



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 111th CONGRESS, FIRST SESSION

Vol. 155

WASHINGTON, FRIDAY, NOVEMBER 6, 2009

No. 165

Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable JEFF MERKLEY, a Senator from the State of Oregon.

PRAYER

The PRESIDING OFFICER. Today's prayer will be offered by the Reverend Dr. Timothy Keller, Pastor, Redeemer Presbyterian Church, New York City.

The guest Chaplain offered the following prayer:

Let us pray.

Almighty and Everlasting God, Your presence brings joy in every condition, and Your grace is the health of every community.

We ask now that You would be both present and gracious toward these lawmakers and leaders as they begin their daily work. Visit them with a spirit of understanding, counsel, and courage, so that they may both know and do what is right.

Give them wisdom as well as compassion as they ponder the plight of the powerless, so that they may seek justice and peace in our country. Give them a spirit of unity, so that, despite honest and deeply felt differences of conviction, they may humbly work together for the common good.

And so that we may obtain all that You promise, empower us, as a nation, to love all that You do command.

This we ask in the Name of the one Redeemer, who gives Himself to us, that we might give ourselves to Him. Amen.

PLEDGE OF ALLEGIANCE

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

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication

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

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, November 6, 2009.

To the Senate:

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

ROBERT C. BYRD,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will resume consideration of the Military Construction and Veterans Affairs appropriations bill. I encourage Senators to come to the floor today and offer amendments.

Also, we will probably come in around 1 o'clock or 2 o'clock Monday and that will be an opportunity to offer amendments. It is very important to finish this bill before Veterans Day. I think that would send a good message to the veterans of our country. Senators are, therefore, encouraged to come to the floor and offer amendments.

There will be no rollcall votes today. There will be rollcall votes Monday starting at 5:30. The first vote on Monday will be on Andre Davis to be a circuit judge for the Fourth Circuit. We hope to have other votes that evening, based on the amendments that are filed.

It is my understanding the distinguished Senator from New Mexico, Mr. UDALL, is going to be here to offer an amendment today. The manager is here, the chairman, Senator JOHNSON of South Dakota. We are open for business. It is very important people understand that they have the opportunity to offer amendments, if, in fact, they have any.

In years past, we have finished this appropriations bill in a matter of a couple hours. This year, it has been a little tough to get through appropriations bills. We need to get through the bill. We have a lot to do before this year ends.

I express my appreciation to Senator JOHNSON for his usual fine work. He is an outstanding Senator and has done a good job of managing this bill through the committee process to get where we are today.

RESERVATION OF LEADER TIME

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

MILITARY CONSTRUCTION, VETERANS AFFAIRS, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 3082, which the clerk will state by title.

The assistant legislative clerk read as follows:

A 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.

Pending:

Johnson/Hutchison amendment No. 2730, in the nature of a substitute.

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

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



Printed on recycled paper.

S11239

Mr. JOHNSON. Mr. President, as we resume consideration of the MilCon/VA bill, I remind my colleagues how important this bill is to the health and well being of our Nation's veterans and military troops and families.

Overall, the bill provides \$134 billion for veterans health and benefits and for urgent investments in military construction, including family housing, barracks and operational facilities.

Within that total, the bill before the Senate provides increased funding for a number of smaller but important initiatives. Let me cite just a few examples.

For veterans, the bill provides \$3.2 billion for health care and supportive services for homeless veterans. Ending homelessness among veterans is one of Secretary Shinseki's top priorities, and I am committed to doing everything possible through the appropriations process to help him achieve that goal. To that end, I have an amendment to provide another \$50 million to the VA to renovate empty buildings on VA medical campuses to provide housing and services to homeless vets.

For the military, the bill fully funds the expansion of the Homeowners Assistance Program to help military families who face steep losses on home sales as a result of orders to new posts during the current mortgage crisis. Military families cannot pick and choose when or where they move—they go where their orders send them when they are told to move. The expansion of the Homeowners Assistance Program is designed to help military families who must move at a time when home values have plummeted to avoid foreclosure or financial ruin by compensating them for losses on home sales.

And for the Nation's economic and environmental health, the bill provides \$225 million to promote energy conservation and investment in renewable energy resources at U.S. military bases, nearly triple the budget request. The Defense Department is the single largest consumer of energy in the Nation. This bill provides the funding to step up efforts to reduce energy consumption on military bases and to promote renewable energy alternatives, ranging from installing energy efficient light bulbs to powering an installation with geothermal energy.

These are just a few examples of the many important programs funded in this bill, and a few of the reasons why it is important that we act swiftly to pass the bill. I urge my colleagues to come to the floor if they wish to speak or if they have amendments to offer, and to work with the committee staff to clear amendments.

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

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

The assistant legislative clerk proceeded to call the roll.

Mr. UDALL of New Mexico. Mr. President, I ask unanimous consent

that the order for the quorum call be rescinded.

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

AMENDMENT NO. 2737 TO AMENDMENT NO. 2730
(Purpose: To make available from Medical Services, \$150,000,000 for homeless veterans comprehensive service programs)

Mr. UDALL of New Mexico. Mr. President, I call up amendment No. 2737.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. UDALL], for himself, Mr. BINGAMAN, and Mr. BOND, proposes an amendment numbered 2737 to amendment No. 2730.

On page 52, after line 21, add the following:
SEC. 229. Of the amount appropriated or otherwise made available by this title under the heading "MEDICAL SERVICES", \$150,000,000 shall be available for the grant program under section 2011 of title 38, United States Code, and per diem payments under section 2012 of such title.

Mr. UDALL of New Mexico. Mr. President, let me, first of all, thank Senator JOHNSON for all his hard work on this appropriations bill. The Military Construction, Veterans Affairs appropriations bill is one of the most important bills we do in the Congress because, as he has said earlier, it supports our veterans, supports their health care, supports military construction, and supports what they do in the communities around the country and across the world. In particular, it supports the Department of Veterans Affairs.

After reviewing this piece of legislation, I commend Senator JOHNSON on his excellent leadership. I also thank him for working with me on this particular amendment. I also thank his excellent staff.

I rise to talk about America's forgotten heroes and to offer this amendment to improve upon the excellent legislation before us today. Imagine dedicating your life to serving your country. You give up time with your family, you put your life on the line, you sacrifice everything for the freedom and security of your fellow Americans. Then, you come home and you cannot hold down a job or you cannot adjust to everyday life because of the traumatic experience you have been through. Soon, you find yourself without four walls to call home.

Many of our veterans transition back into civilian life without problems. For many others, it simply takes more time. But for some veterans, that transition is painfully difficult. Sometimes, it never happens at all. Right now, more than 130,000 of our Nation's 24 million military veterans—brave Americans who answered the call to serve—are homeless on any given day. They are in their greatest hour of need, living on the streets without support or any hope for a better tomorrow.

If every American living on the street is a tragedy, every veteran liv-

ing on the street is a crime. Our veterans deserve better than that from the Nation they served. At the bare minimum, this country has a responsibility to provide its veterans with a place to lay their heads.

Sadly, when it comes to this basic duty, we have not lived up to our ideals. Roughly, 200,000 American veterans experience homelessness at some time during the year. Veterans are twice as likely as other Americans to be homeless. This is a statistic that should outrage all of us.

President Obama has set a goal of eliminating the homelessness of veterans in 5 years. I commend him for that. I commend the subcommittee for the legislation they have put together to provide funding for several VA homelessness programs—and I commend Senator JOHNSON for his leadership on this legislation—including \$144 million for the Homeless Grant and Per Diem Program.

My amendment, however, increases the funding in the bill by a modest \$6 million, bringing it to the program's full authorization level. Senators BOND and BINGAMAN are joining in this effort as amendment cosponsors, and I thank them for their support.

This amendment will provide additional funds to construct, renovate, and acquire buildings to be used as service centers or transitional housing for homeless veterans. These grants are critical to organizations working to provide shelter to our homeless veterans. In my home State of New Mexico, six organizations in Albuquerque, Gallup, Las Cruces, and Las Vegas, have received these funds over the past 8 years. They will tell you firsthand how critical this funding is to our veterans and to our country.

While I know this funding is not an end-all, be-all solution to veteran homelessness, it is a good start.

I received a letter from a 15-year-old Boy Scout from Albuquerque a bit ago. His father and grandfather are veterans, and he is planning to follow in their footsteps and join the military himself when he is old enough. This young man wrote to say how angry he is that we are not doing enough to help our homeless veterans. Here is what he said in his letter that he wrote me:

These men and women are doing what they were called to do by our government . . . but then they come back and are treated so poorly by everyone . . . We, as a nation, need to do more to help our veterans.

As long as America faces threats and values freedom, we will need men and women to protect us. And as long as men and women serve in uniform, we all have a sacred responsibility to support them.

To the smart young man who wrote me that letter and to all America's veterans, this bill and this amendment builds on efforts to meet our country's moral obligations to the men and women who so bravely served our country. I urge my colleagues to support passage of both.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from South Dakota.

Mr. JOHNSON. Mr. President, this is an excellent amendment. I thank the Senator for offering it. I will accept this amendment at the appropriate time.

Mr. UDALL of New Mexico. Mr. President, if the Senator will yield for a comment, I, once again, thank Senator JOHNSON. I know when he looks at these veterans issues and deals with them, he has the utmost respect. I believe he has a son who has served. He brings a compassion to these veterans issues that shows in this legislation we have on the floor today.

I hope all of my colleagues will review the legislation and see that the Senator from South Dakota put a lot of hard work in and his staff has put a lot of hard work in. I once again appreciate him and his staff for working with me on this amendment. I look forward to working with him to see that it is accepted.

Mr. JOHNSON. I thank the Senator from New Mexico.

Mr. INOUE. Mr. President, I submit pursuant to Senate rules a report, and I ask unanimous consent that it be printed in the RECORD.

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

DISCLOSURE OF CONGRESSIONALLY DIRECTED
SPENDING ITEMS

I certify that the information required by rule XLIV of the Standing Rules of the Senate related to congressionally directed spending items has been identified in the committee report which accompanies S. 1407 and that the required information has been available on a publicly accessible congressional website at least 48 hours before a vote on the pending bill.

Mr. SANDERS. Mr. President, I ask unanimous consent to speak as in morning business.

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

TOO BIG TO FAIL LEGISLATION

Mr. SANDERS. Mr. President, as a result of the greed, the recklessness, and the illegal behavior of a handful of executives on Wall Street, we are in the midst of the worst economic crisis since the Great Depression. Millions of Americans from one end of this country to the other have lost their jobs, they have lost their homes, they have lost their savings, they have lost their ability to send their kids to college, and they have lost their hope. In fact, just this morning, we have learned that the official unemployment rate is now a staggering 10.2 percent—the highest in over 26 years.

Since the recession began in December of 2007, 8.2 million Americans have lost their jobs and the unemployment rate has more than doubled. In total, today 15.7 million Americans are officially unemployed; another 9.3 million are working part time—they want to work 40 hours a week, but they are

only working part time; and 2.2 million workers have given up looking for work altogether. When you add those three factors together—official unemployment, people who have given up looking for work, and people working part time who want to work full time—what you are left with is an incredible 17.5 percent of the American workforce unemployed or underemployed—27 million Americans. And when we go out and we find that people are angry or hurt or depressed, that is one of the reasons.

Over a year has gone by since Congress—against my vote—passed the \$700 billion bailout for Wall Street. The Federal Reserve has committed trillions of additional dollars in virtually zero-interest loans and other assistance to large financial institutions. Add it all together, and you are looking at the largest taxpayer bailout in the history of the world.

Then-President Bush, Secretary of the Treasury Paulson, and Fed Chairman Ben Bernanke told us at that time that we needed to bail out Wall Street because we could not allow these huge financial institutions and insurance companies to fail because if they failed, their failure would be systemic and would impact every aspect of our economy and would take down large segments not only of financial services but the entire economy as well. We all remember: This is not a bailout of Wall Street, this is a bailout to help Main Street.

One might think, if these institutions were “too big to fail,” one kind of obvious solution—and you don’t need a Ph.D. in economics to figure this out—is that you might want to make them smaller. If they are too big to fail, maybe you would want to reduce their size. Yet, under the leadership of the Bush administration and Fed Chairman Ben Bernanke, these financial institutions did not get smaller, they got bigger.

Last year, Bank of America, the largest commercial bank in this country, which received a \$45 billion taxpayer bailout, purchased Countrywide, the largest mortgage lender in this country, and Merrill Lynch, the largest brokerage firm in this country. You don’t become smaller when you incorporate other large institutions into your existence.

Last year, JPMorgan Chase, which received a \$25 billion bailout from the Treasury Department and a \$29 billion bridge loan from the Fed, acquired Bear Stearns and Washington Mutual, the largest savings and loan in the country.

Last year, the Treasury Department provided an \$18 billion tax break to Wells Fargo to purchase Wachovia, allowing that bank to control 11 percent of all bank deposits in this country.

Today, these huge financial institutions have become so big that, according to the Washington Post, the four largest banks in America—and I want people to hear this—Bank of America,

Wells Fargo, JPMorgan Chase, and Citigroup, now issue one of every two mortgages. Got that? The largest four financial institutions issue half of the mortgages in America. They issue two out of three credit cards and hold \$4 out of every \$10 in bank deposits in the entire country.

The face value of over-the-counter derivatives at commercial banks has grown to \$290 trillion, 95 percent of which are held at just five financial institutions in the entire country—JPMorgan Chase, Bank of America, Citigroup, Goldman Sachs, and Morgan Stanley. Derivatives are nothing more than side bets by Wall Street gamblers that oil prices will go up or down or that the subprime mortgage market will continue to get worse or on the weather or whatever can make them a quick buck. Risky derivative schemes led to the \$182 billion bailout of AIG, the collapse of Lehman Brothers, the downfall of Bear Stearns, and precipitated the largest bailout in the history of the world.

If any of these financial institutions were to get into major trouble again—and, frankly, there is no reason to believe that will not happen because they are spending millions of dollars trying to influence Congress to prevent any action to stop them from going back to the way they were before the collapse—we would be in line for a bailout that would be even larger than the bailout that took place over a year ago. Obviously, we cannot allow that to happen.

