, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 3390, a bill to end the discrimination based on actual or perceived sexual orientation or gender identity in public schools, and for other purposes.

S. 4020

At the request of Mr. WICKER, the names of the Senator from Kentucky (Mr. BUNNING), the Senator from Florida (Mr. LEMIEUX), the Senator from Ohio (Mr. VOINOVICH), the Senator from Oklahoma (Mr. INHOFE), the Senator from Texas (Mrs. HUTCHISON), the Senator from Utah (Mr. HATCH), the Senator from Idaho (Mr. CRAPO), the Senator from North Carolina (Mr. BURR), the Senator from Louisiana (Mr. VITTER), the Senator from South Carolina (Mr. DEMINT), the Senator from South Carolina (Mr. GRAHAM), the Senator from Idaho (Mr. RISCH), the Senator from Mississippi (Mr. COCHRAN), the Senator from Georgia (Mr. CHAMBLISS), the Senator from Iowa (Mr. GRASSLEY), the Senator from Alabama (Mr. SESSIONS), the Senator from Nebraska (Mr. JOHANNS), the Senator from Alabama (Mr. SHELBY), and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors of S. 4020, a bill to protect 10th Amendment rights by providing special standing for State government officials to challenge proposed regulations, and for other purposes.

S. CON. RES. 63

At the request of Mr. JOHNSON, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. Con. Res. 63, a concurrent resolution expressing the sense of Congress that Taiwan should be accorded observer status in the International Civil Aviation Organization (ICAO).

S. CON. RES. 71

At the request of Mr. FEINGOLD, the names of the Senator from Kansas (Mr. BROWNBACK), the Senator from Massachusetts (Mr. KERRY), the Senator from Indiana (Mr. LUGAR), and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. Con. Res. 71, a concurrent resolution recognizing the United States national interest in helping to prevent and mitigate acts of genocide and other mass atrocities against civilians, and supporting and encouraging efforts to develop a whole of government approach to prevent and mitigate such acts.

S. RES. 485

At the request of Mr. AKAKA, the names of the Senator from Connecticut (Mr. DODD), the Senator from Idaho (Mr. CRAPO), the Senator from South Dakota (Mr. JOHNSON), the Senator from Tennessee (Mr. CORKER), the Senator from New York (Mr. SCHUMER), the Senator from Mississippi (Mr. COCHRAN), the Senator from New Jersey (Mr. MENENDEZ), the Senator from Mississippi (Mr. WICKER), the Senator from Wisconsin (Mr. KOHL), the Senator from Oregon (Mr. MERKLEY), the Senator from Hawaii (Mr. INOUYE), the Senator from Illinois (Mr. DURBIN), the Senator from Montana (Mr. BAUCUS), the Senator from Washington (Mrs. MURRAY), the Senator from Arkansas (Mrs. LINCOLN), the Senator from Alaska (Mr. BEGICH), the Senator from New York (Mrs. GILLIBRAND), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Michigan (Mr. LEVIN), the Senator from Delaware (Mr. CARPER), the Senator from Maryland (Mr. CARDIN), the Senator from Michigan (Ms. STABENOW), and the Senator from North Carolina (Mrs. HAGAN) were added as cosponsors of S. Res. 485, a resolution designating April 2010 as ''Financial Literacy Month''.

S. RES. 570

At the request of Mr. CASEY, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. Res. 570, a resolution calling for continued support for and an increased effort by the Governments of Pakistan, Afghanistan, and other Central Asian countries to effectively monitor and regulate the manufacture, sale, transport, and use of ammonium nitrate fertilizer in order to prevent the transport of ammonium nitrate into Afghanistan where the ammonium nitrate is used in improvised explosive devices.

AMENDMENT NO. 4768

At the request of Mr. BROWN of Ohio, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of amendment No. 4768 intended to be proposed to H.R. 4853, a bill to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes.

AMENDMENT NO. 4769

At the request of Mr. KOHL, the names of the Senator from North Dakota (Mr. DORGAN), the Senator from Oregon (Mr. MERKLEY) and the Senator from Michigan (Ms. STABENOW) were

added as cosponsors of amendment No. 4769 intended to be proposed to H.R. 4853, a bill to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes.

AMENDMENT NO. 4773

At the request of Ms. STABENOW, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of amendment No. 4773 intended to be proposed to H.R. 4853, a bill to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes.

