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Senate

The Senate met at 2 p.m. and was called to order by the Honorable MARK WARNER, a Senator from the Commonwealth of Virginia.

PRAYER

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

Let us pray.

Almighty God, who has given us this good land for our heritage, empower our Senators to have clean hands and pure hearts worthy of a nation that depends on You. Spare them from impure thoughts, careless manners, and compromising conduct. Keep them humble and eager to accept Your forgiveness and renewing grace. Lord, infuse them with such a spirit of civility that they will be peacemakers who are called Your children. Create in them pure hearts that they may understand Your will and follow where You lead.

We pray in Your merciful Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MARK WARNER led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 14, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK WARNER, a Senator from the Commonwealth of Virginia, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

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

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 President, I ask unanimous consent that the order for the quorum call be rescinded.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

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. REID. Mr. President, we are going to be in a period of morning business until 3 o'clock—for 1 hour. After that, we are going to move back to the Transportation appropriations bill. There will be a vote at 5:30 p.m. today on a matter relating to the Transportation appropriations bill.

NOT LETTING HISTORY REPEAT ITSELF

Mr. REID. Mr. President, just a year ago today, our economy came precariously close to its breaking point—as close to the brink as it had in generations. One year ago today, Lehman Brothers, part of the foundation of Wall Street for more than a century and a half, collapsed.

Much is being made of this anniversary. The media is dedicating significant amounts of air time, newsprint, and bandwidth to analyzing what it means, to recording how far we have come since that day, and to describing the work we still have before us. President Obama went to Wall Street today to reiterate the importance of strengthening the system that keeps financial firms in check.

But as significant as this occasion is, it is critical to remember that the economic crisis was not created in a day. As dramatic as it may sound, the reality is that our economy did not wake up on the morning of September 14 and suddenly find itself in the emergency room. In fact, this was a long time coming. The Lehman collapse was simply the final straw that broke a vulnerable economy's back, the final spark that ignited a highly flammable and flawed system.

The conditions that created this crisis had been brewing for years. A lethal combination of government deregulation and industrial irresponsibility meant Wall Street could run wild. And run wild it did. Greed, excess, and reckless risk ruled the day. Disdain for government oversight—even though the singular purpose of oversight is to protect the people—was in vogue. Loopholes were exploited. When the rules did not offer any loopholes, those rules were broken.

More than a year and a half before his company's collapse, a Lehman executive told his boss how risky the mortgages that had artificially inflated their business were. He knew the bubble was bound to burst, and he knew that once the housing market fell, it would fall onto the nearby dominos in the banking markets and credit markets. He saw it coming.

I repeat, he knew that once the housing market failed, it would fall onto the nearby dominos in the banking markets and credit markets. He saw it coming.

Bear Stearns knew as early as 2005 that the complicated loans it packaged were too good to be true. The Securities and Exchange Commission saw the

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

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warning signs and started an investigation but then dropped the case. They saw it coming too.

But the industry did not act alone. For years, the previous administration put the interests of Wall Street before those of Main Street. The mantra of the last 8 years was deregulation, deregulation, and more deregulation. The last White House refused to police lenders when they deceived and defrauded Americans looking for loans and necessity to protect consumers when they were being abused.

The previous administration did nothing while Wall Street traders bid up the price of oil, took windfall profits, and left the tab for the rest of a Republican idea Warren Buffett called financial weapons of mass destruction.

It is interesting to note, I believe the Presiding Officer was in a meeting last Thursday when Warren Buffett told us, in an effort to help General Electric, he bought their credit division. He looked this over and found that some of the swaps were not due for 100 years—100 years. He said he knew he couldn't help that and lost hundreds of millions of dollars. He said: I want nothing to do with that, even though the original investment was to help the economy. What Warren Buffett called financial weapons of mass destruction is what they were.

Instead, the previous administration sat and watched while the subprime mortgage market sent millions into foreclosure and nowhere worse than in Nevada. It gave tax breaks to the wealthiest Americans but gave no thought to how we would make up for the lost revenue.

It looked the other way while the executives who got us into this mess took home bonuses and golden parachutes and continued to look the other way while taxpayers, consumers, and investors were taken to the cleaners.

It declared war on fiscal responsibility and accountability. It said anything goes, but all Americans saw go were their jobs. That is all they saw go. They saw their jobs, their homes, and their economic security go down the drain.

The previous administration simply refused to safeguard the American people from an impending crisis clearly visible on the horizon. It was a time of blissful ignorance, at best, and willful neglect, at worst.

The hard-working Americans who lost everything did nothing wrong, but their leaders did nothing—period.

We all know what happened next. Our economy was paralyzed and credit was frozen. Families and businesses were forced to make painful cuts—cuts that were felt in every corner of our country and every industry in our economy.

The stock market lost a third of its value in just a few months in 2008. Consumer confidence was at an all-time low as the cost of living went up and incomes went down. Families and financial institutions alike could not pay the bills. People could not get car loans, students could not get college loans, and small businesses could not grow their companies.

Economic experts, from Nobel Prize winners to former Cabinet Secretaries, to Ivy League professors, said we needed to act fast to keep a bad situation from getting worse.

Despite it all, those in the Bush White House and some Republicans in Congress told us the economy was fundamentally sound at a time when it was fundamentally flawed.

The history books will tell the tale of what happened in the weeks and months after September 14, 2008: major investment banks that for decades simply disappeared; institutions that were once synonymous with success became synonymous with distress; and America took unprecedented steps to stabilize a bleeding economy.