Not only are too-big-to-fail financial institutions bad for taxpayers, the enormous concentration of ownership in the financial sector has led to higher bank fees, usurious interest rates on credit cards, and fewer choices for consumers.

Mr. President, I am sure you have gotten the same calls I have gotten from people who say: You know, I pay my credit card bills on time every single month, and suddenly they raise my interest rates to 29 percent, to 30 percent. And one of the reasons these guys can get away with doing that is there is not a heck of a lot of competition out there. One out of four American families, as a result of this greed, this usury, is now paying an interest rate of at least 20 percent on their credit cards. That is another issue that, obviously, we have to deal with.

According to BusinessWeek:

Bank of America sent letters notifying some responsible cardholders that it would more than double their rates to as high as 28 percent.

These are people who pay their bills on time.

According to a recent study by the Pew Charitable Trusts, credit card interest rates went up by an average of 20 percent in the first 6 months of this year, even as banks’ cost of lending declined. In other words, as banks get bigger, consumers are having to pay twice—once to bail out these institutions when they screw up altogether and a second time to pay higher fees and interest rates.

The time has come for us to do exactly what Teddy Roosevelt, a good Republican, did in the early 1900s; the time is now to do what I think most Americans understand we have to do; that is, break up these huge financial institutions.

Yesterday, I introduced S. 2746, the Too Big To Fail, Too Big To Exist Act, which would do just that, and that is the bottom line. The bottom line here is that if a financial institution is too big to fail, that financial institution is too big to exist, and we have to start breaking them up.

This legislation is all of two pages. So when people ask you if you have read it, unlike the 1,900-page health care legislation, you can say with all confidence that you have read it, because it is all of two pages. What it says is, first, that the Secretary of the Treasury has to identify every single financial institution and insurance company in this country that is too big to fail within 90 days. In other words, what are the institutions that if they fail would cause widespread economic harm to the country? The Secretary of the Treasury does that within 90 days. After 1 year, the Secretary of the Treasury would be required to break up these institutions so that their failure would not lead to the collapse of the U.S. or global economy.

There is growing support in our country and around the world for breaking up too-big-to-fail financial institutions. Let me give you a few important examples of that growing sentiment all over the world.

It was reported in the Washington Post and major media all over the world that the British Government, in fact, is moving in that direction. Let me quote from the Washington Post:

The British Government will break up parts of major financial institutions bailed out by taxpayers. Spurred on by European regulators, the British Government is forcing the Royal Bank of Scotland, Lloyds Banking Group and Northern Rock to sell off parts of their operations. The Europeans are calling for more and smaller banks to increase competition and eliminate the threat posed by banks so large that they must be rescued by taxpayers, no matter how they conducted their business, in order to avoid damaging the global financial system.

That is about it. Ain't more complicated than that. Let's break them up before they again lead this world to a major financial crisis. Let's break them up before they require hundreds and hundreds of billions of dollars in bailout. And in my view, it is a positive thing that the Government of the UK is moving in that direction.

But it is not just the Government of UK. On October 15, 2009, Bloomberg News reported that former Federal Reserve Chairman Alan Greenspan—perhaps more than any other individual, the person most responsible for the deregulatory efforts which led us to where we are today—said this. This is what Greenspan said on October 15, 2009:

If they're too big to fail, they're too big. In 1911, we broke up Standard Oil—so what hap-

pened? The individual parts became more valuable than the whole.

Former Fed Reserve Chairman Paul Volcker, the head of President Obama's Economic Recovery Advisory Board, said:

Keep banks small so that any failure won't have systematic importance . . . People say I'm old-fashioned and banks can no longer be separated from nonbank activity. That argument brought us to where we are today.

That is former Fed Chairman Paul Volcker.

Robert Reich, President Clinton's former Labor Secretary, said:

No important public interest is served by allowing giant banks to grow too big to fail . . . Wall Street giants should be split-up—and soon.

Sheila Bair, the head of the Federal Deposit Insurance Corporation, has said:

We need to reduce our reliance on large financial institutions and put an end to the idea that certain banks are too big to fail.

On and on, people all over our country, conservatives, progressives, are making that point.

Let me conclude by saying this. As Members of the Senate, Members of Congress, we are besieged every day by enormously powerful and wealthy special interests. The health insurance industry is spending over \$1 million a day on lobbying, huge amounts of campaign contributions. The drug companies, the military defense contractors, you name it, they are all outside the door, fighting to make sure that their special interests are getting more and more. But at the top of that list of powerful special interests certainly are the large financial interests. Over a 10-year period they spent over \$5 billion in lobbying and campaign contributions in order to make sure that Congress deregulated their activities so they could merge, so they could engage in reckless financial speculation.

They won and the American people have lost, and the American people are paying that price today. The time is now for us to say enough is enough, for us to do what I think the vast majority of the American people want us to do and that is, if an institution is too big to fail, it is too big to exist.

Let's start breaking them up for two basic reasons. No. 1, I don't want to see a huge bailout having to take place again, hundreds and hundreds of billions of dollars of taxpayer money going to these guys. No. 2, it is unhealthy for the economy when so few people have such a concentration of ownership in terms of credit cards, in terms of mortgages, in terms of other financial transactions. The small business community and middle business community desperately need credit and they are not getting credit. You have people on there who are controlling a whole lot of our financial system.

Now is the time to do what Teddy Roosevelt did well over 100 years ago, and that is to stand up to these guys. For the well-being of the economy and for the American people, let's break them up.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from South Dakota.

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

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

The legislative clerk proceeded to call the roll.

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

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

Mr. TESTER. Mr. President, I ask unanimous consent to speak as in morning business.

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

RURAL VETERANS HEALTH CARE

Mr. TESTER. Mr. President, I rise to join with the chairman of the Veterans' Affairs Committee to urge passage of S. 1963. This bill contains the Rural Veterans Healthcare Improvement Act, a bipartisan measure that will make countless improvements in the VA for veterans in most of the rural places in this country. This bill locks in the mileage reimbursement rate for disabled veterans who have to travel long distances to get to a VA clinic. It also gives greater authority to develop new strategies to address the mental health needs of OIF and OEF veterans in highly rural areas where access to health care is an enormous challenge.

I am also pleased the bill authorized hiring of health care coordinators at a local level, to prioritize the needs of our country's 184,000 American Indian veterans. Most of these veterans are located in only a few States. The bill gets folks who understand the unique needs of tribal veterans to the areas that need them the most. I am honored we were able to get strong support across the veterans community for this bill and I think it will help a lot of rural veterans if we get this bill passed.

When someone puts their life on the line to defend this country, they have earned health care, education benefits, and disability benefits if needed. America's responsibility to honor the promise of our veterans should not depend on whether the veteran lives in an urban area, but too often that is still the case. This bill helps to address some of the inequalities facing rural veterans.

This bill was approved unanimously by the VA Committee just before Memorial Day. It is now almost Veterans Day. We can do better by folks who served our country and settled down in rural America. Let's not stand in the way for better VA services for rural veterans.

I understand there has been a hold put on this bill. Our veterans are too important for politics. The fact of the matter is, our veterans are folks who, as I said in my comments, have served this country so very well. We need to

step to the plate and serve them in the same way they served us—live up to our promises, live up to our obligations to the veterans of this country.

I encourage the Senate to pass this bill very soon. Hopefully, we can get it done before Veterans Day.

I yield the floor.

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

Mr. CORKER. Mr. President, I rise to speak as in morning business.

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

HEALTH CARE REFORM

Mr. CORKER. Mr. President, I will be very brief. I know there are very few Senators still here in the Capitol. Most people, as they should, have gone home to meet with constituents, something I will do a little later this afternoon. I realize there may be very few staff members who may be listening. I realize the other body is in session and may possibly take up the health care bill that all of us have been talking about for some time here on the floor.

I want to make a point I made a few days ago one more time. Early this week I woke up early in the morning and was thinking about the health care legislation that is before this body—or will be before this body very soon. It has been the focus of the country, if you will, over the last several months. I thought about the provisions that are the base building blocks in this legislation. You have a piece of legislation that is taking Medicare savings, \$400 to \$500 billion, and using those “savings” to leverage a whole new entitlement, not using those “savings” to take Medicare and make it more solvent or to deal with the SGR issue so many physicians around this country are concerned about.

I thought about the fact that not long ago, a couple of years ago—and probably, Mr. President, even when you were doing the same thing I was doing and that is seeking this office—so many people were concerned about the unfunded liabilities we had in Medicare and Social Security. There seemed to be a bipartisan move to want to solve that problem for the long haul so we knew that those particular entities would be dealt with in an appropriate way. Here we have a bill that is taking \$400 billion to \$500 billion in savings, depending on which draft, whether it is the House or the Senate, and instead of making Medicare more solvent—it has \$38 trillion in unfunded liabilities—we in this body are using those savings to leverage a whole new program.

Second, we are using Medicaid and basically creating huge unfunded mandates for our States. I think all of us know that. In my own State we have a Democratic Governor who wants to see health care reform occur, as I do, but he is very concerned, in a State that expects revenues to be at 2008 levels in 2013, that all of a sudden he has this unfunded mandate.

Third, this bill, as we know, is going to raise insurance rates because of some of the provisions wherein insurance companies have to take all comers but everyone doesn't have to bill health insurance. In my own State, it is a 60-percent increase projected in 5 years by an independent group. This is not something the insurance companies directly put together; an audit was put together to look at this.

If I had drafted this bill, BOB CORKER from Tennessee, a Republican, if any of the people on this side of the aisle had drafted this bill, there would not be one single Democratic vote for this bill if you look at those components which are the basic building blocks of this bill. This week, as I have come up here to vote, I have talked to numbers of my friends, like you, Mr. President. You are one of the specific ones. I don't want to throw you in this category, but you are my friend. I have numbers of friends on the other side of the aisle where I seek to find common ground and we cosponsor legislation together. You and I are working on something right now.

As I rode the elevator up yesterday to the vote we had last night, I talked to some numbers of my friends on the other side of the aisle, both on the elevator, walking here, but on this floor.

And I said: You know, guys, if I had offered this bill, or any Republican had offered this bill that we are getting ready to debate on the Senate floor, there would not be a single Democratic vote for it.

That is not because of partisanship, by the way; it is because of what is in the bill itself. Almost to a person, there were a few who said they agreed.

They said: You are right. If Republicans offered a bill that is at \$400 to \$500 billion of Medicare savings and did not apply it to making Medicare more solvent but took that to leverage a whole new program, there would not be a single Democratic vote for that bill.

So I understand. We had a President of our party during the first 2 years I was here. I understand what happens when you are going to “do one for the Gipper,” if you will. You are going to “do one for the President” who needs this. But this is a very important piece of legislation. I do not understand—I really do not—on something that is going to be hard to undo, why so many of my colleagues on the other side of the aisle are supporting a piece of legislation that if they were left to their own accord and in a vacuum—did not have the President, did not have the majority leader, did not have the Speaker of the House pushing this legislation—if it was just presented to them if they were at a townhall meeting, they had never heard of this legislation before, and somebody said: Would you support a bill that does this, I do not think there would be a person on the other side of the aisle who would support this legislation.

So as we move into this weekend—and I know this body is not going to

take it up. I know the House is. I hope there are a few House Members listening. I hope people will think about this and step back away from it.

I am one of those Republicans who wants to see responsible health care reform. I want to see us lower the costs of this delivery system, which this bill candidly does not do. I want to see more Americans have access—if not all—to affordable, quality health care.

This bill, we all know, takes us in a direction, there is no question, that is not the right direction. I hope that together we will figure out a way to address health care reform in a way that will stand the test of time.

This bill will not do that, and I know I have already talked to many of the people I mentioned yesterday who said: We realize we are going to create lots of problems. They are going to have to be dealt with down the road, but we cannot vote against this piece of legislation today.

I hope the body will rise to the occasion. I hope the body will put aside a piece of legislation that I do not think anybody feels great about. I hope we will come together and do something that is in the best interests of our country.

I yield the floor.

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

Mr. AKAKA. Mr. President, I ask unanimous consent to proceed as in morning business.

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

RURAL VETERANS HEALTH CARE

Mr. AKAKA. Mr. President, I have come to the floor today to discuss an important veterans' bill. Before I do so, I wish to express my great sadness about the horrible tragedy yesterday at Fort Hood. My thoughts and prayers are with those wounded, the families of those killed, and to all the soldiers and civilians defending our great nation at Fort Hood.

As chairman of the Senate Committee on Veterans' Affairs, I take my responsibility to the Nation's veterans very seriously. We are an active committee and are working hard to make improvements in VA care and benefits.

I am delighted to note that the President signed the Veterans Health Care Budget Reform and Transparency Act of 2009 into law last month. This measure will provide timely and predictable funding for the veterans health care system. I am grateful to all who worked on this, including the committee's ranking member, and the Veterans Service Organizations, that made this one of their priorities.

Despite this success, we, as a committee, have not been able to achieve action on S. 1963, the proposed Caregiver and Veterans Health Services Act of 2009. This vitally important veterans' health bill is being held up by a single Senator. Each day that this measure is delayed, means that vital benefits for veterans are delayed.

This is a bipartisan bill, the provisions of which were reported by the committee as S. 801 and S. 252, with the full support of our ranking member, Senator BURR.

This bill is supported by many veterans' organizations, including the American Legion, the Veterans of Foreign Wars, the Disabled American Veterans, the Paralyzed Veterans of America, and the Wounded Warrior Project.

Various other advocates support this bill, as well, including the Nurses Organization of Veterans Affairs, the Brain Injury Association of America, the American Academy of Ophthalmology, the American Association of Colleges of Nursing, and many others.

By blocking S. 1963, this single senator is denying veterans many benefits and services.

One of the key benefits is caregiver assistance for our most seriously wounded veterans.

The committee continues to hear about family members who quit their jobs, go through their savings, and lose their health insurance, as they stay home to care for their wounded family members.