AMENDMENT NO. 4790

At the request of Mrs. FEINSTEIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of amendment No. 4790 intended to be proposed to H.R. 4853, a bill to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes.

AMENDMENT NO. 4792

At the request of Mrs. FEINSTEIN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of amendment No. 4792 intended to be proposed to H.R. 4853, a bill to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes.

AMENDMENT NO. 4809

At the request of Mr. SANDERS, the names of the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from Alaska (Mr. BEGICH), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Minnesota (Mr. FRANKEN) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of amendment No. 4809 intended to be proposed to H.R. 4853, a bill to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SPECTER:

S. 4032. A bill to amend the Controlled Substances Act to more effectively regulate anabolic steroids; to the Committee on the Judiciary.

Mr. SPECTER. Mr. President, I have sought recognition to introduce the Designer Anabolic Steroid Control Act of 2010. This legislation was originally filed as an amendment, number 4693, to the FDA Food Safety Modernization Act S. 510, but did not receive a vote. Therefore, before the 111th Congress ends, I am introducing it as a standalone bill which may be taken up in another Congress.

Anabolic steroids—masquerading as body building dietary supplements—are sold to millions of Americans in shopping malls and over the Internet even though these products put at grave risk the health and safety of Americans who use them. The harm from these steroid-tainted supplements is real. In its July 28, 2009 public health advisory, the FDA described the health risk of these types of products to include serious liver injury, stroke, kidney failure and pulmonary embolism. The FDA also warned:

> [A]nabolic steroids may cause other serious long-term adverse health consequences in men, women, and children. These include shrinkage of the testes and male infertility, masculinization of women, breast enlargement in males, short stature in children, adverse effects on blood lipid levels, and increased risk of heart attack and stroke.

New anabolic steroids—often called designer steroids—are coming on the market every day, and FDA and DEA are unable to keep pace and effectively stop these products from reaching consumers.

At the Senate Judiciary Subcommittee on Crime and Drugs hearing I chaired on September 29, 2009, representatives from FDA and DEA, as well as the U.S. Anti-Doping Agency, testified that there is a cat and mouse game going on between unscrupulous supplement makers and law enforcement—with the bad actors engineering more and more new anabolic steroids by taking the known chemical formulas of anabolic steroids listed as controlled substances in Schedule III and then changing the chemical composition just slightly, perhaps by a molecule or two. These products are rapidly put on the market—in stores and over the Internet—without testing and proving the safety and efficacy of these new products. There is no pre-notification to, or pre-market approval by, federal agencies occurring here. These bad actors are able to sell and make millions in profits from their designer steroids because while it takes them only weeks to design a new steroid by tweaking a formula for a banned anabolic steroid, it takes literally years for DEA to have the new anabolic steroid classified as a controlled substance so DEA can police it.

The FDA witness at the hearing, Mike Levy, Director of the Division of New Drugs and Labeling Compliance, acknowledged that this is a ''challenging area'' for FDA. He testified that for FDA it is ''difficult to find the violative products and difficult to act on these problems.'' The DEA witness, Joseph T. Rannazzisi, Deputy Assistant Administrator for DEA, was even blunter. When I questioned him at the hearing, Mr. Rannazzisi admitted that ''at the present time I don't think we are being effective at controlling these drugs.'' He described the process as ''extremely frustrating'' because ''by the time we get something to the point where it will be administratively scheduled [as a controlled substance], there's two to three [new] substances out there.''

The failure of enforcement is caused by the complexity of the regulations, statutes and science. Either the Food Drug and Cosmetic Act, which provides jurisdiction for FDA, or the Controlled Substances Act, which provides jurisdiction for DEA, or both, can be applicable depending on the ingredients of the substance. Under a 1994 amendment to the Food Drug and Cosmetic Act, called the Dietary Supplement Health and Education Act, DSHEA, dietary supplements, unlike new drug applications, are not closely scrutinized and do not require Pre-market approval by the FDA before the products can be sold. Pre-market notification for dietary supplements is required only if the product contains new dietary ingredients, meaning products that were not on the U.S. market before DSHEA passed in 1994.