But the history books will also tell the tale of what happened before September 14, 2008. The singular lesson from that gilded age is that we cannot wait until a system collapses before we act to save it.

Today, the system headed for its breaking point is the health insurance system. We have already seen what happens when we do nothing about rising health care costs and reckless health insurance policies. We have already seen what happens when we let the market take care of itself, as some of my colleagues have urged us to do.

Over the past 8 years of inaction, the price of staying healthy in America rose to record levels, and the number of Americans who cannot afford insurance did the same.

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

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

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

For the 600,000 Americans—including 46,000 from Nevada—who, we learned last week, joined the ranks of the uninsured between 2007 and 2008, not acting is not an option.

During that time, 600,000 Americans have lost their health insurance. In Nevada, 220 families a day lose their health insurance. The number is much higher in densely populated States such as Virginia.

That is a lesson we need to hear extra loud today. We again see the storm clouds gathering. This time they hover over the health care system. We again can predict the very real and very painful consequences of not acting. We again see disaster but again one that is avoidable. Again, we have a choice.

If we learn the lessons of the financial crisis, the choice we will make is to put the future of the American people first. We will choose to recognize that working people, not greedy executives, are the backbone of our economy, and we will choose to give them the security and stability they deserve.

We will choose to act in the short term for the sake of the long term.

We will choose to put the American people first and fulfill our fundamental duty to promote their well-being.

We will choose to keep the insurance companies and government bureaucrats out of people's medical decisions.

We will choose to keep health care companies honest and accountable.

We will choose to give the American people more choices in their health care coverage.

And we will choose to make quality, affordable care available to every single American.

Those in Congress who think we cannot afford health insurance reform sound an awful lot like those who didn't want to risk the windfall profits during Wall Street's heyday.

Those in the health insurance business who let their profits and bonuses, rather than their conscience or ethics, guide their decisions sound an awful lot like those who got us into this mess in the first place—those who saw all the warning signs and stuck their heads in the sand.

This country has no place for those who hope for failure and this time has no patience for those who seek more of the same failed policies.

George Santayana famously said:

> Those who cannot remember the past are condemned to repeat it.

My response to those who want to ignore the lessons of last year is simply we cannot afford to let history repeat itself.

RECOGNITION OF THE MINORITY LEADER

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

HEALTH CARE REFORM

Mr. MCCONNELL. Mr. President, over the past months, Americans have grown increasingly alarmed about the high levels of spending and debt we have seen under the new administration. They have become increasingly vocal about these concerns out of a growing sense that the White House does not seem to be listening to them, that it is talking over them.

Nowhere is this more apparent than in the debate over health care and never more so than in the President's speech to Congress last week. For weeks and weeks, Americans had expressed their concerns about the Democrats' health care proposals at townhall meetings across the country. Yet the President returned from the August break with a speech that did not address any of them.

Instead, he stated his intention to spend nearly $1 trillion on a plan he says will expand coverage without increasing costs or adding to the deficit. These are precisely the claims Americans are finding so difficult to square with reality. The speech itself was certainly well delivered, but in the end Congress is not going to be asked to vote on a speech. It is going to be asked to vote on specific legislation.

In my view, the President's speech only highlighted the concerns that millions of Americans and Members of both parties in Congress continue to have with the Democratic plans for health care reform because when you strip away the pageantry of the speech itself, what you are left with is simply this: one more trillion-dollar government program and a whole lot of unanswered questions about how we are going to pay for it. What is it going to mean for seniors and small business owners, and how is it going to affect the quality and availability of care for millions of Americans, the vast majority of whom are happy with the care they have? These are legitimate questions, and it is unfair for anyone to dismiss those who ask them as either cranks or scaremongers. The answers to these questions impact some of the most important aspects of people's lives, and people just aren't getting answers.

Take the issue of cost. The President says he is going to pay for his plan by cutting waste, fraud, and abuse out of the system. That raises a couple of questions. First of all, if there is such waste, fraud, and abuse, then why isn't the administration doing something about it already? Second, if we are seeing this kind of waste, fraud, and abuse in an existing government program, why shouldn't we expect it to exist in the new government program the White House wants to create? Of course, we should root out waste, fraud, and abuse. I don't know anybody who is against that. But let's do it for its own sake, not to justify a very brandnew government program most Americans aren't even asking for.

How about Medicare? The administration plans to pay for much of its health care proposals with hundreds of billions of dollars in cuts to Medicare. A significant portion of this would involve cuts to Medicare Advantage, a program that serves more than 11 million American seniors, nearly 90 percent of whom say they are satisfied with it. But faced with questions about his proposed cuts to Medicare, the administration insists services to seniors won't be cut. Mr. President, this is absurd. How can the administration tell America's seniors with a straight face that it is about to cut $½ trillion from Medicare but that those cuts won't affect the program in any noticeable way?

What about the hundreds of billions of dollars the administration would have to raise to pay for its plan even after its proposed cuts to Medicare? The White House hasn't said where it plans to get all of that money, but to most people, the answer is pretty obvious: more spending, more taxes, higher deficits—or, most likely, all three.

What about the deficit? The White House says its health care plan won't add a dollar to the deficit. How do they square that with the fact that the Congressional Budget Office has said repeatedly and unequivocally that every proposal they have seen would, in fact, add hundreds of billions of dollars to the deficit?