For those family members who manage to keep their jobs, their employers, including many small businesses already struggling in these economic times, lose money from absenteeism and declining productivity.

The toll on the caregivers, who try to do it all, can be measured in higher rates of depression, and poor health as they struggle to care for these wounded warriors, an obligation that ultimately belongs to the government.

This legislation fulfills VA's obligation to care for the nation's wounded veterans, by providing their caregivers with counseling, support, and a living stipend.

The measure also provides health care to the family caregivers of injured veterans. These caregivers deserve our support and assistance.

As a representative of the Wounded Warrior project said in testimony before the committee, "The time has surely come to create a robust, nationwide wounded warrior family caregiver program to address the urgent needs of these family members." S. 1963 creates such a program.

By blocking S. 1963, this Senator is also blocking benefits specifically for women veterans. This bill, and Senator MURRAY has been a leader on this, would do a number of things, such as increase funding for mental health care for women who suffered military sexual trauma, and for medical services for newborn children.

With the help of Senator TESTER, this bill also would improve access to care in rural areas. States which have an especially high number of veterans living in rural areas, such as Montana, Nevada, Wyoming, Florida, Arizona, Arkansas, Virginia, Idaho, Oklahoma, and New Mexico, would benefit greatly from these programs.

The bill also attacks another problem, that of homeless veterans.

On any given night we know that more than 130,000 veterans are homeless.

We know that homelessness is often a consequence of multiple factors, including unstable family supports, job loss, and health problems.

S. 1963 would also create programs to help ease the burden of veteran homelessness, including programs aimed at outreach so that veterans know that they are eligible for benefits.

This lone Senator also is blocking provisions that would improve quality controls for VA health care, from the facility level to the national level.

Two years ago, the VA hospital in Marion, IL, had nine veterans die following surgery.

The VA's inspector general found that the Marion VA's quality controls were not adequate to ensure that veterans received good quality care.

This month, the IG published another report on the Marion hospital, finding that it still did not have adequate quality controls. It is time for this body to act, so that no more veterans receive less than the best care VA can provide.

Senator DURBIN drafted provisions in this bill that will help improve overall quality management so as to help fix the problems at Marion and other facilities.

S. 1963 would provide uniform allowances for VA police officers. Many organizations have expressed support for these provisions, including the Fraternal Order of Police.

VA police officers ensure the security of veterans and their families while they are visiting VA hospitals and clinics.

To refuse to provide for these officers because it is too expensive is not only penny-wise and pound-foolish, it cheapens the sacrifices of these uniformed officers and the Nation's veterans who are protected by them.

While I understand that the Senator who is refusing to agree to allow this bill to go forward questions the cost of the underlying bill, I would say that we cannot now turn our back on the obligation to care for those who fought in those efforts.

When we, as a body, vote to send American troops to war, we are promising to care for them when they return.

I firmly believe the cost of veterans' benefits and services is a true cost of war and must be treated as such.

We are preparing to observe Veterans Day.

Let us remember that we owe our veterans our gratitude and appreciation year round, and not merely on the day set aside for the commemoration of their service and sacrifice.

It would be truly disgraceful if veterans were made to feel forgotten except for this 1 day per year.

Indeed, our gratitude should be as steadfast as the great monuments that Americans have built in commemoration of the very service and sacrifices our veterans made.

There should be no ambivalence in our attitude toward those who serve in the U.S. Armed Forces.

And this legislation should be immediately cleared by the Senate.

The ACTING PRESIDENT pro tempore, The Senator from Alaska.

Mr. BEGICH. Mr. President, I ask unanimous consent to speak in morning business.

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

Mr. BEGICH. Mr. President, I rise in support of S. 1963, the Caregiver and Veterans Omnibus Health Services Act of 2009. I thank the chairman of the Veterans' Affairs Committee, Senator AKAKA, for his leadership on this bill and in committee.

S. 1963 is comprehensive legislation that addresses many of the needs of our veterans, our Nation's heroes. Provisions are included to improve veterans health care, provide benefits for caregivers of wounded veterans, enhance outreach to homeless veterans, and expand health care for female veterans. The bill also provides for VA personnel improvement and quality management. Rural veterans, such as those in my State who face challenges accessing health care every day, will benefit from this bill. It expands telemedicine programs and provides the Department of Veterans Affairs authority to recruit and retain high-quality health professionals in rural communities. The bill also improves mental health care. Eligibility to receive readjustment counseling for Iraq and Afghanistan vets, including the National Guard and reservists, will increase.

So many issues facing our veterans today are addressed in S. 1963. Passage of this legislation and its enactment into law will improve and increase services for veterans and acknowledge the sacrifice of their caregivers.

Yet even as Veterans Day approaches, a Member of the Senate has placed a hold on this bill, denying better services for our veterans. I cannot imagine why this hold has been placed on this legislation. How can a Member of the Senate deny our veterans better care? How can my Senate colleague justify his hold on a bill that helps homeless and wounded veterans? How can my colleague deny veteran caregivers deserved relief and support? There is no excuse for not supporting our veterans and their caregivers. They have earned better than what we have provided to date. This bill gives us an opportunity to provide for veterans and to honor their sacrifices. This bill, on which my colleague has placed a hold, will eliminate copayments for veterans who are catastrophically disabled and allow the VA to reimburse these veterans for emergency care at non-VA facilities. How can my colleague deny disabled veterans easier and less costly medical care? Veterans have paid their dues, and it is our turn, our duty, and our obligation to take care of them.

I am disappointed my Senate colleague does not share this same sense

of duty and responsibility to our Nation's heroes who have sacrificed so much for our very right to stand in this body and debate this matter. There is no good reason or rationale for a hold to be placed on this legislation.

I call on my colleague to remove this hold and ask my colleague to remember, as Veterans Day approaches, that those who have served this country deserve better. They have earned it. It is my obligation and his obligation to support our veterans and to always remember the sacrifice they have made.

Senator COBURN, let the Senate proceed with recognizing and providing for our Nation's veterans by removing your hold on S. 1963.

Again, I thank Chairman AKAKA for his unwavering support and advocacy for our veterans.

I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

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

TRAGEDY AT FORT HOOD, TEXAS

Mr. REED. Mr. President, I come to the floor today, as so many of my colleagues have, to reflect on the extraordinary tragedy that took place at Fort Hood, TX, yesterday. It is almost inconceivable such an event could take place.

As we sort through the motives and the rationale, which may take weeks, I think we, obviously, have to extend our deepest, sincerest condolences to the families of these men and women. They were there because they wanted to serve their country. They were there because they were willing to risk their lives in service to this Nation.

Tragically and inexplicably, it happened on a post in the United States not in a faraway land. I think this is a moment where we all have to stop, not only to extend our warmest condolences to the families, but also to reflect on the service and sacrifice of all the troops. Their continued willingness to serve and expose themselves to risk, to leave their families behind—all of this creates the pressure, the tension, the burden of soldiering in this moment in our history. We owe them more than we can repay them.

At this moment, I express my deepest condolences to the families and also to those soldiers who came to the aid of their comrades, who exposed themselves in a dangerous manner to try to get people to safety, to try to provide first aid to the wounded. They continue to be our heroes, and they always will be.

Mr. President, I would now like to speak on the military construction bill before us. I want to commend, obviously, my colleagues, Senator JOHNSON and Senator HUTCHISON, for their great work. I had the privilege for a short

time to serve as the acting chairman of the subcommittee and worked very closely with both Senator JOHNSON, our chairman, and Senator HUTCHISON, the ranking member. They are both very committed and dedicated colleagues, and they have done a remarkable job.

This bill provides \$134 billion for military construction, military family housing, and veterans affairs programs, an increase of approximately \$429 million over the President's request.

This bill provides a total of \$109 billion for the VA and increases funding for medical care by \$4.2 billion over last year's funding.

For the first time, the bill includes advance appropriations for the VA's medical programs to ensure a stable and uninterrupted funding stream.

This bill also provides funding to combat homelessness among veterans. This is a priority of both Secretary Gates and Secretary Shinseki, and also Admiral Mullen, the Chairman of the Joint Chiefs of Staff. This bill includes \$3.2 billion for health care, support services, and housing assistance for homeless veterans.

I hope, again, the Senate will act before Veterans Day to pass this measure. I think it would be a fitting tribute to our veterans, whom we honor in words, and I think we have the chance, early next week, to honor them in deeds.

Mr. President, I ask unanimous consent that my following remarks be printed elsewhere in Morning Business.

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

(The remarks of Mr. REED are printed in today's RECORD under "Morning Business.")

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

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

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

TRIBUTE TO LIEUTENANT GENERAL THOMAS F. METZ

Mr. REED. Mr. President, I have been very fortunate in my life. One of the great opportunities I received from Senator John O. Pastore of Rhode Island was the opportunity to attend

West Point. At West Point, it was not just a great education, it was not just an opportunity to serve the Nation. The most important opportunity I had was to meet an extraordinary group of my colleagues and classmates who have served this Nation with great distinction now for over 30 years.

Recently, some of my colleagues who have reached general officer ranks have retired: GEN Bill Dailey, who was one of the chiefs of our special operations forces, someone whose heroism and courage would be well renowned if it could be revealed, but because of his special operations missions, much of what he has done will be classified for many years; GEN Mike Maples, who was the head of the Defense Intelligence Agency—two valued friends and classmates who have retired.

In a few days, another of my classmates will join that distinguished roster: LTG Tom Metz. Tom Metz is someone who personifies the values of duty, honor, and country, and who has spent his entire life in service to the Nation.

He joined the Army as an enlisted man in 1966. He went to the Army's West Point preparatory school, and then he joined the class of 1971 in the summer of 1967. Even then, back in the late 1960s, it was quite obvious that Tom Metz was going to be a leader in our Army, that he was going to command great responsibilities. It was a function of his skill but, most importantly, it was a function of his character, his commitment to those he led and to the Nation he chose to serve.

Tom Metz's career has been an extraordinary one. He started as a lieutenant in the 1st Battalion of the 509th Parachute Infantry Regiment in Germany in the 1970s. He rose through the ranks to hold command at every level: platoon, company, battalion.

He concluded his command responsibilities in Iraq as the commander of Multi-National Corps-Iraq during Operation Iraqi Freedom. There he led our forces from January 2004 to February 2005. In a difficult moment, he provided the leadership and the example that our forces needed.

His previous assignments included being the assistant division commander of the 4th Infantry Division, where he was able to begin the technological improvement of our Army by introducing new digital technology for our armored forces. He also served in several staff positions of great responsibility.

Presently, he is the head of the Joint Improvised Explosive Device Defeat Organization. This is the weapon—the IED—of choice of our opponents, and the Department of Defense chose one of the most capable and most caring individuals to lead our effort to defeat these devices.

Tom will conclude a distinguished career. He was bolstered, supported, encouraged, and sustained throughout his career by his wife Pam and his family. They, too, served and they, too, deserve our great commendation and respect.

I am extraordinarily proud of his service as a classmate, as a friend, as someone who admires his character, his courage, and his unstinting commitment to the soldiers he led and the Nation he served. I thank him for his great service.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

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

AFGHANISTAN

Mr. CASEY. Mr. President, I rise today to talk about the aftermath of the elections debacle in Afghanistan.

President Hamid Karzai's first term was characterized by a cloud of corruption and mismanagement. In his speech on Tuesday, President Karzai promised to battle corruption and to build a government that includes elements of his political opposition. Our President, President Obama, said that Mr. Karzai's performance should be measured not in words but deeds. I believe this to be true, and I wish to offer some thoughts on how President Karzai can rebuild the confidence of the Afghan people as well as the international community.

I am afraid the time window for this new government will be very short, so President Karzai needs to move quickly and with resolve. We might ask, what are the markers by which we should measure the progress of this new Afghan Government? I believe there are at least five areas to review.

First: President Karzai intends to build a better legislative framework to combat corruption. This is good. But he has also said that corruption cannot be solved by replacing high-ranking officials. I could not disagree more with that assessment. With a host of government officials accused of corruption, we will not see a significant break with the past. A large part of battling corruption is removing the perception of corruption. Keeping these officials in place will only serve to fuel a commonly held perception that Mr. Karzai refuses to resolutely deal with this issue of corruption.

I echo President Obama's call for strengthening the country's anticorruption commission. The establishment of such a body is long overdue and could play a key role in rebuilding Afghanistan's trust in the legitimacy of the Karzai government. The CIA should not—should not—be cooperating with Wali Karzai. If we are serious about corruption, we should also be judged by our deeds and not our words.

There are ministries in Afghanistan that are in need of serious reform. The Interior Ministry, which oversees the police, must confront the corruption practiced by police officers on a daily basis. The Agriculture, Energy, and Private Development Ministries also require substantial reforms.

A second area to examine: President Karzai should move quickly to publicly distance himself from some of the more unsavory characters from his election campaign.

GEN Abdul Rashid Dostum, the Uzbek warlord, has been accused of terrible human rights violations for his role in detaining thousands of Taliban fighters who were suffocated in shipping containers. Mr. Karzai's Vice Presidential partner, Mr. Fahim, has been accused of drug trafficking.

I fully acknowledge and I think everyone in this body fully acknowledges that President Karzai has a difficult job of balancing a wide variety of Afghan power centers and ethnic groups. We know that. But building a foundation for his country on such dubious grounds not only calls into question his judgment but seriously endangers the prospects for sustainable reform.

Third: Karzai should keep in place those who have competently fulfilled their responsibilities.

Most noteworthy, perhaps, is the Governor of Helmand Province, Governor Mangal, who continues to struggle on the front lines against the Taliban. I had the opportunity this past August to meet Governor Mangal and to spend some time with him. He is very brave, and he is very competent. I think President Karzai should understand that the American people expect Governors to be strengthened and not undermined. Mr. Karzai should empower provincial Governors and local leaders who have proven their ability to lead. At the national level, the Health Minister has also done a commendable job, and the Education Ministry has made some important strides.

We cannot tell Karzai whom to retain or dismiss in his new government, but these personnel decisions send a very strong signal to the Afghan people and the international community of where he intends to lead the country in the short term.