If the FDA determines that a dietary supplement is a steroid, it has several enforcement measures available to use. FDA may treat the product as an unapproved new drug, or as an adulterated dietary supplement under the Food Drug and Cosmetic Act. Misdemeanor violations of the Food Drug and Cosmetic Act may apply, unless there is evidence of intent to defraud or mislead, a requirement for a felony charge. However, given the large number of dietary supplement products on the market, it is far beyond the manpower of the FDA to inspect every product to find, and take action against, those that violate the law—as the FDA itself has acknowledged.

The better enforcement route is a criminal prosecution under the Controlled Substances Act. However, the process to classify a new anabolic steroid as a controlled substance under Schedule III is difficult, costly and time consuming, requiring years to complete. Current law requires that to classify a substance as an anabolic steroid, DEA must demonstrate that the substance is both chemically and pharmacologically related to testosterone. The chemical analysis is the more straightforward procedure, as it requires the agency to conduct an analysis to determine the chemical structure of the new substance to see if it is related to testosterone. The pharmacological analysis, which must be outsourced, is more costly, difficult, and can take years to complete. It requires both in vitro and in vivo analyses, the latter is an animal study. DEA must then perform a comprehensive review of existing peer-reviewed literature.

Even after DEA has completed the multi-year scientific evaluation process, the agency must embark on a lengthy regulatory review and public-comment process, which typically delays by another year or two the time it takes to bring a newly emerged anabolic steroid under control. As part of this latter process, DEA must conduct interagency reviews, which means sending the studies and reports to the Department of Justice, DOJ, the Office of Management and Budget, OMB, and the Department of Health and Human Services, HHS, provide public notification of the proposed rule, allow for a period of public comment, review and comment on all public comments, write a final rule explaining why the agency agreed or did not agree with the public comments, send the final rule and agency comments back to DOJ, OMB and HHS, and then publish the final rule, all in accordance with the Administrative Procedures Act. To date, under these cumbersome procedures, DEA has only been able to classify three new anabolic steroids as controlled substances and that process—completed only after the September 29, 2010 Senate Judiciary subcommittee hearing—took more than 5 years to finish.

It is clear that the current complex and cumbersome regulatory system has failed to protect consumers from underground chemists who easily and rapidly produce designer anabolic steroids by slightly changing the chemical composition of the anabolic steroids already included on Schedule III as controlled substances. The story of Jareem Gunter, a young college athlete who testified at the hearing, illustrates the system's failure. To improve his athletic performance four years ago, Jareem purchased in a nutrition store a dietary supplement called Superdrol, a product he researched extensively on the Internet and believed was safe. Unfortunately it was not. Superdrol contained an anabolic steroid which to this day is still not included in the list of controlled substances. After using Superdrol for just several weeks, Jareem came close to dying because this product—which he thought would make him stronger and healthier—seriously and permanently injured his liver. He spent four weeks in the hospital and has never been able to return to complete his college education.

To close the loopholes in the present laws that allow the creation and easy distribution of deadly new anabolic steroids masquerading as dietary supplements, I am introducing today The Designer Anabolic Steroid Control Act of 2010. The bill simplifies the definition of anabolic steroid to more effectively target designer anabolic steroids, and permits the Attorney General to issue faster temporary and permanent orders adding recently emerged anabolic steroids to the list of anabolic steroids in Schedule III of the Controlled Substances Act.

Under the bill, if a substance is not listed in Schedule III of the Controlled Substances Act but has a chemical structure substantially similar to one of the already listed and banned anabolic steroids, the new substance will be considered to be an anabolic steroid if it was intended to affect the structure or function of the body like the banned anabolic steroids do. In other words, DEA will not have to perform the complex and time consuming pharmacological analysis to determine how the substance will affect the structure and function of the body, as long as the agency can demonstrate that the new steroid was created or manufactured for the purpose of promoting muscle growth or causing the same pharmacological effects as testosterone.

Utilizing the same criteria, the bill permits the Attorney General to issue a permanent order adding such substances to the list of anabolic steroids in Schedule III of the Controlled Substances Act.

The bill also includes new criminal and civil penalties for falsely labeling substances that are actually anabolic steroids. The penalties arise where a supplement maker fails to truthfully indicate on the label—using internationally accepted and understandable terminology—that the product contains an anabolic steroid. These penalties are intended to be substantial enough to take away the financial incentive of unscrupulous manufacturers, distributors, and retailers who might otherwise be willing to package these products in a way that hides the true contents from law enforcement and consumers.