Any schoolkid in America could tell you that creating a massive new government program will cost a lot of money, that cutting Medicare by hundreds of billions of dollars will lead to cuts in services people currently enjoy, and that higher taxes on small businesses will lead to even more job losses.

These are serious questions. The administration's response to them is not. Their response is to accuse anyone who asks them of being a scaremonger and to give them the same two-word answer they gave everybody who questioned the stimulus: Trust us.

When it comes to health care, Americans are saying these arguments don't add up. These are simple questions. The administration should answer them. If they can't, it is even further validation that the questions are worth asking.

Mr. President, I yield the floor.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. The Senate will proceed to a period of morning business until 3 p.m., with Senators permitted to speak therein for up to 10 minutes each.

The ACTING PRESIDENT pro tempore. The Senator from Iowa.

TRIBUTE TO DR. NORMAN BORLAUG

Mr. GRASSLEY. Mr. President, I come to the floor today to pay tribute to a fellow Iowan, Dr. Norman Borlaug, a 1970 Nobel Peace Prize laureate. That honor—Dr. Borlaug's winning the Nobel Peace Prize—was because he was the father of the Green Revolution.

Dr. Borlaug passed away over the weekend at the age of 95. I am honored to have known Dr. Borlaug. He was a remarkable man, a true son of the Iowa soil. A tenacity found through wrestling, a love of the soil, and a twist of fate helped Dr. Borlaug develop the scientific breakthroughs to ease malnutrition and famine around the globe. His effort to spare people from the sharp hunger pains that strike an empty stomach is an example for generations to come that one person can, in fact, make a difference—and, in his case, a big difference.

Dr. Borlaug's notoriety most often comes, as I have just said, as the father of what is called the Green Revolution, a time when drastically increased crop yields over a short period of years helped alleviate world hunger. It is from this work that he is credited with saving more lives than any other person in history.

It is said that Dr. Borlaug's desire for a sufficient food supply came from his childhood. He grew up in a small town on a family farm in northeast Iowa. His education came in a one-room schoolhouse full of immigrant children. It was there where he and his schoolmates learned the common threads between them, similar to what their own parents learned, that working together to provide food for their families was more important than any ethnic differences that might divide them.

In true Iowa tradition, as a young man Dr. Borlaug was an outstanding wrestler. His wrestling skills took him to the University of Minnesota, where he, besides wrestling, earned a bachelor's and master's degree in forestry and, by a twist of fate, a doctorate in plant pathology.

It was after his graduation and World War II service that Dr. Borlaug first saw the plight of poverty-stricken wheat farmers in rural Mexico. In the early going, his work in Mexico was discouraging, but Dr. Borlaug showed his tenacity and willingness to get dirt under his fingernails and, in fact, over a period of time ingratiated himself to the local farmers. With the help of Mexican farmers, Dr. Borlaug and his scientific team eventually developed a disease-resistant wheat—a breakthrough in the fight against hunger.

His success in Mexico gave Dr. Borlaug the opportunity to help developing countries all around the world. His innovative work brought an agricultural revolution to poor and hungry countries. I don't think it is a stretch to say that Norman Borlaug transformed these countries. His work helped these countries avoid starvation and famine, but he also helped to lift the social conditions and create more peaceful societies.

His commitment to this important cause has been recognized worldwide. I already alluded to the fact that he was a 1970 Nobel Peace Prize winner. He is one of only five people to be awarded three different medals of honor: the Nobel Peace Prize, the Presidential Medal of Freedom, and this Congress awarded him the Congressional Gold Medal. That may not sound like much, but let's just put that into context. The other four recipients of all three of those awards—again, the Nobel Peace Prize, the Presidential Medal of Freedom, and the Congressional Gold Medal—include Nelson Mandela, Elie Wiesel, Mother Teresa, and Dr. Martin Luther King, Jr.

Mr. President, Dr. Borlaug may not be a name known at every kitchen

table, but this man is one of the greatest humanitarians who have ever lived. He dedicated his life to the development of scientific breakthroughs in order to ease malnutrition and famine all over the world.

One of Dr. Borlaug's latest efforts began in the early 1980s. There wasn't anything in the Nobel armada of prizes that represented agriculture, which is why he received the Peace Prize for recognition of his research in agriculture, and so Dr. Borlaug thought there ought to be an annual award for research in agriculture and helping with the problems of food production. Through his initiative, the World Food Prize was initiated. It recognizes the achievement of individuals who have advanced human development by improving the quality, quantity, and availability of food in the world. Just as Dr. Borlaug dreamed, the World Food Prize is helping to continue to inspire future generations of scientists and farmers to innovate and lift those mired in poverty and preserving Dr. Borlaug's legacy over the years. The World Food Prize is the idea of Dr. Borlaug, and so his scientific work will live on.

The World Food Prize exists today because of the John Ruan family endowing it. They are an outstanding Des Moines business family, and they have endowed this. President of the World Food Prize is the former Ambassador to Cambodia, Dr. Ken Quinn. The World Food Prize has been headquartered in Des Moines since 1992, about 4 or 5 years after its founding.

An extraordinary man, with a brilliant vision and Iowa common sense who turned his dreams into reality—that was Dr. Norman Borlaug.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, how much time is remaining?

The ACTING PRESIDENT pro tempore. There is 30 minutes remaining in morning business, with Senators having a 10-minute limit. The Senate goes out of morning business at 3 o'clock.

Mr. ALEXANDER. Will the Chair please let me know when 1 minute is remaining—after 9 minutes?