Fourth: President Karzai needs to take steps to improve the election process in Afghanistan.

Systemic and widespread fraud marred the 2009 election. President Karzai should call for an inquiry into the 2009 electoral process led by experts from Afghanistan and the international community. Parliamentary elections are scheduled for next year. Without a serious investigation and an effort to address the shortcomings of the electoral system, the elections in 2010 and in the future are at risk. Without clean electoral processes in place, the Afghan people will continue to question the legitimacy of their elected leaders.

Fifth and finally: The viability and legitimacy of this new Karzai govern-

ment will be determined in large part by whom he decides to incorporate from the opposition.

While his main opponent, Abdullah, has said he will not join a unity government, there are competent people from his team who can play a constructive role in Afghanistan.

We want and need President Karzai as a reliable partner. I hope his reelection will provide the opportunity for a fresh start in Afghanistan, a start that is characterized by a commitment to good governance, political inclusion, and a realization that Afghanistan's future must be based upon the rule of law.

When I saw President Karzai in August just after the election, I implored him to confront these pressing issues and explained that the patience of the American people was not infinite—in fact, it grows shorter by the day.

The next few weeks will be pivotal. President Karzai can do so much to rebuild the confidence of the international community and the Afghan people in this short period of time. As President Obama determines our troop commitment to the Afghan theater, it must be done with a confidence in Afghanistan's decisionmakers—a confidence that frequently does not often exist today.

President Karzai cannot let his golden hour pass. It is too important to the future of Afghanistan. It is too important to the Afghan people. Finally and most critically, it is too important for the American families who have lost loved ones in Afghanistan and have relatives currently serving in Afghanistan. The sacrifice made by U.S. troops and civilians working to bring stability and a democratic future to the country cannot be overstated or undervalued. This should be the starting point for any discussion with President Karzai.

I believe he has a solemn obligation to get this right, just as we have an obligation here in the Congress to get our strategy in Afghanistan right. There won't be just one way to do that. We will get it right only by vigorous debate, only by an honest dialog of the challenges we face.

But one of the most significant challenges, in addition to the obvious security challenge as well as the developmental challenges, is this central concern we have about governance. Governance in Afghanistan starts with President Karzai. He has an opportunity to demonstrate he is committed to these reforms on corruption, on the better delivery of services to his people, but he has not done very well in a lot of those measures in the recent past. He has to prove himself first and foremost to his own people that he is serious about these reforms, but I think he also has an obligation to our government and to the international community to demonstrate that he wants to get this right.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

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

Mr. LEMIEUX. Mr. President, I ask unanimous consent to speak as in morning business.

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

CONGRESSIONAL SPENDING

Mr. LEMIEUX. Mr. President, before I begin my remarks for today, I wish to say a few words about the tragedy that occurred yesterday at Fort Hood. I know I share the feelings of all Americans who were deeply saddened by the events of yesterday, and our thoughts and prayers go out to the families of the young men and women who were lost and who were injured in the tragic situation that occurred yesterday.

I also wish to take this opportunity to add words of appreciation to the first responders and the medical professionals who helped these men and women who were injured yesterday. It is heroes helping heroes that really shows America at its best. Our thoughts and prayers will be with all of these brave young men and women who were tragically slain yesterday, and their families.

Mr. President, the purpose for which I rise today is to talk about the spending of this Congress, something I have been doing for the last few weeks since I had the privilege to join this institution as the Senator from Florida. I have big concerns, and the more I have been here and the more I have seen over the past few weeks has given me even more concern.

Unlike American families and unlike the majority of American States, this institution spends money it doesn't have. Each day, we go more than \$4 billion in debt as we pay for programs we don't have enough money for—\$4 billion a day, the national debt grows. Additionally, we spend \$253 billion a year on interest payments. It is the fourth largest expenditure in the budget after defense, Social Security, and Medicare. So the fourth largest expenditure that we spend every year doesn't go to a new program, it doesn't go to help a person; it goes to pay for programs in the past that we couldn't afford. It took us until 1982 to go \$1 trillion in debt. Yet we are shortly coming upon nearly \$12 trillion in debt. In a matter of days, we will hit that number. More troubling still, this past year, 2009, this Congress, for its annual budget, grew a deficit of \$1.4 trillion. That is as much deficit as was accrued in the past 4 years combined.

So I plan to come to this Chamber every week and talk about the spend-

ing problem this Congress has in order to highlight this issue. It is of grave concern to me, not just as a Senator who represents 18 million people in Florida but as a father of three children—Max, Taylor, and Chase, 6, 4, and 2—and a baby on the way. My wife and I are concerned, as every parent should be, about their future. It is our obligation as parents to make sure they have better opportunities than we had. In fact, that is the American creed, that every generation ensures that its children have equal or better opportunities than the opportunities they enjoy. But I am concerned for my children and for all the children in this country that at this present rate of spending, we will not be able to ensure that they have those equal or better opportunities.

Congress is spending too much. Both sides of the aisle talk about fiscal restraint and fiscal discipline, and yet we keep spending more than we have. This government took in \$2.1 trillion in revenues this year; yet we spent \$3.5 trillion.

I am not used to this system because, as you know, I come from a State system, where I served as a chief of staff to a Governor. In Florida, we have to balance our budget. Every year we looked at the receipts. We anxiously looked, almost on a monthly basis, to see how much money was coming in to determine how much could be spent, or what kind of tax breaks could be given back to the people, or how much could be put in the reserves. Those were the good times. As the economy declined, we watched the money and made decisions about how much we were going to have to cut. At the end of the day, we had to balance the budget.

Congress doesn't do that. Congress spends more than it takes in, and it puts those obligations on our children and grandchildren who some day will have to pay off this debt. But the time to make tough choices should not be tomorrow; the time to make tough choices is today.

One of the first pieces of legislation I had an opportunity to consider and to vote on was an appropriations bill for housing, urban development, and transportation—important issues for this country. In the opportunity to consider that appropriations bill, this Congress could have cut spending or increased the deficit. Well, it chose to increase the deficit, and the increase was by more than 23 percent over last year's budget, in a time when we are spending much more than we have. In a time when we are about to have a \$12 trillion national debt, we decided to spend 23 percent more than we did last year. What did we spend the money on? Certainly, plenty of good things. Obviously, transportation and housing are important. But we spent money on a lot of questionable things, too. We built transportation museums—monuments to roads we have not yet built. We put up congratulatory signs, saying this is how we spent money on a road, and we funded airports with no planes,

as the number of Americans losing their jobs has now risen to a 10.2-percent national unemployment level.

We are spending \$700 million a day to pay the interest on the debt, and we are funding transportation museums. If we would have stayed at the spending level from last year and cut out these extraneous programs, congratulatory signs that tell us we built a road, transportation museums, and other spending programs—which some amendments sought to cut, but they did not pass—we would have saved \$12.7 billion. In Washington, \$12.7 billion doesn't sound like a lot of money. We talk about trillions of dollars here. But \$12.7 billion could have done a lot of good.

What could we have spent that money on? I think it is important to realize that every time we spend a dollar, we are making a choice. It is a choice about how we are going to direct this country's future. We can either return that dollar and not spend it, give it back to the people who paid it, or we could not spend it and not increase our debt and put that on our children's backs, or we could have spent it on something different and maybe better.

Here is an example: One thing I applaud the administration for in their stimulus program is they have \$8 billion set aside for high-speed rail. That is exactly the kind of thing this country should undertake. The Federal Government should not do much, but they can do things that communities and States cannot often do for themselves. High-speed rail is such a national-sized project, in my opinion, that the role of the Federal Government is there. It makes sense in this difficult economic time, because you will actually create thousands of jobs by building the high-speed rail. Once it is built, you will have a long-term gain, because that high-speed rail will be there to promote infrastructure, to promote jobs, and to ease the burdens on our everyday lives. There is \$8 billion in the Federal budget this year that States can apply for to build high-speed rail. My State has an application in, along with 40 other States. We are seeking \$2.5 billion to connect Orlando to Tampa, which would be fantastic for our State. I hope our State gets those dollars. But there is only \$8 billion to apply for, and there are 40 States that want the money. Imagine if we would have taken the \$12.7 billion we wasted here and put it into that program; maybe more States could have had high-speed rail.

Let me give another example. What can you do with \$12.7 billion? With \$12 billion, you could put 427,000 college students through a 4-year college. We have to realize every time we spend a dollar, it is a choice. That dollar could have been spent better, or it could have been returned to the people.

President Obama recommended in this appropriations bill that we cut \$211 million out of it. I don't think that

was enough, but let's give credit where it is due. He suggested we cut \$211 million. We didn't even do that. The Senate could only find \$15 million to cut and the House only \$20 million. Because of Congress's spending and the administration's lack of willingness to cut spending, President Obama has presided over more new domestic spending in his first 10 months in office than President Clinton did in 8 years.

One of the first bills I supported when I came here was the Budget Enforcement Legislative Tool Act of 2009. It is a long title. It is a proposal I think both Republicans and Democrats should be able to agree upon. The bill requires us in Congress to do an up-or-down vote on the President's recommendation on spending. In this case, we would have cut more than \$200 million if we would have adopted the President's recommendation; not enough but better than what we did.

I believe it is time to stop talking about cutting spending and do something about it. I am going to come each week to the floor and talk about the various appropriations bills we have gone over. I will keep a running tally, starting with the \$12 billion we could have saved in this appropriation. At the end of the day, hopefully, the comments I make will encourage others in this body and in the House of Representatives to take this spending situation seriously.

I guess all of us wish we were in the situation the Federal Government is in, where we could spend more than we have, in terms of income, and never have to pay it back. But the truth is, the Federal Government isn't in that situation either. One day the chickens are going to come home to roost. One day we are going to be accountable for the money we spend. One day it will impact our standing in the world. I believe that day is very soon. We already know that the banks of the world—the central banks—are starting to shed dollars. They no longer want to hold our currency because they are losing faith in the United States of America as the leading world financial power. We already know we are having to sell more and more debt to countries that don't even have our interests—countries such as China—and we already know we are losing our standing and our ability to move forward because the rest of the world doesn't feel we financially manage our situation well.

While our economy is straining, while countries look at us as suspect for our spending patterns, countries such as Brazil are on fire, American dollars and investments go there, because people think there is a better opportunity to make money in those countries than in the United States.

I want a better future for our children. If we are going to have a better future for our children, we are going to have to restrain our spending and get serious about balancing the budget of the Federal Government, as the States do and as families do across America.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

TRIALS OF THE 9/11 PERPETRATORS

Mr. WEBB. Mr. President, last night this body voted by a margin of 55 to 45 against an amendment I cosponsored, which had been offered by Senator GRAHAM, the purpose of which would be to prohibit the use of funds from the Commerce, Justice, Science appropriations bill to transfer individuals from Guantanamo and conduct trials of the alleged 9/11 perpetrators in the United States domestic court system.

The key argument in favor of tabling that amendment was that the President should be allowed discretion between using article III Federal courts and the military commissions that had been set up in Guantanamo.

First, I was clear to the President, and to others, that I recognize his constitutional authority to use article III courts in that type of situation. But, again, I want to express my deep concern that, as we proceed forward with examining the cases of those detainees who are at Guantanamo, this issue is actually going to get more complicated, and we should hope that the discretion the President uses is very narrowly applied.

The amendment Senator GRAHAM offered addresses only the six alleged perpetrators in the 9/11 situation. A number of my colleagues came up to me and said: If you have an individual who is conducting an act of terror on American soil, shouldn't the President be authorized the discretion to try them in a Federal court?

My personal view is, it is perhaps constitutionally permissible but inappropriate, in the same sense as on December 7, 1941, when Japanese bombers attacked Pearl Harbor. This was a foreign entity killing Americans, including American civilians, on American soil. It was not considered appropriate at that time, say, if we had a prisoner of war, if we shot a pilot down, that we would have brought them into the American court system and given them all due process rights, tried them for homicides, et cetera. They were combatants. They committed an act of war, and they should have been—and they were in the past—treated in that way.

My belief is, even with the 9/11 perpetrators conducting such acts on our soil, there should be a different way, a more proper way to address these situations that involve enemy combatants.

This issue is only going to get more complicated. We have a second incre-

ment of people who are at Guantanamo who are foreign nationals, not American citizens, who were apprehended on foreign soil—Afghanistan being a classic example—for acts of war that were conducted not in this country but, again, on foreign soil. They are in Guantanamo. One would question the logic of whether they should be brought on American soil to be examined by an American court system and then apprehended in American prisons. I strongly believe this is not the appropriate way to deal with these individuals and particularly since, with the national Defense authorization bill that was just signed by the President, we have built in appropriate procedural protections in the Military Commissions Act.

Then we have a third increment of people who are in Guantanamo who, we are told, because of either tainted evidence or the lack of sufficient evidence, may never be tried at all, nor will they be released because they are considered to be threats to our future at a time when we have ongoing, basically, combat relations against the international forces of terrorism, of which they are a part.

This third increment which, as I said, will probably never be tried, is also being considered relevant to move into the United States. Here is the question we are going to have to answer: If you bring these people into the United States, our Constitution provides that individuals tried in article III courts should have a right—or an individual subject to article III courts should be tried in a speedy manner. We all have a right to a speedy trial if you are in the United States. We are not going to do that. So then the question is: What are we going to do with them?

If you read the Supreme Court cases—and, again, as I said yesterday during the debate, I read in detail the Hamdi case which deals in part with this situation—if this individual is deemed an enemy combatant, they can be held for the duration of what we call the hostilities, until hostilities cease. That is a huge conundrum in terms of dealing with people who are not going to be charged, who are not American citizens, who are apprehended for acts outside our country and yet are going to be put into our prison system potentially indefinitely. I don't think it is going to reduce the situation we have had in Guantanamo in terms of the way a lot of people have viewed the processes that were in place there. I think it is only going to transfer that concern into the United States because these people will be detained in U.S. prisons, and I don't think that is going to be mitigated if these U.S. prisons happen to be military prisons.