Finally, the bill adds 33 new anabolic steroids to Schedule III. These 33 anabolic steroids have emerged in the marketplace in the six years since Congress passed the Anabolic Steroid Control Act of 2004. The bill also instructs the United States Sentencing Commission to review and revise the Federal sentencing guidelines to ensure that sentences will be based on the total weight of the product when anabolic steroids are illegally manufactured or distributed in a tablet, capsule, liquid or other form that makes it difficult to determine the actual amount of anabolic steroid in the product.

By making these changes, we can protect the health and lives of countless Americans and provide an effective enforcement mechanism to hold accountable those individuals and their companies which purposefully exploit the current regulatory system for their selfish gain. The Department of Justice has provided extensive technical assistance in the drafting of this bill over many months. In addition, this legislation is fully supported by the United States Olympic Committee, the National Football League, the United States Anti-Doping Agency, as well as by Supplement Safety Now, a coalition including all the major league sports teams, and other sports and medical associations. I urge my colleagues to take up this much-needed bill in the next Congress.

By Mr. SPECTER:

S. 4033. A bill to provide for the restoration of legal rights for claimants under holocaust-era insurance policies; to the Committee on the Judiciary.

Mr. SPECTER. Mr. President, I have sought recognition to urge my colleagues to support and take up next Congress the bill I just introduced, the Restoration of Legal Rights for Claimants Under Holocaust-Era Insurance Policies. The bill would restore the right of Holocaust survivors and their descendants—many of them United States citizens—to maintain lawsuits in our courts to recover unpaid proceeds under Holocaust-era life insurance policies. Recent decisions of the federal courts about which I have spoken at length in prior floor statements and confirmation hearings have denied survivors and their descendants that right.

The insurance policies at issue were issued to millions of European Jews before World War II. During the Nazi era, European insurers largely escaped their obligations under the policies—sometimes by participating with the Nazis in what one Supreme Court Justice has characterized as ''larcenous takings of gigantic proportions.'' [Am. Ins. Ass'n v. Garamendi, 539 U.S. 396, 430 (2003) (Ginsburg, J., joined by Stevens, Scalia, and Thomas, JJ., dissenting).] In the aftermath of World War II, insurers dishonored the policies for one shameful reason or another. The most shameful of them was that a claimant could not produce a death certificate of a deceased insured who had been murdered in a Nazi death camp.

In the 1990s survivors turned, as a last resort, to the courts of the United States. Numerous suits were filed seeking compensation from European insurers for dishonoring Holocaust-era insurance policies during and especially after the War. Several States, for their part, attempted to facilitate recovery under unpaid policies by requiring insurers doing business in their States, as most did, to disclose information about those policies.

European insures responded to these developments by agreeing to establish a private claims resolution process. Their agreement resulted in the establishment of a voluntary organization in 1998—formed by, among others, the insurers, the State of Israel, and State insurance commissioners in the United States known as the International Commission on Holocaust Era Insurance Claims, ICHEIC. ''The job of ICHEIC,'' according to the Supreme Court, ''include[d] negotiation with European insurers to provide information about unpaid insurance policies and the settlement of claims under them.'' [Garamendi, 539 U.S. at 407.]

Many survivors and their descendants filed claims through ICHEIC. How fairly ICHEIC decided their claims remains a debated question. Testimony before Congress at least raises serious questions as to whether meritorious

claims were denied. I do not wish to enter that debate today except to emphasize that ICHEIC was not a neutral, governmental adjudicatory body. It was, as then-Judge Michael Mukasey said, a ''an ad-hoc non-judicial, private international claims tribunal'' created, funded, and to a large extent controlled by the insurance companies—in short, again in Judge Mukasey's words, ''a company store.'' [In re Assicurazioni Generali, S.p.A Holocaust Ins. Litig., 228 F. Supp. 2d 348, 356–57 (S.D.N.Y. 2002).] I also wish to emphasize that by filing a claim through ICHEIC, a claimant did not waive his right to file suit. Only claimants who received payments under insurance policies did so.