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

PUSH OUT THE CZARS

Mr. ALEXANDER. Mr. President, according to news accounts, there are approximately 32 or 34 so-called czars in the Obama White House and government. Respected voices in the Senate—Senator BYRD, a senior Democrat and Senator HUTCHISON, a senior Republican—have pointed out that these czars are an affront to the Constitution. They are anti-democratic. They are a poor example of a new era of transparency, which is what was promised to this country. I would add that they are a poor way to manage the government, and they seem to me to be the principal symptom of this administration's 8-month record of too many Washington takeovers. We have an AIDS czar, an auto recovery czar, a border czar, and a California water czar. We have a car czar, a central region czar, and a domestic violence czar. There is an economic czar, an energy and environment czar, a faith-based czar and a Great Lakes czar. The list goes on, up to 32 or 34. One of these, for example, is the pay czar, Mr. Kenneth Feinberg, the Treasury Department's Special Master for Compensation. He will approve pay packages at seven firms receiving TARP funds, thus deciding how much pay is too much. This will affect the top earners at some of the major corporations in America.

According to Mr. Feinberg, in answer to some questions, he said:

> The statute provides guideposts but the statute ultimately says I have discretion to decide what it is that these people should make and that my determination will be final. Anything is possible under the law.

That is the pay czar. Then we have a manufacturing czar. The manufacturing czar's name is Mr. Ron Bloom. He is also the car czar. We have had manufacturing czars before in other administrations, but as Rollcall pointed out on September 8, Mr. Bloom's background and new position differs from the two czars who served under former President George W. Bush:

> Bloom is a former union official, remaining close to leaders in organized labor. Bush's manufacturing czars were placed in the Commerce Department. Bloom, on the other hand, was entrusted with a high profile Presidential task force on autos, and will operate within an office that has broad authority over domestic policy. He will head the auto task force which is in the Treasury Department.
>
> According to the policy director for the AFL–CIO, Mr. Bloom is expected to have a major role in the development of climate change legislation. So-called buy American provisions that favor home-grown products, and tax credits for domestic industry need to be included, said the policy director for the AFL/CIO, in the climate change provision. If it's not done right, the President could lose votes, said the AFL/CIO Policy Director.

In other words, Mr. Bloom may end up being the protectionist czar as well.

Then there is the health czar, a very distinguished Tennessean, Nancy-Ann DeParle, a very able woman I know well. But who is in charge of health care policy? Is it the Secretary of Health and Human Services, confirmed by the Senate, accountable to the Congress, accountable, therefore, to the people of the country? Or is it someone in the White House who, an administration official says will ''wake up every morning focused on health care reform, and she is going to be focused on that the entire day through?''

There have been czars in the White House, at least since President Franklin D. Roosevelt. Of the 32 or 34 we have today—and I am using those two numbers because there are different reports and 2 or 3 czar positions are vacant—only 8 are confirmed by the Senate. We have had czars before, but there has never been anything quite like this.

Let me take my concerns one by one. Article I of the Constitution of the United States gives to the Congress the appropriations power and sets up, in articles II and III, the executive and judicial branches, a system of checks and balances to make sure no one branch of the Federal Government runs away with the government. Senator ROBERT BYRD, the President pro tempore of the Senate, wrote a letter to President Obama on February 23. Senator BYRD, who is often called the Constitutional conscience of the Senate, expressed his concern over the increasing appointments of White House czars and the relationship between these new positions and their executive branch counterparts, noting:

> Too often, I have seen these lines of authority and responsibility become tangled and blurred, sometimes purposely, to shield information and to obscure the decision-making process.

That is Senator BYRD speaking. He goes on to say:

> The rapid and easy accumulation of power by White House staff can threaten the Constitutional system of checks and balances. At the worst, White House staff have taken direction and control of programmatic areas that are the statutory responsibility of Senate-confirmed officials.

Continuing:

> As presidential assistants and advisers, these White House staffers are not accountable for their actions to the Congress, to Cabinet officials, and to virtually anyone but the president. They rarely testify before congressional committees, and often shield the information and decision-making process behind the assertion of executive privilege. In too many instances, White House staff have been allowed to inhibit openness and transparency, and reduce accountability.

More recently, one of the senior Republicans, Senator KAY BAILEY HUTCHISON of Texas, who is the senior Republican on the Senate Committee on Commerce, Science and Transportation, said in an op-ed in the Washington Post:

> I oversee legislation and agencies that cover policy areas as vast and varied as trade, technology, transit, consumer protection and commercial regulation. As many as 10 of the 32 czars functionally fall under my committee's jurisdiction. Yet neither I nor the committee chairmen have clear authority to compel these czars to appear before our panel and report what they are doing. The Obama administration presented only two of these officials for our consideration before they assumed their duties. We have had no opportunity to probe the others' credentials.

That is Senator KAY BAILEY HUTCHISON of Texas. I ask unanimous consent to have printed in the RECORD following my remarks the comments of Senator ROBERT BYRD and the op-ed of Senator KAY BAILEY HUTCHISON.

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

(See exhibit 1).

Mr. ALEXANDER. As the Senator said, many of these czars have no vetting by the Senators, no appropriation requests to be considered by us, no testimony given, and answer no hard

questions. Who is making the policy, then, on health care, on climate change, on energy?