I wished to come to the floor to express my concern that the President, who has been given the discretion through the vote yesterday which tabled the Graham amendment, should be using it very narrowly, should not be in a rush to shut down the Guantanamo

facility in a manner that brings us the second and third increment of problems.

I ask that the Members of this body join me in expressing their concern about a proper way to address this very complicated situation.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Virginia.

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

Mr. WARNER. Yes.

Mr. DORGAN. I ask unanimous consent that I be recognized following the presentation by the Senator from Virginia.

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

SYSTEMIC RISK COUNCIL

Mr. WARNER. Mr. President, I rise to address an issue I know this body will be dealing with in much greater detail in the coming weeks and months; that is, financial reeregulation.

On Monday, I am introducing legislation to establish a systemic risk council. I have worked with Chairman DODD on this issue and his staff, and I am very grateful that his discussion draft—although I have not seen the specific language—is expected to include a strong systemic oversight council which I have been advocating.

I appreciate Chairman DODD's leadership on this issue and look forward to working with him and the administration on making it a reality.

As I have articulated previously on the floor and in an opinion piece published in the Washington Post, we need to establish a framework for addressing systemic risk in our financial system. Systemic risk is not the only area we need to address but is an area where the current system has unequivocally failed.

Systemic risk is actually a number of risks united by the possibility that, if left uncontrolled, they could have consequences for the entire markets or the entire economy. We saw examples of that a year ago.

Most often, systemic risk comes from the failure of an important financial institution. But because that is not the only source, we should not expect to control systemic risks with a rigid, one-size-fits-all approach.

In order to do this, we need a body that can look across our financial system at all sources of risk, that can spot gaps or opportunities for firms to avoid regulation, and that will not be consumed by other day-to-day responsibilities or protecting its own regulatory turf.

Some have proposed that the Federal Reserve serve as the systemic risk regulator. But its monetary policy responsibilities present potential conflicts, and it has proven incapable of properly regulating large institutions.

The Federal Reserve claims to be the systemic risk regulator at the moment,

but it has obviously failed to take on that task, and we need to be careful in balancing its responsibilities and authorities in the coming years.

That is why, if we want to ensure that monetary policy and systemic risk are each managed in the best possible manner, we must recognize that institutional structures and responsibilities do matter. Doubling down on a structure of the past that has not performed well outside of its core function is not how we should confront the challenges of the future.

Our Founding Fathers opposed concentrations of power and favored a system of checks and balances. We have resisted creating an all-powerful central bank, and a council would allow for such a system of checks and balances.

The Federal Reserve is, of course, not the only agency that has not performed well in the crisis over the last year or so. The current system has failed to provide proper checks and balances and has replaced healthy competition where efficient and innovative firms flourish with a system where a handful of firms are too large to fail, can threaten the safety of the entire system, and enjoy an implicit—or maybe even more explicit—government guarantee that destroys any notion of market competition.

This failure points to another task we must take on in financial regulatory modernization. We must end the notion of too big to fail. That is why I believe we should establish a strong systemic risk oversight council, and I will be introducing legislation, as I mentioned, to do that.

A systemic risk council is not a silver bullet but avoids the pitfalls of entrusting systemic risk responsibility with one single agency that has other missions, and those other missions could serve as a source of conflict of interest.

A council could see across the horizon and have all the information and expertise flow up into it. It addresses our stovepipe problems and avoids the conflicts that come from also conducting monetary policy and helps to stave off regulatory capture.

The systemic risk oversight council I propose would consist of the Treasury Secretary, of course, the Chairman of the Federal Reserve—they would play a valuable role—and the heads of the major financial regulatory agencies, two independent members, including the chair of the council.

This chair of the council would be independently appointed by the President. It would be charged with the responsibility for working to improve our understanding and control of systemic risks. This builds on the model of the President's working group on financial markets. An independent chair, appointed by the President and approved by Congress and supported by a permanent staff, has proven to be relatively effective and ends up resembling the National Transportation Safety Board or the National Security Council.

Critics of this approach have said you cannot convene a committee to put out a fire. But we do convene committees to prepare for and respond to large-scale crises time and again across our whole system. Experience has taught us boards and councils can work in a wide range of contexts, provided they have the right responsibilities, powers, and membership. Even the Federal Reserve and the Federal Deposit Insurance Corporation are run by boards.

In addition, I believe we should leave the real emergency powers with the regulators. The Federal Reserve should retain its 13(3) authority, though it should be tightened up. Bank regulators should retain prompt and corrective action authority, and the FDIC should retain its resolution powers. As a matter of fact, Senator CORKER and I have introduced legislation already that expands the FDIC's resolution powers to include bank holding companies.

In a crisis, however, the council should coordinate all of these regulators and their actions, as police, fire, and emergency response all coordinate in local emergencies. But the systemic risk council cannot just be a debating society, and so it would have real resources and power.

First, in addition to gathering and analyzing data, the council could help to determine how to regulate new products and markets in order to minimize regulatory gaps. Those regulatory gaps often end up with regulatory arbitrage, as we have seen recently. It would first identify gaps in the system and then have the appropriate regulators work together to fill these gaps.

With these tools, we will eliminate the huge blind spots our regulators had last fall when new and unregulated markets tail-spun out of control. We will eliminate the ability of firms to avoid regulation or find the weakest regulator by ensuring consistent treatment of activities across the financial markets.

Second, in order to address the too-big-to-fail issue, the council will work to prevent firms from becoming too large to fail. It would do this in three specific ways.

First, it would have the authority to identify large firms that could pose systemic risk if they failed but did not currently have an end-to-end prudential regulator and would assign them a Federal regulator. This could include hedge funds, insurance companies or other nonbank financial companies. Making sure those companies that have no regulatory oversight, if they fall into this category of too big to fail, have some kind of oversight is terribly important.

Second, the council would establish systemwide prudential standards for large firms, including counterparty exposure limits, increased capital requirements, reduced leverage and strengthened risk management requirements, all to make sure that while we would not set arbitrary caps

on size, we would make sure, as a firm gets too large or takes on too much excessive risk, that there are additional requirements, such as additional capital and others I outlined.

Finally, it would work with the council to ensure that any firm could fail safely—we saw in the past that there was no plan on how we would unwind a Lehman or an AIG—by working with the financial regulators, the day-to-day prudential regulators, to develop clear, written plans for the unwinding or failure of a financial company. In a sense, we would be asking some of these too-big-to-fail institutions to preapprove or put forward their own funeral plans or dissolution plans so we would know how we go through this process, should that unfortunate event take place. These plans would be made in advance of trouble and could not rely on the type of government intervention we were forced into last fall.

As I have said, the systemic risk council is not a silver bullet. Many systemic risks already lie squarely within the responsibility of our day-to-day financial regulators. We need to make sure our current regulators have clear missions, including managing risks within their institutions and regulated markets, and we must ensure these regulators do their job.

But that is only half of the answer because other systemic risks lay outside of the day-to-day prudential regulators' job description, in between the cracks of our existing regulatory system. The Systemic Risk Council's responsibilities would be clear and focused. Systemic risk would be its only job, and it would help fill in the cracks and prevent problems from becoming unmanageably large or complex.

What I am proposing today boils down to a simple, consistent, and I believe common sense idea: If we want to do something constructive about systemic risk, we should create a mechanism that can ensure our regulators do their jobs, avoid conflicts of interest, and fully leverage our existing regulatory resources to promote the proactive identification and control of systemic risks. By having this council, made up of the heads of the day-to-day prudential regulators—the Fed, the Treasury, independent members, and this independent chair appointed by the President—I believe we create this mechanism.

We need to make sure we never again put the American taxpayer into the kind of financial duress we had take place last year. I believe the Systemic Risk Council approach, working as one piece of an overall financial modernization and reregulation, will lead us in that direction.

Mr. DORGAN. Mr. President, would the Senator yield for a question?

Mr. WARNER. I would yield for a question.

Mr. DORGAN. I want to talk about jobs today, but the Senator piqued my interest by talking about too big to fail. Some believe—and I am one of

those who believe—that too big to fail means you are too big. As you know, in Great Britain this week they decided to begin taking apart institutions that are too big to fail. And I know there are other approaches here in trying to deal with systemic risk and a variety of approaches to try to address the issue, but has the Senator had thoughts about whether too big to fail is just flatout too big?

Mr. WARNER. I am very familiar with what happened in the UK, with the situation with the Bank of Scotland, which had received governmental assistance—somewhat similar to the banks that had received our TARP financing. They came in and said: We are going to start to break up this institution. Former Fed Chair Paul Volcker has suggested that certain banks should perhaps be prohibited from taking on excessive risk activities, in a sense going back almost to a Glass-Steagall approach. Those are both areas that I believe warrant further consideration.

Our approach here has been to say that while it is hard, in this interconnected financial system we have where institutions crisscross all across the world, to put an arbitrary size cap on it, what we can do, by putting this type of Systemic Risk Council in place, we can put barriers and a price of getting too large by having added capital requirements; by having this designation that you have to show us a dissolution plan and that the Systemic Risk Council would weigh in; by assuring that if you take on too much risk activities on your own trading desk, there is a higher price to pay for that.

There are these other examples, as you mentioned, that we will be debating through this whole process. I know the Senator has raised this issue at times on the floor as well, and I will solicit his advice and comments. And perhaps we need to go even beyond that in looking at, as I think you appropriately pointed out, at the end of the day, does too big to fail mean just too big? It is a hard place to draw a line. But I thank the Senator for his question, and I yield my time.

Mr. DORGAN. The Senator from Virginia is very thoughtful on these issues. I know the workshops he has been putting on are very helpful. As we try to work through these with respect to resolution and other authorities, it is very important for us to try to use the best ideas that exist in this Chamber to put together an approach that would prevent ever again what happened last year and the year before.

So I have some thoughts about the use of the Fed with respect to systemic risk and other things, and I will speak about them later. But my interest was piqued by the Senator's discussion on the floor because I think this is very important. If we don't find ways to put the foundation back under this economic system of ours, people aren't going to have confidence going forward. Part of financial reform is to es-

tablish that confidence, and I think the work the Senator from Virginia has been doing is extraordinary work.

My hope is that at the end stage we can probably come closer to the side of, if you are too big to fail, you are probably too big, because too big to fail is almost, by definition, no-fault capitalism. But between here and there, there are a lot of interesting and useful ideas that are being developed, and the Senator from Virginia is in the middle of them, and I appreciate his work.

Mr. WARNER. I thank the Senator from North Dakota for his comments, and I look forward to working with him. I think this is clearly an area where we will find common cause with our colleagues on the other side of the aisle. Never again should the American taxpayer have to pick up the burden from institutions that have been financially irresponsible and then from those financial irresponsibilities that pose a systemic risk where we the taxpayers are left basically holding the bag.

So I thank the Senator for his comments, and I look forward to working with him on this very important issue.

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

JOBS AND THE ECONOMY

Mr. DORGAN. Mr. President, I would like to comment this morning about the information that was released this morning on unemployment. The unemployment level has now gone to 10.2 percent. That is an antiseptic number. It doesn't mean so much as a number, but it sure means a whole lot to the folks who have lost their jobs.

We are now at a point where we have had a massive number of job losses since this economic decline began. This is the steepest economic decline since the Great Depression.

In the same couple of weeks where we have learned that the economy has once again begun to grow—that is good news—we also know that people are still losing their jobs, and that is bad news. An economic recovery that is a jobless recovery, in my judgment, is not a real economic recovery.

We are working on a lot of things here in the Senate, all very important—health care, climate change—but in my judgment, the most important thing for this Congress and this government to do is to try to restart this economic engine in a way that creates real jobs, puts our economy back on track, produces real, significant jobs that pay well, and that puts the American people to work in order to make a living and to care for their families. When that happens, we will have achieved something significant.

Let me say quickly, as I have said before, this President has been in office less than 10 months. He inherited an unbelievable economic mess—the deepest economic downturn since the Great Depression. So I understand that. I

know he understood this was not an optimal time, perhaps, to assume the reins, but he understands and we understand that we have to do everything we can to get this economy started once again.

To hear a report on a Friday that we are at 10.2 percent unemployment—that is tough news, and we have a lot to do here in the Congress and in our government to try to find a way to put this back on track. There is some evidence that maybe this is beginning, but, again, a jobless economic recovery is not a real economic recovery. We need to focus like a laser on the question of how do you create new jobs in this country.

Clearly, small-to-medium-sized businesses are the job generators in this country, and we need to find ways and we need to focus all our attention to finding ways to incentivize the creation of jobs once again in the private sector. I think public policies that can incentivize the creation of those jobs is what is expected of us. There is a lot of urgency for a lot of things. In my judgment, the most significant urgent priority at the moment is the focus on jobs and getting people back to work.

I am going to have a meeting next Tuesday morning with a good many of my colleagues to talk about putting together the set of policies on an urgent basis that will try to push that result. We just cannot decide that, well, this is the long tail of a serious long-term economic downturn that has now reached bottom and is now coming back up with an economic growth of, I believe 3.6 percent this quarter. We cannot believe that somehow that is going to do the job because growth without jobs is not real economic recovery. So we have a lot of work to do.

While saying what I have just said, we also have two different economies working in this country. A lot of folks lost their jobs last month, last year, and the last few years—somewhere over 7.6 million Americans—and they had to tell their loved ones that they weren't employed anymore, that their jobs were gone, not because they were bad workers, not because they did a bad job, but because of cutbacks, because of this steep economic decline. And now we see day after day that there is another economy working out there.

I just brought a few of these to the floor of the Senate to describe the difficulty of people who are looking for work, who lost their jobs last month. When they read these papers, it explains the difficulty they see in this, and probably the anger—more likely the anger.

October 17: The headline from the New York Times reads "Bailout Helps Fuel a New Era of Wall Street Wealth." Quoting from the article:

Titans like Goldman Sachs and JPMorgan Chase are making fortunes in hot areas like trading stocks and bonds, rather than in the ho-hum business of lending people money. They are also profiting by taking risks that

weaker rivals are unable or unwilling to shoulder—a benefit of less competition after the failure of some investment firms last year.