Despite the creation of ICHEIC, litigation continued in American courts. Foreign protests over the litigation led the United States to negotiate several executive agreements with foreign governments. Of these, the most important was the 2000 German Foundation Agreement. It obligated Germany to establish the German Foundation, which was funded by Germany and German companies, to compensate Jews ''who suffered'' various economic harms ''at the hands of the German companies during the National Socialist era.'' As for insurance claims in particular, the agreement obligated German insurers to address them through ICHEIC. Similar agreements between the United States and Austria and France followed. No agreement was reached, though, with Nazi German's principal ally, Italy.

In negotiating the 2000 agreement, Germany sought immunity from suit—''legal peace'' as Germany calls it—in American courts for German companies. The United States refused to provide it, and could not have provided it, in my view, in the absence of a Senate-ratified treaty or some other such authoritative Congressional action. Instead the United States agreed only to the inclusion of a provision obligating the United States to file in any suit against a German company over a Holocaust-era claim a precatory statement informing the court that ''it would be in the foreign policy interests of the United States for the Foundation to be the exclusive forum and remedy for the resolution of all asserted claims against Germany companies arising from their involvement in the National Socialist era and World War II.'' The United States also agreed in any such filing to ''recommend dismissal on any valid legal ground (which, under the U.S. system of jurisprudence, will be for the U.S. courts to determine).'' The 2000 agreement makes explicit, however, that ''the United States does not suggest that its policy interests concerning the Foundation in themselves provide an independent legal basis for dismissal.''

But what the 2000 executive agreement expressly denied Germany companies—that is, immunity from suit—our federal courts have now given them at the urging of the executive branch. I refer first and foremost to the Supreme Court's much-criticized, five-to-four decision in American Insurance Co. v. Garamendi, 2003. The Court held there that the executive branch's foreign policy favoring the resolution of Holocaust-era insurance claims through ICHEIC preempted a California law requiring the disclosure of information about Holocaust-era insurance policies to potential claimants. It did not matter, the Court said, that the executive agreement said nothing whatsoever about preemption, let alone that no federal statute or treaty actually preempted disclosure statute's like California's. It was enough that the agreement embodied a general policy—reaffirmed over the years by statements by sub-cabinet officials—with which California's disclosure state could be said to conflict. Four Justices with very different views on executive power—Ginsburg, Scalia, Stevens, and Thomas—dissented. While conceding the, questionable, argument that the President can under some circumstances preempt state law by executive agreement, they emphasized the obvious flaw in the Court's position on the facts at hand: The 2000 agreement says nothing about preemption. Insofar as it says anything on the subject, it actually disclaims any preemptive effect.

On the authority of Garamendi, the Federal district court before which lawsuits to recover on policies issued by the Italian insurer Generali had been consolidated dismissed those suits as preempted. The court rejected the plaintiffs' argument that the suits could not be preempted because Italy and the United States had never entered into an executive agreement addressing claims against Italian insurers. Appeals to the Court of Appeals for the Second Circuit followed. While the appeals were pending, a class action settlement was reached and approved by the court under which most of the class members received nothing. The plaintiffs' lead counsel has said that Garamendi left them no choice but to settle. Several plaintiffs who opted out of the settlement nonetheless pressed on with the appeals. Early this year the Second Circuit affirmed the dismissal of their cases. [In re Assicurazioni Generali, S.P.A., 529 F.3d 113 (2d Cir. 2010).]

The plaintiffs then asked the Supreme Court to hear their case by filing a petition for certiorari. They raised two main questions. Whether Garamendi preempts the generally applicable state common law under which the plaintiffs sought recovery, as opposed to the disclosure-specific law California enacted. Whether Garamendi should be read to preempt state-law claims in the absence of any executive agreement addressing those claims. Recall that Italy and the United States never entered into an executive agreement with which claims against Generali, an Italian insurer, could be said to conflict. A post-Garamendi decision of the Court, Medellin v. Texas, 2008, suggests that Garamendi cannot be so broadly read—that an executive-branch foreign policy can preempt state law only if it becomes law through the means prescribed by the Constitution or, in some limited class of cases at least, find expression in an executive agreement entered with Congress's acquiescence. Despite the importance of these questions and an apparent split among the lower courts in answering them, the Supreme Court denied certiorari.

My legislation would achieve two narrow, but important, objectives: First, it would restore Holocaust survivors and their descendants to the legal position they occupied before Garamendi and Generali. Second, it would allow states to enforce the sort of disclosure laws at issue in Garamendi. With limited exceptions tailored to achieve these objectives, the legislation would otherwise leave undisturbed any defenses that insurers may have to Holocaust-era insurance claims, including the defense that they were settled and released through ICHEIC.