I have been reading President James K. Polk's diaries. I may be the only one in the United States reading them these days. They are actually very interesting. He wrote down every night what he did that day, back in the 1840s. Among the things he did, he had a Cabinet meeting every Tuesday and Saturday and every major issue that came before him, whether it was the war with Mexico, annexation of Texas, the argument with Great Britain about what to do in Oregon—he submitted all those questions to his Cabinet, and then the Cabinet, of course, had to go before the Congress and testify. He didn't always agree with the Cabinet.

Secretary of State Buchanan disagreed with President Polk quite a bit, but Secretary Buchanan then had to go before the Congress and come back and tell the President what he heard. That was a long time ago, but what the Framers had in mind was checks and balances where the President leads the country, the Cabinet manages the government, and the Cabinet, as the managers of the government, are accountable to the people through their elected Representatives.

The 32 or 34 czars are not representative of the way the American system of government is supposed to work. This is not an era of transparency. It creates so much centralization of power that it is the antithesis of freedom, which is the principal characteristic, the principal aspect of the American character.

The second aspect of this large number of czars that is troublesome is the issue of managing the government. Forty years ago, I worked in the White House for President Nixon under a wise man named Bryce Harlow.

I ask unanimous consent to proceed as in morning business until I am finished with my remarks.

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

Mr. ALEXANDER. Mr. Harlow had worked for President Eisenhower. He was a wise counselor to President Johnson. He knew a lot about how the American Government is supposed to work. He said to me, then a very young staff member—he said:

> Lamar, our job here in the White House is to push the merely important issues out of the White House so that we can reserve to the President only that handful of truly Presidential issues.

George Reedy, who was Lyndon Johnson's Press Secretary, wrote:

> The job of the President is three things—to see an urgent need, to develop a strategy to meet the need, and persuade half the people he's right.

Mr. Reedy didn't say anything about managing the Government of the United States out of the White House. He talked about leading the country.

Our current President is very skilled at persuading half the people he is right. He has demonstrated that in an election. He continues to demonstrate that with his speeches. That is not the issue. The issue is whether he ought to bring into the White House, or closer to him into the government, a large group of men and women who are accountable to him but not accountable to anybody else. It is not good for the President of the United States, I would submit, to have close to him people he listens to who do not have to listen to anybody else, or at least who do not have to listen to the elected Representatives of government.

Everyone knows the first thing that happens when a new President is elected is people pick offices, and which office do they pick? They want the office closest to the President because it is an unwritten rule in Washington DC, that influence in Washington is measured in direct proportion to the number of inches one is physically from the President of the United States. So the First Lady usually ends up with the most influence. After that, go right down the hall in the West Wing over to the Executive Office Building. After a while you get out around the Cabinet offices.

I used to be in one of the Cabinet offices in the first President Bush's administration. It is true, the persons with the most influence with the President are almost always the men and women who are closest to him.

The other aspect of management that this seems to contravene in the White House is the ''one thing at a time'' idea. One thing at a time is best exemplified, I suggest, by President Eisenhower when he said ''I shall go to Korea.'' He said that more than a half century ago when the big issue before the country—there were many, but the biggest issue was the Korean war. President Eisenhower said, in October of the election year, ''I shall go to Korea,'' and in December he went. And he said to the American people, ''I will focus my attention on the war in Korea. It will have my full attention until the matter is concluded.''

Because he was President and because he had capacity for leadership, people believed he would probably get that one thing done. In fact he did because, in our system of government, people know if the President selects a single issue—say it is health care, say it is climate change, say it is resolving the debt, or fixing Social Security—if he picks one thing and throws himself into that for as long as he is there, the odds are he is going to wear everybody else out. He might have to compromise a little bit along the way.

I used to think this as Governor—and the Presiding Officer was once Governor in Virginia. Often our best proposals would get changed in the legislature. I learned a long time ago you could either condemn that or say: Well, they improved my proposal. Give the other side some credit, and go on to the next issue.

But a Governor and certainly a President who picks one thing can get a lot done. We have a lot of very talented people in and around the President. The President himself is highly intelligent and well liked by the American people, as well as he is by those of us in the Senate. But sometimes I am afraid the Obama White House resembles the Harvard Law Review meeting where everybody has a bright idea, everybody is very smart, but everyone forgets that someone has to be the operator. Someone has to make it run. Someone has to pick one thing and lean into it for as long as it goes.

My point is, having a large number of bright advisers or czars for every issue under the Sun, clustered around the President, coming up with bright ideas, and who are unaccountable to the Congress for most of what they have to say, is not the best way for a President to pick a single, major issue—let's say health care—and lead the country.

Finally, the number of czars we now have today, who have accumulated over the last several administrations and today have reached a record level is anti-democratic. Czars are usually Russians; they are not Americans. Czars are usually imperialists, not Democrats.

The dictionary says a czar is an autocratic ruler or leader or an emperor or king. A czar is not associated with a democracy, not associated with an era of transparency.

Czars are alien to our way of thinking and our way of government. I am afraid czars are becoming a symbol of this administration and the number of Washington takeovers. Let me not just use my own words, a New York Times article today said:

> But one year after the collapse of Lehman Brothers set off a series of federal interventions, the government is the nation's biggest lender, insurer, automaker and guarantor against risk for investors large and small.
>
> Between financial rescue missions and the economic stimulus program, Government spending accounts for a bigger share of the nation's economy—26 percent—than at any time since World War II. The Government is financing 9 out of 10 new mortgages in the United States. If you buy a car from General Motors, you are buying from a company that is 60 percent owned by the Government.