October 26, Bloomberg. Quoting from this article:

Citigroup Inc. and Bank of America Corp. paid top executives an average of \$18.2 million each last year as the banks accepted a total of \$90 billion in taxpayer funds to survive the financial crisis. Citigroup . . . paid \$390 million to 21 people, an average of \$18.6 million each . . . Bank of America paid \$227.8 million to 13 executives, or \$17.5 million apiece.

Again, these payments in some cases are from companies that might not have been around were it not for the Federal Government providing some funds for them. These are payments and bonuses that are unbelievable. And we are told now that in the next 30 days or so Wall Street is going to pay itself somewhere around \$140 billion in bonuses.

Let me just describe again what was done in the last year and a half for some of the biggest financial firms in this country that steered this country's economy into the ditch. So far, it has been between \$12 billion and \$15—excuse me, trillion. It is hard to get the b's and t's straight. Between \$12 trillion and \$15 trillion has been lent, spent, committed, pledged, subsidized, or guaranteed. Let me say that again. Somewhere between \$12 trillion and \$15 trillion of the taxpayers' money, through the Congress—mostly through the Federal Reserve Board and other devices—has been lent, spent, committed, pledged, subsidized, or guaranteed. And because of that, presumably, some of these firms that are now paying these bonuses are firms that would otherwise not have been around. But for those taxpayer funds, they wouldn't have been around.

So what we are doing is picking up the paper every single day and seeing articles such as this: October 20, the New York Times, Bob Herbert writes:

The lead headline, in the upper right-hand corners, said: "U.S. Deficit Rises to \$1.4 Trillion; Biggest Since '45." The headline next to it said: "Bailout Helps Revive Banks, And Bonuses."

And this is Allan Sloan, September 8:

A Year After Lehman, Wall Street's Acting Like Wall Street Again. It's been 12 months since Lehman Brothers failed, setting off a chain reaction that came horrifyingly close to destroying the world's financial system. That anniversary makes this a convenient time to take a deep breath, look back . . . and see what we can learn from the past turbulent year . . . What are the lessons? How has Wall Street changed since Lehman went broke last September 15?

That is a year ago. The fact is, Wall Street is back doing the same things they did prior to the collapse.

Here is another article:

What Red Ink? Wall Street Paid Hefty Bonuses. Despite crippling losses, multibillion-dollar bailouts and the passing of some of the most prominent names and businesses, employees at financial companies in New York, the now diminished world capital of capital, collected an estimated \$178.4 billion in bonuses for the year.

And they are speaking of the year 2008.

Continuing with this article:

That was the sixth-largest haul on record, according to a report by the New York State comptroller.

Again, that was in the New York Times.

Here is one from the Washington Post dated July 30, 2009. The headline read: "Report Outlines Big Bonuses at Rescued Banks." Quoting from the article:

Two firms, Citigroup and Merrill Lynch, suffered losses of more than \$27 billion each but paid out \$5.3 billion and \$3.6 billion in bonuses, respectively, the report noted. At Citigroup, 738 employees got bonuses of at least \$1 million, the report said, while 11 executives received a combined \$77 million in cash, deferred cash and stock awards.

The point is, we have a couple of different economies working here. We have an economy in which we read of some companies making very large profits and paying very large bonuses—and some of them, by the way, wouldn't exist were it not for the American taxpayer backstopping the reckless behavior and the losses they incurred as they steered this economy into the ditch; then, today, 10.2 percent unemployment at the same time we see the economy, we are told, is growing at a 3.6-percent rate in the third quarter.

The point I want to make this morning is simple. The American people will not stand long for two economies. The fact is, 10.2 percent unemployment is not acceptable, not acceptable to anybody. Those who are losing their jobs and losing hope and losing their homes, in some cases, should expect that the urgent priority, among all of us in government, is to decide that jobs are No. 1. Restarting this economic engine, putting this economy back on track, and putting people back to work has to be the urgent priority of this Congress. I hope the work I and others can do will make some small contribution to that in the coming days.

I think the American people, if you look at the history of this country, have always been a resilient bunch. We have been through tough times and been through good times. But it is time now, as I said the other day, for us to stop thinking of ourselves as two different teams in places like the Senate. There ought to be only one team that works together to find ways to put people back to work in this country and get this country's economy started again.

If you take a look over the economic history of this country and see what made America great, it is lifting people out of poverty, putting people to work, on payrolls, making a good wage to be able to take care of their families. That expansion of the middle class is what has made this country great. It is not the capability of the people at the very top to make even more and to pay even bigger bonuses, it is the expansion of the middle class that has made this country a great country, and what we

have seen now is a shrinking of the middle class. We have seen more unemployment in what used to be the middle class. Day after day, even as people are losing their jobs in this country, we still see companies shipping American jobs overseas and getting a tax break for doing it.

We have a lot of things on our plate to do to try to fix what is wrong. I am convinced we can. I have an effervescent spirit of hope that we can do these things, but we have to start now. Of those this morning who read in the paper that the unemployment rate is 10.2 percent, those who have lost their jobs fully understand what that number means. I hope all of us in this Chamber do as well. It requires from us an urgent priority to get to work and fix this problem.

I yield the floor.

NATIONAL FAMILY CAREGIVERS MONTH

Mr. REID. Mr. President, I rise today to call the attention of the Senate to National Family Caregivers Month, sponsored by the National Family Caregivers Association. Every day more and more American families are put in the tough situation of taking care of their elderly loved ones. Caregivers are our friends, family, and neighbors who have become an instrumental part of providing the necessary care that their families need and deserve. Eighty percent of all homecare services today are provided by family caregivers, and I am proud to support them this month during National Caregivers Month. I have always been a strong supporter of family caregivers and have worked hard to make sure they get the resources and funding that they deserve.

It has been my privilege to do all I can here on the federal level to help in this endeavor. Recently, the Washoe County Senior Services Respite Care Program needed resources to provide nonmedical respite care for those suffering from dementia, Alzheimer's, and a host of other terrible diseases. I secured the necessary funding in the Commerce, Justice, Science and Related Agencies Appropriations Act of 2010. When this act passes, it will allot \$95,000 to aid our seniors who are afflicted. And I am pleased that I was able to get bipartisan support for the passage of the Lifespan Respite Care Act. This act authorizes the Secretary of Health and Human Services to award matching grants to eligible state agencies that are in desperate need for funding to help families.

As our fight for quality and affordable health care continues, I will make sure that our family caregivers get the support and resources that they need to continue this difficult task. We will do all we can during National Family Caregivers Month to give these dedicated family members the recognition they deserve.

Dr. Martin Luther King Jr. once said, "An individual has not started living

until he can rise above the narrow confines of his individualistic concerns to the broader concerns of all humanity." I firmly believe that the National Family Caregivers Association characterizes this ideal. I wish this organization all the best as it works to raise awareness during National Family Caregivers Month.

MESSAGE FROM THE HOUSE

At 10:39 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1849. An act to designate the Liberty Memorial at the National World War I Museum in Kansas City, Missouri, as the National World War I Memorial, to establish the World War I centennial commission to ensure a suitable observance of the centennial of World War I, and for other purposes.

H.R. 3276. An act to promote the production of molybdenum-99 in the United States for medical isotope production, and to condition and phase out the export of highly enriched uranium for the production of medical isotopes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 139. Concurrent resolution congratulating the first graduating class of the United States Air Force Academy on their 50th graduation anniversary and recognizing their contributions to the Nation.

The message further announced that it passed the bill (S. 748) to redesignate the facility of the United States Postal Service located at 2777 Logan Avenue in San Diego, California, as the "Cesar E. Chavez Post Office".

MEASURES REFERRED

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

H.R. 1849. An act to designate the Liberty Memorial at the National World War I Museum in Kansas City, Missouri, as the National World War I Memorial, to establish the World War I centennial commission to ensure a suitable observance of the centennial of World War I, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 3276. An act to promote the production of molybdenum-99 in the United States for medical isotope production, and to condition and phase out the export of highly enriched uranium for the production of medical isotopes; to the Committee on Energy and Natural Resources.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 139. Concurrent resolution congratulating the first graduating class of the United States Air Force Academy on their 50th graduation anniversary and recognizing their contributions to the Nation; to the Committee on Armed Services.

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-3605. A communication from the Assistant Secretary of the Navy (Installations and Environment), transmitting, pursuant to law, a report relative to the result of a public-private competition conducted on March 31, 2008; to the Committee on Armed Services.

EC-3606. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Significant New Use Rules on Certain Chemical Substances; Technical Amendment" (FRL No. 8438-5) received in the Office of the President of the Senate on November 5, 2009; to the Committee on Environment and Public Works.

EC-3607. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District and South Coast Air Quality Management District" (FRL No. 8970-4) received in the Office of the President of the Senate on November 5, 2009; to the Committee on Environment and Public Works.

EC-3608. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the Arizona State PM-10 Implementation Plan; Maricopa County Air Quality Department" (FRL No. 8975-6) received in the Office of the President of the Senate on November 5, 2009; to the Committee on Environment and Public Works.

EC-3609. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the Arizona State Implementation Plan, Maricopa County Air Quality Department and Maricopa County" (FRL No. 8902-6) received in the Office of the President of the Senate on November 5, 2009; to the Committee on Environment and Public Works.

EC-3610. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Indiana" (FRL No. 8971-9) received in the Office of the President of the Senate on November 5, 2009; to the Committee on Environment and Public Works.

EC-3611. A communication from the Chief of the Scientific Authority Division, Fish and Wildlife Services, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Listing the Chatham Petrel, Fiji Petrel, and Magenta Petrel as Endangered Throughout Their Ranges" (RIN1018-AV21) received in the Office of the President of the Senate on November 5, 2009; to the Committee on Environment and Public Works.

EC-3612. A communication from the Director of Fish and Wildlife Services, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Reinstatement of Protections for the Gray Wolf in the Western Great Lakes in Compliance with Settlement Agreement and Court

Order" (RIN1018-AW80) received in the Office of the President of the Senate on November 5, 2009; to the Committee on Environment and Public Works.

EC-3613. A communication from the Program Manager, Office of the Secretary, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "HIPAA Administrative Simplification: Enforcement" (RIN0991-AB55) received in the Office of the President of the Senate on November 5, 2009; to the Committee on Finance.

EC-3614. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed amendment to a technical assistance agreement for the export of defense articles, including, technical data, and defense services to the United Arab Emirates relative to the post-delivery modifications and integrated logistics support of four CH-47F Chinook Helicopters in the amount of \$50,000,000 or more; to the Committee on Foreign Relations.

EC-3615. A communication from the Assistant General Counsel of the Division of Regulatory Services, Office of Postsecondary Education, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Federal Perkins Loan Program, Federal Family Education Loan Program, and William D. Ford Federal Direct Loan Program" (RIN1840-AC98) received in the Office of the President of the Senate on November 5, 2009; to the Committee on Health, Education, Labor, and Pensions.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary, with amendments:

S. 1472. A bill to establish a section within the Criminal Division of the Department of Justice to enforce human rights laws, to make technical and conforming amendments to criminal and immigration laws pertaining to human rights violations, and for other purposes.

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. BINGAMAN (for himself and Mr. BAUCUS):

S. 2747. A bill to amend the Land and Water Conservation Fund Act of 1965 to provide consistent and reliable authority for, and for the funding of, the land and water conservation fund to maximize the effectiveness of the fund for future generations, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. KERRY (for himself, Mrs. LINCOLN, and Ms. LANDRIEU):

S. 2748. A bill to amend the Internal Revenue Code of 1986 to extend for one year the employer wage credit for employees who are active duty members of the uniformed services; to the Committee on Finance.

By Mrs. GILLIBRAND:

S. 2749. A bill to amend the Richard B. Russell National School Lunch Act to improve access to nutritious meals for young children in child care; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. SCHUMER (for himself and Mrs. GILLIBRAND):

S. 2750. A bill to amend the Public Health Service Act to authorize the Secretary of Health and Human Services to make grants to eligible States for the purpose of reducing the student-to-school nurse ratio in public secondary schools, elementary schools, and kindergarten; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. REID:

S. Res. 343. A resolution to constitute the majority party's membership on certain committees for the One Hundred Eleventh Congress, or until their successors are chosen; considered and agreed to.

By Mrs. HUTCHISON (for herself, Mr. CORNYN, Mr. REID, Mr. MCCONNELL,

Mr. AKAKA, Mr. ALEXANDER, Mr. BARRASSO, Mr. BAUCUS, Mr. BAYH, Mr. BEGICH, Mr. BENNETT, Mr. BENNETT, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BROWN, Mr. BROWNBACK, Mr. BUNNING, Mr. BURR, Mr. BURRIS, Mr. BYRD, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mr. COBURN, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. CORKER, Mr. CRAPO, Mr. DEMINT, Mr. DODD, Mr. DORGAN, Mr. DURBIN, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mrs. HAGAN, Mr. HARKIN, Mr. HATCH, Mr. INHOFE, Mr. INOUE, Mr. ISAKSON, Mr. JOHANNES, Mr. JOHNSON, Mr. KAUFMAN, Mr. KERRY, Mr. KIRK, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEMIEUX, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LUGAR, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. NELSON of Florida, Mr. PRYOR, Mr. REED, Mr. RISCH, Mr. ROBERTS, Mrs. ROCKEFELLER, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mrs. SHAHEEN, Mr. SHELBY, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. TESTER, Mr. THUNE, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. VITTER, Mr. VOINOVICH, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, Mr. WICKER, and Mr. WYDEN):

S. Res. 344. A resolution expressing the sense of the Senate regarding the tragic shooting at Fort Hood, Texas on November 5, 2009; considered and agreed to.

ADDITIONAL COSPONSORS

S. 327

At the request of Mr. LEAHY, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 327, a bill to amend the Violence Against Women Act of 1994 and the Omnibus Crime Control and Safe Streets Act of 1968 to improve assistance to domestic and sexual violence victims and provide for technical corrections.