Of equal significance, my legislation would vindicate two important Constitutional principles—one involving separation of powers, the other federalism. The principle of separation of powers is that the Constitution vests all lawmaking authority in Congress and none in the executive branch. The principle of federalism is that, under the Constitution's supremacy clause, Article VI, only the Constitution, Congressionally enacted law, and Senate-ratified treaties can preempt state law. Some executive agreements, if entered at least with Congress's acquiescence, arguably may also do so. But executive-branch policies plainly do not.

One final point: A similar House bill, H.R. 4596, has been objected to on the ground that it will disserve aging Holocaust survivors because it will create unrealistic expectations of recovery. Claims that were not successful before ICHEIC, the House bill's critics claim, are almost certain to fail in court. That is a debatable objection. It is, in any event, beside the point. Holocaust survivors and their descendants should be allowed to decide for themselves whether to file suit. Neither the executive branch nor the federal courts should make that decision for them.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4810. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill H.R. 4849, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, extend the Build America Bonds program, provide other infrastructure job creation tax incentives, and for other purposes; which was ordered to lie on the table.

SA 4811. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 3082, making appropriations for military construction, the Department of

Veterans Affairs, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table.

SA 4812. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3082, supra; which was ordered to lie on the table.

SA 4813. Ms. SNOWE (for herself and Ms. COLLINS) submitted an amendment intended to be proposed by her to the bill S. 3454, to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4810. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill H.R. 4849, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, extend the Build America Bonds program, provide other infrastructure job creation tax incentives, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. REPEAL OF EXPANSION OF INFORMATION REPORTING REQUIREMENTS.

(a) REPEAL OF PAYMENTS FOR PROPERTY AND OTHER GROSS PROCEEDS.—Subsection (b) of section 9006 of the Patient Protection and Affordable Care Act, and the amendments made thereby, are hereby repealed; and the Internal Revenue Code of 1986 shall be applied as if such subsection, and amendments, had never been enacted.

(b) REPEAL OF APPLICATION TO CORPORATIONS; APPLICATION OF REGULATORY AUTHORITY.—

(1) IN GENERAL.—Section 6041, as amended by section 9006(a) of the Patient Protection and Affordable Care Act and section 2101 of the Small Business Jobs Act of 2010, is amended by striking subsections (i) and (j) and inserting the following new subsection:

''(i) REGULATIONS.—The Secretary may prescribe such regulations and other guidance as may be appropriate or necessary to carry out the purposes of this section, including rules to prevent duplicative reporting of transactions.''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to payments made after December 31, 2010.

SA 4811. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 3082, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page __, between lines __ and __, insert the following:

SEC. _____. PROHIBITION ON FUNDING EARMARKS.

(a) IN GENERAL.—Notwithstanding any other provision of this Act, none of the funds provided in this Act may be expended to fund an earmark. Any account in this Act from which an earmark is made shall be reduced by an amount equal to any such earmark.

(b) EARMARK DEFINED.—The term ''earmark'' means a congressionally directed spending item, limited tax benefit, or limited tariff benefit as defined in paragraph 5 of rule XLIV of the Standing Rules of the Senate or a congressional earmark as defined in clause 9(e) of rule XXI of the Rules of the House of Representatives.

SA 4812. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3082, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 383, beginning on line 24, strike ''$10,000,000 to the John P. Murtha Foundation;''.

SA 4813. Ms. SNOWE (for herself and Ms. COLLINS) submitted an amendment intended to be proposed by her to the bill H.R. 3454, to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the table VI, add the following:

Subtitle E—Other Matters

SEC. 641. CONTINUED OPERATION OF COMMISSARY AND EXCHANGE STORES SERVING BRUNSWICK NAVAL AIR STATION, MAINE.

The Secretary of Defense shall provide for the continued operation of each commissary or exchange store serving Brunswick Naval Air Station, Maine, through September 30, 2011, and may not take any action to reduce or to terminate the sale of goods at such stores during fiscal year 2011.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on December 15, 2010, at 12 p.m. in room S–219 of the Capitol Building.

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

COMMITTEE ON FINANCE

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on December 15, 2010, immediately following a vote on the Senate Floor.