If you take out a car loan or run up your credit card, the chances are good that the Government is financing both your debt and that of your bank. And if you buy life insurance from the American International Group, you will be buying from a company that is almost 80 percent Federally owned.

I ask unanimous consent to have printed in the RECORD this article from September 14 following my remarks.

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

(See exhibit 2).

Mr. ALEXANDER. Czars are becoming a symbol of a runaway government in Washington with too many Washington takeovers. Dr. Samuel Johnson, the British moralist a few centuries ago, was once introduced to a talking dog in a London pub. The proud owner

of the dog asked Dr. Johnson what did he think of how well his dog talked.

Dr. Johnson is reported to have said, he was not so impressed with how well the dog talked, but that the dog talked at all.

That is about the way I feel about the nearly three dozen White House czars and government czars. I am not so worried about who they are, I am worried that the czars are there at all. I believe that the American people in addition to respected Senators, such as Senator BYRD on the other side of the aisle, and Senator HUTCHISON on this side of the aisle, sense this is a problem.

My respectful suggestion to the President is along the same lines as Senator BYRD and Senator HUTCHISON have made. I believe it is time to push these czars out of the White House, and leave the management of government to the managers of government in the Cabinet and the positions in the departments of government who are accountable to the Congress. The positions who are accountable for their confirmation, accountable to answer the questions of Members of Congress, accountable for appropriations that have to be approved by Congress before they can spend the people's money. That is the American way.

I ask unanimous consent to have printed in the RECORD the list of czars published in the newspaper Politico on September 4.

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

(See exhibit 3).

EXHIBIT 1

BYRD QUESTIONS OBAMA ADMINISTRATION ON ROLE OF WHITE HOUSE ''CZAR'' POSITIONS

WASHINGTON, DC—Senator Robert C. Byrd, D–W.Va., the Constitutional conscience of the Senate, has written to President Barack Obama expressing his concerns over the increasing appointments of White House ''czars,'' and the relationship between these new White House positions and their executive branch counterparts, noting that ''too often, I have seen these lines of authority and responsibility become tangled and blurred, sometimes purposely, to shield information and to obscure the decision-making process.''

Byrd, in his February 23 letter, specifically referenced the creation of new White House Offices of Health Reform, Urban Affairs Policy, and Energy and Climate Change Policy, noting that ''the rapid and easy accumulation of power by White House staff can threaten the Constitutional system of checks and balances. At the worst, White House staff have taken direction and control of programmatic areas that are the statutory responsibility of Senate-confirmed officials.''

''As presidential assistants and advisers, these White House staffers are not accountable for their actions to the Congress, to cabinet officials, and to virtually anyone but the president. They rarely testify before congressional committees, and often shield the information and decision-making process behind the assertion of executive privilege. In too many instances, White House staff have been allowed to inhibit openness and transparency, and reduce accountability,'' Byrd's letter continued.

Byrd cited President Obama's recent memorandum to the executive departments and agencies in which Obama noted that, ''A democracy requires accountability, and accountability requires transparency.''

''As you develop your White House organization, I hope you will favorably consider the following: that assertions of executive privilege will be made only by the President, or with the President's specific approval; that senior White House personnel will be limited from exercising authority over any person, any program, and any funding within the statutory responsibility of a Senate-confirmed department or agency head; that the President will be responsible for resolving any disagreement between a Senate-confirmed agency or department head and White House staff; and that the lines of authority and responsibility in the Administration will be transparent and open to the American public,'' the letter requested and concluded.

EXHIBIT 2

[From the New York Times, Sept. 14, 2009]

U.S. IS FINDING ITS ROLE IN BUSINESS HARD TO UNWIND

(By Edmund L. Andrews and David E. Sanger)

WASHINGTON.—When President Obama travels to Wall Street on Monday to speak from Federal Hall, where the founders once argued bitterly over how much the government should control the national economy, he is likely to cast himself as a ''reluctant shareholder'' in America's biggest industries and financial institutions.

But one year after the collapse of Lehman Brothers set off a series of federal interventions, the government is the nation's biggest lender, insurer, automaker and guarantor against risk for investors large and small.

Between financial rescue missions and the economic stimulus program, government spending accounts for a bigger share of the nation's economy—26 percent—than at any time since World War II. The government is financing 9 out of 10 new mortgages in the United States. If you buy a car from General Motors, you are buying from a company that is 60 percent owned by the government.

If you take out a car loan or run up your credit card, the chances are good that the government is financing both your debt and that of your bank.

And if you buy life insurance from the American International Group, you will be buying from a company that is almost 80 percent federally owned.

Mr. Obama plans to argue, his aides say, that these government intrusions will be temporary. At the same time, however, he will push hard for an increased government role in overseeing the financial system to prevent a repeat of the excesses that caused the crisis.

''These were extraordinary provisions of support, not part of a permanent program,'' said Lawrence H. Summers, director of the National Economic Council at the White House. ''You're seeing a process of exit every day. It's a process that's going to take quite some time, but the prospects are much brighter today than they were nine months ago.''

That process unfolds every day in a bland bureaucrat's haven, an annex connected by an underground tunnel to the Treasury's main building on Pennsylvania Avenue. There, about 200 civil servants—accountants, lawyers, former investment bankers—oversee the $700 billion program that pumps taxpayer money into banks, insurance companies and two of Detroit's Big Three auto companies.