S. 456

At the request of Mr. DODD, the name of the Senator from Delaware (Mr. KAUFMAN) was added as a cosponsor of

S. 456, a bill to direct the Secretary of Health and Human Services, in consultation with the Secretary of Education, to develop guidelines to be used on a voluntary basis to develop plans to manage the risk of food allergy and anaphylaxis in schools and early childhood education programs, to establish school-based food allergy management grants, and for other purposes.

S. 1055

At the request of Mrs. BOXER, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1055, a bill to grant the congressional gold medal, collectively, to the 100th Infantry Battalion and the 442nd Regimental Combat Team, United States Army, in recognition of their dedicated service during World War II.

S. 1128

At the request of Mr. ROBERTS, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 1128, a bill to authorize the award of a military service medal to members of the Armed Forces who were exposed to ionizing radiation as a result of participation in the testing of nuclear weapons or under other circumstances.

S. 1183

At the request of Mr. DURBIN, the name of the Senator from Massachusetts (Mr. KIRK) was added as a cosponsor of S. 1183, a bill to authorize the Secretary of Agriculture to provide assistance to the Government of Haiti to end within 5 years the deforestation in Haiti and restore within 30 years the extent of tropical forest cover in existence in Haiti in 1990, and for other purposes.

S. 1490

At the request of Mr. LEAHY, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1490, a bill to prevent and mitigate identity theft, to ensure privacy, to provide notice of security breaches, and to enhance criminal penalties, law enforcement assistance, and other protections against security breaches, fraudulent access, and misuse of personally identifiable information.

S. 1492

At the request of Ms. MIKULSKI, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 1492, a bill to amend the Public Health Service Act to fund breakthroughs in Alzheimer's disease research while providing more help to caregivers and increasing public education about prevention.

S. 1619

At the request of Mr. DODD, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1619, a bill to establish the Office of Sustainable Housing and Communities, to establish the Interagency Council on Sustainable Communities, to establish a comprehensive planning grant program, to establish a sustainability challenge grant program, and for other purposes.

S. 1737

At the request of Mr. FRANKEN, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 1737, a bill to amend the Richard B. Russell National School Lunch Act and the Child Nutrition Act of 1966 to increase the number of children eligible for free school meals, with a phased-in transition period.

S. 1740

At the request of Mrs. MURRAY, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1740, a bill to promote the economic security and safety of victims of domestic violence, dating violence, sexual assault, or stalking, and for other purposes.

S. 1761

At the request of Ms. LANDRIEU, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1761, a bill to provide an extension of the low-income housing credit placed-in-service date requirement for certain disaster areas.

S. 1861

At the request of Ms. LANDRIEU, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1861, a bill to amend the Internal Revenue Code of 1986 to provide a 2-year extension of the increased rehabilitation credit for structures in the Gulf Opportunity Zone.

S. 1930

At the request of Mr. CASEY, the name of the Senator from Illinois (Mr. BURRIS) was added as a cosponsor of S. 1930, a bill to amend the Internal Revenue Code of 1986 to enhance the administration of, and reduce fraud related to, the first-time homebuyer tax credit, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BINGAMAN (for himself and Mr. BAUCUS):

S. 2747. A bill to amend the Land and Water Conservation Fund Act of 1965 to provide consistent and reliable authority for, and for the funding of, the land and water conservation fund to maximize the effectiveness of the fund for future generations, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, today I am introducing the Land and Water Conservation Authorization and Funding Act of 2009. I am pleased that Senator BAUCUS has joined me as an original cosponsor.

The legislation I am introducing today will provide consistent funding of the Land and Water Conservation Fund, LWCF, program at a time when its purposes have never been more important to our communities and quality of life. This program provides funding for States and Federal land management agencies for the purchase of land and interests in land from willing sellers. Since its inception in 1964,

LWCF has led to the protection of more than five million acres of land and water across the country, including such irreplaceable landscapes as the Grand Canyon National Park in Arizona, the redwood forests in California, the Rocky Mountain Front in Montana, and Denali National Park and Preserve in Alaska.

In my own State of New Mexico, LWCF funds have been used in many important landscapes including the Santa Fe National Forest to provide hundreds of miles of trails for hiking, horseback riding and off-road vehicle use, and to protect the unique Valles Caldera from development. Going forward, the Bureau of Land Management hopes to protect portions of the Rio Grande National Wild and Scenic River in New Mexico using LWCF funds.

Equally important, this program's flexibility means that it also is used to protect what is sometimes most valuable to our communities—the lesser-known special places virtually in our own backyard. The availability of portions of this funding to States means that it can be used to protect local landscapes when development threatens the open spaces that communities need for clean water and recreation. It is also available for the purchase of conservation easements when public ownership of land is not the best solution. These easements—acquired at the request of the landowner—protect the landscape against development while retaining private ownership.

Since its inception in 1964, the law has provided that the Land and Water Conservation Fund will accumulate revenues from Federal outdoor recreation user fees, the Federal motorboat fuel tax, surplus property sales, and from oil and gas leases on the Outer Continental Shelf. It has been authorized at \$900 million a year since 1977. In establishing LWCF, Congress recognized the importance of the protection of lands with significant natural, recreation and scenic attributes, and for the development of outdoor recreation lands and facilities at the State and local level.

Under current law these funds cannot be spent until they are further appropriated each year. Congress has rarely appropriated the \$900 million annually that was authorized as necessary as far back as 1977. The levels of funding for both Federal agencies and States have fluctuated wildly over the years. In addition, LWCF itself will expire in 2015 if not reauthorized.

However, the purpose of LWCF—the acquisition of land and interests in land—is one that requires consistency and predictability in order to be truly effective. The opportunity for land purchase can emerge quickly and can be quickly lost. The cost often requires that deals be structured over a period of time. The absence of a consistent amount of funding annually makes it virtually impossible for Federal agencies or States to plan effectively or to ensure that they can protect those

areas most important to communities and to the nation as a whole and at the lowest cost.

Protection of special places and landscapes for the common good has always been a great American idea that we have exported to the rest of the world. These lands are a wonderful gift that every taxpayer receives at birth, and values very highly. Today, even more than when LWCF was enacted, there is increasing pressure on our natural landscapes, both as a result of man-made development and changes in our climate. It is more imperative than ever that we protect and restore our ecosystems so that they stay resilient. By protecting natural systems, we are protecting human health and the economy by providing clean water, clean air, livable coastal areas and the quality of life that is so important to all Americans.

The time has come to make sure that the Land and Water Conservation Fund has consistent and predictable funding and that it continues beyond 2015. This bill will not change the authorized amount or the well-established purposes and parameters of the Fund. It simply provides that the monies deposited in the Fund under current law will be available without further appropriation at the authorized amount. It is my hope that this will be a down payment on something vitally important to all Americans—protection and conservation of our natural heritage and our most special places for ourselves and for future generations.

I would like to thank Senator BAUCUS for his leadership on this issue and I look forward to working with my colleagues to pass this legislation in a timely manner.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2747

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Land and Water Conservation Authorization and Funding Act of 2009”.

SEC. 2. PERMANENT AUTHORIZATION; FULL FUNDING.

(a) PURPOSES.—The purposes of the amendments made by subsection (b) are—

(1) to provide consistent and reliable authority for, and for the funding of, the land and water conservation fund established under section 2 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-5); and

(2) to maximize the effectiveness of the fund for future generations.

(b) AMENDMENTS.—

(1) PERMANENT AUTHORIZATION.—Section 2 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-5) is amended—

(A) in the matter preceding subsection (a), by striking “During the period ending September 30, 2015, there” and inserting “There”; and

(B) in subsection (c)(1), by striking “through September 30, 2015”.

(2) FULL FUNDING.—Section 3 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-6) is amended to read as follows: “SEC. 3. AVAILABILITY OF FUNDS.

“Monies covered into the fund under section 2 shall be available for expenditure to carry out the purposes of this Act, without further appropriation.”.

By Mr. KERRY (for himself, Mrs. LINCOLN, and Ms. LANDRIEU):

S. 2748. A bill to amend the Internal Revenue Code of 1986 to extend for one year the employer wage credit for employees who are active duty members of the uniformed services; to the Committee on Finance.

Mr. KERRY. Mr. President, today I am introducing the Small Business and Military Families Assistance Act which provides an extension of a provision included in the Heroes Earnings Assistance and Relief Tax, HEART, Act of 2008 which passed last Congress. Senator LINCOLN is a cosponsor. The HEART Act has been referred to as the “thank you bill” and that is very appropriate. The purpose of the HEART Act was to provide military families with well deserved tax relief. As we approach Veterans Day, I believe that it is appropriate to extend the tax credit for small employers of reservists called to active duty.

The best definition of patriotism is keeping faith with those who serve our country. That means giving our troops the resources they need to keep them safe while they are protecting us. It means supporting our troops at home as well as abroad.

Currently, there are over 120,000 military personnel serving in Iraq. There are approximately 68,000 U.S. service members in Afghanistan. Many of these men and women are reservists and have been called to active duty, frequently for multiple tours.

Most large businesses have the resources to provide supplemental income to reservist employees called up. I applaud the businesses that have been able to pay supplemental income to their reservists, but it is not easy for small businesses to do the same.

In January 2007, the Committee on Small Business and Entrepreneurship held a hearing on veterans’ small business issues. A majority of our veterans returning from Iraq and Afghanistan are Reserve and National Guard members—35 percent of whom are either self-employed or own or are employed by a small business.

We heard some disturbing statistics about the impact and unintended consequences the call up of reservists is having on small businesses. According to a January 2007 survey conducted by Workforce Management, 54 percent of the businesses surveyed responded that they would not hire a citizen soldier if they knew that they could be called up for an indeterminate amount of time. I am concerned that long call ups and re-deployments have made it hard for small businesses to be supportive of civilian soldiers.

The HEART Act provides a tax credit to small businesses to assist with the

cost of paying the salary of their reservist employees when they are called to active duty. This tax credit provides an incentive for small employers to eliminate any pay gap between civilian and military pay. The provision provides small businesses with less than 50 employees with a tax credit of 20 percent of the differential pay. The maximum credit is \$4,000. The credit is for amounts paid for before January 1, 2010. My legislation would extend this provision for an additional year.

While our reservists are continuing to serve, we should continue to provide assistance. Now is not the time to end this credit which helps small business do the right thing. During these difficult economic times, it is a struggle for small business to pay their employees who are called up a wage differential.

Our service men and women need to know that we are honoring their service. An extension of the small business credit will help our military families with some of their financial burdens. It cannot repay the sacrifices they have made for us, but it is a small way we can support our troops and their families.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 343—TO CONSTITUTE THE MAJORITY PARTY’S MEMBERSHIP ON CERTAIN COMMITTEES FOR THE ONE HUNDRED ELEVENTH CONGRESS, OR UNTIL THEIR SUCCESSORS ARE CHOSEN

Mr. REID submitted the following resolution; which was considered and agreed to:

S. RES. 343

Resolved, That the following shall constitute the majority party’s membership on the following committee for the One Hundred Eleventh Congress, or until their successors are chosen:

COMMITTEE ON RULES AND ADMINISTRATION: Mr. Schumer (Chairman), Mr. Byrd, Mr. Inouye, Mr. Dodd, Mrs. Feinstein, Mr. Durbin, Mr. Nelson (Nebraska), Mrs. Murray, Mr. Pryor, Mr. Udall (New Mexico), Mr. Warner.

SENATE RESOLUTION 344—EXPRESSING THE SENSE OF THE SENATE REGARDING THE TRAGIC SHOOTING AT FORT HOOD, TEXAS ON NOVEMBER 5, 2009

Mrs. HUTCHISON (for herself, Mr. CORNYN, Mr. REID, Mr. MCCONNELL, Mr. AKAKA, Mr. ALEXANDER Mr. BARRASSO, Mr. BAUCUS, Mr. BAYH, Mr. BEGICH, Mr. BENNETT, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BROWN, Mr. BROWNBACK, Mr. BUNNING, Mr. BURR, Mr. BURRIS, Mr. BYRD, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mr. COBURN, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. CORKER, Mr. CRAPO, Mr. DEMINT, Mr. DODD, Mr. DORGAN, Mr. DURBIN, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs.

FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mrs. HAGAN, Mr. HARKIN, Mr. HATCH, Mr. INHOFE, Mr. INOUE, Mr. ISAKSON, Mr. JOHANNIS, Mr. JOHNSON, Mr. KLOFMAN, Mr. KERRY, Mr. KIRK, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEMIEUX, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LUGAR, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. NELSON of Florida, Mr. PRYOR, Mr. REED, Mr. RISCH, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mrs. SHAHEEN, Mr. SHELBY, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. TESTER, Mr. THUNE, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. VITTER, Mr. VOINOVICH, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, Mr. WICKER, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

S. RES. 344

Whereas Fort Hood, Texas, the largest military installation in the world, is home to numerous distinguished units of the Armed Forces of the United States, including the Third Corps, the First Cavalry Division, the Third Armored Cavalry Regiment, and others;

Whereas Fort Hood has long been a source of pride for the State of Texas and for all the people of the United States who value the selfless service and sacrifice of our men and women in uniform;

Whereas the soldiers, family members, and civilian employees who live and serve at Fort Hood play a critical role in the defense of our Nation;

Whereas the soldiers of Fort Hood have served with honor and distinction in the Global War on Terror, frequently on the front lines in the combat theaters of Iraq and Afghanistan; and

Whereas the Fort Hood community experienced a monumental tragedy on November 5, 2009, when a gunman opened fire on large groups of soldiers on the installation: Now, therefore, be it

Resolved, That the Senate—

(1) offers its deepest and most sincere condolences to the families, friends, and loved ones of the innocent victims killed or wounded in the senseless violence that occurred on November 5, 2009;

(2) offers support and hope for a full recovery for those who have been wounded;

(3) honors the heroic service, actions, and sacrifices of law enforcement personnel, first responders, soldiers present on the scene, medical personnel, and countless others who aided the innocent victims of this attack; and

(4) shares in the pain and grief felt by the people of the United States in the aftermath of this tragic event.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2737. Mr. UDALL of New Mexico (for himself, Mr. BINGAMAN, and Mr. BOND) proposed an amendment to amendment SA 2730 proposed by Mr. JOHNSON (for himself and Mrs. HUTCHISON) 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.