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

PRIVILEGES OF THE FLOOR

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that Nancy Peterson, a fellow in Senator WEBB's office, be granted the privilege of the floor throughout the Senate's consideration of the New START treaty and the fiscal year 2011 Omnibus Appropriations Act.

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

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. DURBIN. Mr. President, as if in executive session, I ask unanimous consent that on Thursday, December 16, following leader time, the Senate proceed to executive session to begin consideration of Calendar No. 7, the START treaty, and that the treaty be considered read.

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

ORDER FOR PRINTING OF TRIBUTES

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the printing of tributes be modified to provide that Members have until sine die of the 111th Congress, 2d session, to submit tributes and that the order for printing remain in effect.

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

MAKING TECHNICAL CORRECTIONS TO THE COAST GUARD AUTHORIZATION ACT OF 2010

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 6516, which was received from the House and is at the desk.

The PRESIDING OFFICER. The clerk will report the title of the bill.

The bill clerk read as follows:

A bill (H.R. 6516) to make technical corrections to provisions of law enacted by the Coast Guard Authorization Act of 2010.

There being no objection, the Senate proceeded to consider the bill.

Mr. DURBIN. I ask unanimous consent that the bill be read three times and passed, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the bill be printed in the RECORD.

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

The bill (H.R. 6516) was ordered to be read a third time, was read the third time, and passed.

ORDERS FOR THURSDAY, DECEMBER 16, 2010

Mr. DURBIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Thursday, December 16; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, and the time for the two leaders be reserved for their use later in the day; and that following any leader remarks, the Senate proceed to executive session for the consideration of the New START treaty, as provided under the previous order.

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

PROGRAM

Mr. DURBIN. Mr. President, votes in relation to amendments on the START treaty are possible throughout the day tomorrow. Senators will be notified when votes are scheduled.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. DURBIN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 6:24 p.m., adjourned until Thursday, December 16, 2010, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

NATIONAL COUNCIL ON DISABILITY

CLYDE E. TERRY, OF NEW HAMPSHIRE, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 2013, VICE JOHN R. VAUGHN, RESIGNED.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIGADIER GENERAL THOMAS P. HARWOOD III
BRIGADIER GENERAL ROBERT K. MILLMANN, JR.
BRIGADIER GENERAL WILLIAM F. SCHAUFFERT
BRIGADIER GENERAL MICHAEL N. WILSON
BRIGADIER GENERAL JOHN T. WINTERS, JR.

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COLONEL RANDALL C. GUTHRIE
COLONEL NORMAN R. HAM
COLONEL RONALD B. MILLER
COLONEL JOHN J. MOONEY III
COLONEL DAVID B. O'BRIEN
COLONEL RICHARD W. SCOBEE
COLONEL JOCELYN M. SENG
COLONEL WILLIAM B. WALDROP, JR.
COLONEL TOMMY J. WILLIAMS
COLONEL EDWARD P. YARISH
COLONEL SHEILA ZUEHLKE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be major general

BRIGADIER GENERAL FRANCES M. AUCLAIR
BRIGADIER GENERAL BARRY K. COLN
BRIGADIER GENERAL JEFFREY R. JOHNSON
BRIGADIER GENERAL MARY J. KIGHT
BRIGADIER GENERAL THOMAS R. MOORE
BRIGADIER GENERAL JOHN F. NICHOLS
BRIGADIER GENERAL LEON S. RICE
BRIGADIER GENERAL GARY L. SAYLER
BRIGADIER GENERAL SCOTT B. SCHOFIELD
BRIGADIER GENERAL JONATHAN T. TREACY
BRIGADIER GENERAL DELILAH R. WORKS

To be brigadier general

COLONEL STEVEN P. BULLARD
COLONEL MICHAEL B. COMPTON
COLONEL MURRAY A. HANSEN
COLONEL JEFFREY W. HAUSER
COLONEL WILLIAM O. HILL
COLONEL JEROME P. LIMOGE, JR.
COLONEL DONALD A. MCGREGOR
COLONEL TONY E. MCMILLIAN
COLONEL GREGORY L. NELSON
COLONEL GARY L. NOLAN
COLONEL MICHAEL E. STENCEL
COLONEL RICHARD G. TURNER
COLONEL WILLIAM L. WELSH
COLONEL DANIEL J. ZACHMAN

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. JON J. MILLER