In the main Treasury building, senior officials hold veto power over executive pay packages for the biggest recipients of government loans, like Citigroup and Bank of America. A separate group, working closely with the Federal Reserve Bank of New York, oversees the multibillion-dollar bailout of American International Group. Ten blocks away, at the Federal Reserve, officials are still providing the emergency liquidity that keeps a battered economy moving.

To Mr. Obama's critics, thousands of whom took to the streets of Washington this weekend to protest a new era of big government, all these efforts are part of a plan to dismantle free-market capitalism. On the ground it looks quite different, as a new president and his team try to define the proper role, both as owners and regulators.

A LIGHT HAND ON THE REINS

Far from eagerly micromanaging the companies the government owns, Mr. Obama and his economic team have often labored mightily to avoid exercising control even when government money was the only thing keeping some companies afloat.

A few weeks ago, there were anguished grimaces inside the Treasury Department as the new chief executive of A.I.G., Robert H. Benmosche, whose roughly $9 million pay package is 22 times greater than Mr. Obama's, ridiculed officials in Washington—his majority shareholders—as ''crazies.''

Causing even more unease to policymakers, Mr. Benmosche insisted that A.I.G.—one of the worst offenders in the risk-taking that sent the nation over the edge last year—would not rush to sell its businesses at fire-sale prices, despite pressure from Fed and Treasury officials, who are desperate to have the insurer repay its $180 billion government bailout.

But in the end, according to one senior official, ''no one called him and told him to shut up,'' and no one has pulled rank and told him to sell assets as soon as possible to repay the loans.

A similar hands-off decision was made about the auto companies. Shortly after General Motors and Chrysler emerged from bankruptcy, some members of the administration's auto task force argued that the group should not go out of business until it was confident that a new management team in Detroit had a handle on what needed to be done.

But Mr. Summers strongly rejected that approach, and the Treasury secretary, Timothy F. Geithner, agreed.

''The argument was that if the president said he wasn't elected to run G.M., then we couldn't hire a new board and then try to run any aspect of it,'' one participant in the discussions said. The auto task force took off for summer vacation in July, and it never returned.

But it will probably be several years before the government can begin to sell its stake in G.M. back to the public, and even then, according a report issued last week by the independent monitor of the Troubled Asset Relief Program, some of the $20 billion or so funneled to G.M. and Chrysler is probably gone forever.

WINDING DOWN PROGRAMS

By contrast, Mr. Obama's team and the Federal Reserve have been more successful than generally recognized at winding down many of the support programs for banks. Nearly three dozen financial institutions have repaid $70 billion in loans to the Treasury, and officials predict that $50 billion more will be repaid over the next 18 months. Indeed, the government has earned tidy profit on the first round of repayments.

One of the biggest backstops has been the Temporary Liquidity Guarantee Program of the Federal Deposit Insurance Corporation, which now guarantees about $300 billion worth of bonds issued by banks.

The volume of new guarantees has declined to less than $5 billion a month in August from more than $90 billion a month earlier this year. The F.D.I.C. announced last week that it would either end the program entirely on Oct. 31 or reduce it further by substantially increasing the fees that banks have to pay.

Similarly, one of the Fed's biggest emergency loan programs, the Term Auction Facility, has shrunk by more than half in the last 12 months. A second big program, which finances short-term i.o.u.'s for businesses, has shrunk to $124 billion, from $332 billion a year ago.

Obama administration officials bristle at even the hint that their rescue measures have ushered in a new era of ''big government.''

But supporters and critics alike worry that it will be difficult to shrink the government to anything like its former role. For one thing, Mr. Obama is determined to expand government regulation of business and to beef up federal protections for consumers.

SEEKING MORE OVERSIGHT

Mr. Obama's proposals to overhaul the system of financial regulation would give the Fed new powers to supervise giant financial institutions whose failure could threaten the entire financial system.

To limit the dangers posed by insolvent institutions that are ''too big to fail,'' the F.D.I.C. would receive new authority to close them in an orderly way.

The administration would impose much tougher regulation over the vast market for financial derivatives like credit-default swaps and other exotic instruments for hedging risk.

It would also create an entirely new Consumer Financial Protection Agency, which would have broad power to regulate most forms of consumer lending.

In his speech on Monday, White House officials say, Mr. Obama will step up pressure on Wall Street to accept tougher oversight. Even though his proposals have made little headway in Congress, largely because of the battle over health care, Democratic lawmakers said they were determined to pass comprehensive legislation by next year.

''Big government now is the consequence of too little government before,'' said Representative Barney Frank, chairman of the House Financial Services Committee. ''What you have right now, with the government owning companies, is the result of insufficient regulation before.''

On a practical level, experts say it will take years for the government to unwind some of its rescue programs.

Thanks to the mortgage crisis and the collapse in housing prices, private investors have fled the mortgage market, and the federal government now finances about 9 out of 10 new home loans in the United States.

The Treasury took over Fannie Mae and Freddie Mac, the government-sponsored finance companies that own or have guaranteed more than $5 trillion in mortgages, in the first week of September 2008. Fannie and Freddie now buy or guarantee almost two-thirds of all new mortgages. The Federal Housing Administration guarantees another 25 percent.

The cost of keeping the two giant companies afloat has been huge. The Treasury has provided Fannie and Freddie with $95 billion to cover losses tied to soaring default rates and losses in value on their own mortgage portfolios. Analysts predict that the companies will need considerably more in the year ahead. At the same time, the Fed is buying almost all the new mortgage-backed securities issued by Fannie Mae, Freddie Mac and the F.H.A. Buying up those securities drives up their price and pushes down their effective interest rates, and ultimately lowers borrowing costs to homebuyers.