SA 2738. Mr. WARNER (for himself and Mr. WEBB) 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 2739. Mr. WARNER 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 2740. Mr. AKAKA (for himself, Mr. INOUE, and Mr. BURR) 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 2741. Mr. MENENDEZ 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 2742. Mr. BURR (for himself and Mr. AKAKA) submitted an amendment intended to be proposed to amendment SA 2730 proposed by Mr. JOHNSON (for himself and Mrs. HUTCHISON) to the bill H.R. 3082, supra; which was ordered to lie on the table.

SA 2743. Mr. BURR (for himself and Mr. AKAKA) submitted an amendment intended to be proposed to amendment SA 2730 proposed by Mr. JOHNSON (for himself and Mrs. HUTCHISON) to the bill H.R. 3082, supra; which was ordered to lie on the table.

SA 2744. Mr. DODD 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 2745. Mr. FRANKEN (for himself and Mr. JOHNSON) submitted an amendment intended to be proposed by him to the bill H.R. 3082, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2737. Mr. UDALL of New Mexico (for himself, Mr. BINGAMAN, and Mr. BOND) proposed an amendment to amendment SA 2730 proposed by Mr. JOHNSON (for himself and Mrs. HUTCHISON) 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; as follows:

On page 52, after line 21, add the following:
SEC. 229. Of the amount appropriated or otherwise made available by this title under the heading "MEDICAL SERVICES", \$150,000,000 shall be available for the grant program under section 2011 of title 38, United States Code, and per diem payments under section 2012 of such title.

SA 2738. Mr. WARNER (for himself and Mr. WEBB) 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 27, between lines 3 and 4, insert the following:

SEC. 128. (a) Of the funds appropriated or otherwise made available by this title under the heading "DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT, 2005", \$450,000 shall be available for the Secretary of Defense to enter into an arrangement with the National Academy of Sciences to conduct a study through the Transportation Research Board of Federal funding of transportation improvements to accommodate installation growth associated with the 2005 Defense Base Closure and Realignment (BRAC) program.

(b) The study conducted pursuant to subsection (a) shall—

(1) examine case studies of congestion caused on metropolitan road and transit facilities when BRAC requirements cause shifts in personnel to occur faster than facilities can be improved through the usual State and local processes;

(2) review the criteria used by the Defense Access Roads (DAR) program for determining the eligibility of transportation projects and the appropriate Department of Defense share of public highway and transit improvements in BRAC cases;

(3) assess the adequacy of current Federal surface transportation and Department of Defense programs that fund highway and transit improvements in BRAC cases to mitigate transportation impacts in urban areas with preexisting traffic congestion and saturated roads;

(4) identify promising approaches for funding road and transit improvements and streamlining transportation project approvals in BRAC cases; and

(5) provide recommendations for modifications of current policy for the DAR and Office of Economic Adjustment programs, including funding strategies, road capacity assessments, eligibility criteria, and other government policies and programs the National Academy of Sciences may identify, to mitigate the impact of BRAC-related installation growth on preexisting urban congestion.

(c) The Secretary of Defense shall enter into an arrangement with the National Academy of Sciences to provide the study conducted pursuant to subsection (a) by not later than 45 days after the date of the enactment of the Act.

(d)(1) Not later than May 15, 2010, the National Academy of Sciences shall provide an interim report of its findings to the Secretary of Defense and the Committees on Armed Services and Appropriations of the Senate and the House of Representatives.

(2) Not later than January 31, 2011, the National Academy of Sciences shall provide a final report of its findings to the Secretary of Defense and the Committees on Armed Services and Appropriations of the Senate and the House of Representatives.

SA 2739. Mr. WARNER 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 52, after line 21, add the following:
SEC. 229. Not later than January 29, 2010, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representative a report on the use of advanced technology to automate the administration of veterans disability claims. Such report shall include the following:

(1) A survey of advanced technology that can be used for such automation.

(2) An assessment of the feasibility and advisability of using such technology for such automation.

SA 2740. Mr. AKAKA (for himself, Mr. INOUE, and Mr. BURR) 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 52, after line 21, add the following:
SEC. 229. Section 315(b) of title 38, United States Code, is amended by striking "December 31, 2009" and inserting "December 31, 2010".

SA 2741. Mr. MENENDEZ 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 52, after line 21, add the following:
SEC. 229. (a) ADDITIONAL AMOUNT FOR STATE VETERANS CEMETERIES.—The amount appropriated by this title under the heading "GRANTS FOR CONSTRUCTION OF STATE VETERANS CEMETERIES" is hereby increased by \$4,000,000.

(b) OFFSET.—The amount appropriated or otherwise made available by this title under the heading "GENERAL OPERATING EXPENSES" is hereby decreased by \$4,000,000.

SA 2742. Mr. BURR (for himself and Mr. AKAKA) submitted an amendment intended to be proposed to amendment SA 2730 proposed by Mr. JOHNSON (for himself and Mrs. HUTCHISON) 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 52, after line 21, add the following:
SEC. 229. (a) ADDITIONAL AMOUNT FOR HOMELESS VETERANS COMPREHENSIVE SERVICE PROGRAMS AND HOUSING ASSISTANCE AND SUPPORTIVE SERVICES.—The amount appropriated by this title under the heading "MEDICAL SERVICES" is hereby increased by \$43,387,240, with the amount of the increase to be available for the following:

(1) The grant program under section 2011 of title 38, United States Code.

(2) Per diem payments under section 2012 of such title.

(3) Housing assistance and supportive services under subchapter V of chapter 20 of such title.

(b) OFFSETTING RESCISSION.—There is hereby rescinded, from amounts appropriated for fiscal years beginning before fiscal year 2010 for the guaranteed transitional housing loan program authorized by subchapter VI of chapter 20 of title 38, United States Code, that remain available for obligation as of the date of the enactment of this Act, the amount of \$43,387,240.

(c) REDUCTION IN AVAILABILITY OF FUNDS FOR GUARANTEED TRANSITIONAL HOUSING LOANS FOR HOMELESS VETERANS PROGRAM.—The amount made available by this title under the heading "GUARANTEED TRANSITIONAL HOUSING LOANS FOR HOMELESS VETERANS PROGRAM ACCOUNT" is hereby reduced by \$750,000.

SA 2743. Mr. BURR (for himself and Mr. AKAKA) submitted an amendment intended to be proposed to amendment SA 2730 proposed by Mr. JOHNSON (for himself and Mrs. HUTCHISON) 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 52, after line 21, add the following:
SEC. 229. (a) ADDITIONAL AMOUNT FOR HOMELESS VETERANS COMPREHENSIVE SERVICE PROGRAMS AND HOUSING ASSISTANCE AND SUPPORTIVE SERVICES.—The amount appropriated by this title under the heading “MEDICAL SERVICES” under the heading “VETERANS HEALTH ADMINISTRATION” is increased by \$750,000, with the amount of the increase to be available for the following:

(1) The grant program under section 2011 of title 38, United States Code.

(2) Per diem payments under section 2012 of such title.

(3) Housing assistance and supportive services under subchapter V of chapter 20 of such title.

(b) OFFSET.—The amount appropriated or otherwise made available by this title under the heading “GENERAL OPERATING EXPENSES” under the heading “DEPARTMENTAL ADMINISTRATION” is decreased by \$750,000.

SA 2744. Mr. DODD 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:

At the appropriate place, insert the following:

SEC. _____. Section 129 of the Continuing Appropriations Resolution, 2010 (Public Law 111-68) is amended by striking “by substituting” and all that follows through the period at the end, and inserting “by substituting June 30, 2010 for the date specified in each such section.”.

SA 2745. Mr. FRANKEN (for himself and Mr. JOHNSON) 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 52, after line 21, add the following:
SEC. 229. Of the amounts appropriated or otherwise made available by this title for the Department of Veterans Affairs, \$5,000,000 shall be available for the study required by section 1077 of the National Defense Authorization Act for Fiscal Year 2010.

PRIVILEGES OF THE FLOOR

Mr. DORGAN. Mr. President, I ask unanimous consent that LTC Joseph J. Martin, a U.S. Army Special Forces officer currently serving as Senator REID’s military legislative fellow this year, be granted floor privileges for the duration of H.R. 3082, the Military Construction and Veterans Affairs Appropriations Act for fiscal year 2010.

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

CONSTITUTING MAJORITY PARTY MEMBERSHIP

Mr. DORGAN. Mr. President, I ask unanimous consent that the Senate proceed to immediate consideration of S. Res. 343, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 343) to constitute the majority party’s membership on certain committees for the One Hundred Eleventh Congress, or until their successors are chosen.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DORGAN. Mr. President, I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table without further intervening action or debate.

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

The resolution (S. Res. 343) was agreed to, as follows:

S. RES. 343

Resolved, That the following shall constitute the majority party’s membership on the following committee for the One Hundred Eleventh Congress, or until their successors are chosen:

COMMITTEE ON RULES AND ADMINISTRATION: Mr. Schumer (Chairman), Mr. Byrd, Mr. Inouye, Mr. Dodd, Mrs. Feinstein, Mr. Durbin, Mr. Nelson (Nebraska), Mrs. Murray, Mr. Pryor, Mr. Udall (New Mexico), Mr. Warner.

REGARDING THE TRAGIC SHOOTING AT FORT HOOD, TEXAS

Mr. DORGAN. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 344, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 344) expressing the sense of the Senate regarding the tragic shooting at Fort Hood, Texas on November 5, 2009.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DORGAN. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

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

The resolution (S. Res. 344) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 344

Whereas Fort Hood, Texas, the largest military installation in the world, is home to numerous distinguished units of the Armed Forces of the United States, including the Third Corps, the First Cavalry Division, the Third Armored Cavalry Regiment, and others;

Whereas Fort Hood has long been a source of pride for the State of Texas and for all the people of the United States who value the selfless service and sacrifice of our men and women in uniform;

Whereas the soldiers, family members, and civilian employees who live and serve at Fort Hood play a critical role in the defense of our Nation;

Whereas the soldiers of Fort Hood have served with honor and distinction in the Global War on Terror, frequently on the front lines in the combat theaters of Iraq and Afghanistan; and

Whereas the Fort Hood community experienced a monumental tragedy on November 5, 2009, when a gunman opened fire on large groups of soldiers on the installation: Now, therefore, be it

Resolved, That the Senate—

(1) offers its deepest and most sincere condolences to the families, friends, and loved ones of the innocent victims killed or wounded in the senseless violence that occurred on November 5, 2009;

(2) offers support and hope for a full recovery for those who have been wounded.

(3) honors the heroic service, actions, and sacrifices of law enforcement personnel, first responders, soldiers present on the scene, medical personnel, and countless others who aided the innocent victims of this attack; and

(4) shares in the pain and grief felt by the people of the United States in the aftermath of this tragic event.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. DORGAN. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider en bloc Calendar Nos. 480 and 522; that the nominations be confirmed, and the motions to reconsider be laid upon the table en bloc; that no further motions be in order; that any statements be printed in the RECORD; and that the President be immediately notified of the Senate’s action.

NOMINATION DISCHARGED

I further ask unanimous consent that the Environment and Public Works Committee be discharged of PN931, the nomination of Barbara Bennett to be CFO of the EPA; that the Senate then proceed to the nomination; that the nomination be confirmed and the motion to reconsider be laid upon the table; that no further motions be in order; the President be immediately notified of the Senate’s action; that the Senate return to legislative session; and that any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered. Both requests are agreed to.

The nominations considered and confirmed en bloc are as follows:

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

Joseph G. Pizarchik, of Pennsylvania, to be Director of the Office of Surface Mining Reclamation and Enforcement.

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

David S. Ferriero, of North Carolina, to be Archivist of the United States.

ENVIRONMENTAL PROTECTION AGENCY

Barbara J. Bennett, of Virginia, to be Chief Financial Officer, Environmental Protection Agency.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

ORDER FOR RECORD TO REMAIN OPEN

Mr. DORGAN. I ask unanimous consent that notwithstanding an adjournment of the Senate, the RECORD remain open today until 1:30 p.m. for the submission of legislation, statements, and cosponsorships.

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

ORDERS FOR MONDAY, NOVEMBER 9, 2009

Mr. DORGAN. I ask unanimous consent that when the Senate completes its business today, it adjourn until 2 p.m. Monday, November 9; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to a period of morning business until 3 p.m., with Senators permitted to speak up to 10 minutes each; that following morning business, the Senate resume consideration of H.R. 3082, Military Construc-

tion and Veterans Affairs appropriations.

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

PROGRAM

Mr. DORGAN. Under a previous order, at 4:30 p.m. Monday the Senate will debate the nomination of Andre Davis to be U.S. Circuit judge for the Fourth Circuit. At 5:30 p.m. the Senate will proceed to vote on the confirmation of the nomination. We could also have a vote on an amendment to the Military Construction bill following the 5:30 vote.

ADJOURNMENT UNTIL MONDAY, NOVEMBER 9, 2009, AT 2 P.M.

Mr. DORGAN. 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 12:34 p.m., adjourned until Monday, November 9, 2009, at 2 p.m.

DISCHARGED NOMINATION

The Senate Committee on Environment and Public Works was discharged from further consideration of the following nomination by unanimous consent and the nomination was confirmed:

BARBARA J. BENNETT, OF VIRGINIA, TO BE CHIEF FINANCIAL OFFICER, ENVIRONMENTAL PROTECTION AGENCY.

CONFIRMATIONS

Executive nominations confirmed by the Senate, Friday, November 6, 2009:

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

JOSEPH G. PIZARCHIK, OF PENNSYLVANIA, TO BE DIRECTOR OF THE OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT.

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

DAVID S. FERRIERO, OF NORTH CAROLINA, TO BE ARCHIVIST OF THE UNITED STATES.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

ENVIRONMENTAL PROTECTION AGENCY

BARBARA J. BENNETT, OF VIRGINIA, TO BE CHIEF FINANCIAL OFFICER, ENVIRONMENTAL PROTECTION AGENCY.