AN ENORMOUS SCALE

The scale of the Fed's intervention has been staggering. The central bank has acquired more than $700 billion in mortgage-backed securities so far, and officials have said they will buy up to $1.25 trillion—a goal that should take the Fed until early next year. To help Fannie and Freddie raise the money they need to buy mortgages from lenders, the Fed is also buying $200 billion of their bonds.

All told, the government is propping up almost the entire mortgage market and, by extension, the housing industry.

As the government backs away from its rescue operations, economists and others worry about unknown consequences. Some analysts are already predicting that mortgage rates will bump higher when the Fed stops buying mortgage securities, potentially delaying a recovery in housing.

But the much bigger puzzle is how the government will untangle Fannie Mae and Freddie Mac, with their combustible mix of taxpayer support, public policy goals and for-profit structures.

''It will be very difficult to unwind, having stepped in as big as they did,'' said Howard Glaser, a senior housing official during the Clinton administration and now an industry consultant in Washington. ''There is no structure, no mechanism, for private investors to come back into the market.''

Other experts and policy makers have begun to raise broader concerns. Even if the Obama administration and the Fed do manage to shrink the government's role to precrisis levels, has the government's immense rescue simply set the stage for more frequent interventions in the future?

''This crisis, whether it's because of the Fed or the Treasury or Congress, has created a lot of new moral hazards,'' said Charles I. Plosser, president of the Federal Reserve Bank of Philadelphia. ''Once you have done this once, even though it was in a severe crisis, the temptation will be for people to figure that in the next crisis you'll do it again. You've got to figure out a way to say no.''

[From the Washington Post, Sept. 13, 2009]

CZARIST WASHINGTON

(By Kay Bailey Hutchinson)

The Framers of the Constitution knew that the document founding our democracy must be the anchor of liberty and the blueprint for its preservation. Wisely, they provided a balance of powers to ensure that no individual and no single arm of government could ever wield unchecked authority against the American people.

Nearly 250 years later, these critical lines of separation are being obscured by a new class of federal officials. A few of them have formal titles, but most are simply known as ''czars.'' They hold unknown levels of power over broad swaths of policy. Under the Obama administration, we have an unprecedented 32 czar posts (a few of which it has yet to fill), including a ''car czar,'' a ''pay czar'' and an ''information czar.'' There are also czars assigned to some of the broadest and most consequential topics in policy, including health care, terrorism, economics and key geographic regions.

So what do these czars do? Do they advise the president? Or do they impose the administration's agenda on the heads of federal agencies and offices who have been vetted and confirmed by the Senate? Unfortunately—and in direct contravention of the Framers' intentions—virtually no one can say with certainty what these individuals do or what limits are placed on their authority. We don't know if they are influencing or implementing policy. We don't know if they possess philosophical views or political affiliations that are inappropriate or overreaching in the context of their work.

This is precisely the kind of ambiguity the Framers sought to prevent. Article One tasks the legislative branch with establishing federal agencies, defining what they do, determining who leads them and overseeing their operations. Article Two requires the president to seek the advice and consent of the Senate when appointing certain officials to posts of consequence. Thus, authority is shared between government branches, guaranteeing the American people transparency and accountability.

As the senior Republican on the Senate Committee on Commerce, Science and Transportation, I oversee legislation and agencies that cover policy areas as vast and varied as trade, technology, transit, consumer protection and commercial regulation. As many as 10 of the 32 czars functionally fall under my committee's jurisdiction. Yet neither I nor the committee chairman have clear authority to compel these czars to appear before our panel and report what they are doing. The Obama administration presented only two of these officials for our consideration before they assumed their duties. We have had no opportunity to probe the others' credentials.

Recently we saw the kinds of dangerous details that can slip by when a powerful federal official isn't put through the Senate confirmation process. Before assuming the post of ''green jobs czar,'' Van Jones had engaged in such troublesome activities as endorsement of fringe theories about the Sept. 11 attacks. He has ties to a socialist group. The Senate confirmation process would typically provide an appropriate forum for identifying and discussing these types of issues and for allowing for public input. Jones's case highlighted the lack of accountability that is becoming commonplace under the Obama administration.

While Jones rightly resigned, there are dozens of other administration czars about whom we still know very little. It is Congress's duty to know who is serving at the highest levels of government, what they are doing, and what qualifications or complications these people bring to the job. It is also our responsibility to make this information known to the people who have elected us to serve and protect them. This is how we ensure accountability.

The deployment of this many czars sets a dangerous precedent that undermines the Constitution's guarantee of separated powers. It must be stopped. President Obama should submit each of his many policy czars to the Senate so that we can review their qualifications, roles and the limits on their authority. To deliver anything less is to deny the American public the accountability and transparency the Constitution guarantees.

EXHIBIT 3

[From Politico, Sept. 4, 2009]

PRESIDENT OBAMA'S ''CZARS''

Politico has compiled a wide-ranging list of President Barack Obama's various ''czars.'' The bolded names were confirmed by Congress, and the italicized names are statutorily created positions created by Congress in legislation.

Afghanistan Czar—Richard Holbrooke.
AIDS Czar—Jeffrey Crowley.
Auto Recovery Czar—Ed Montgomery.
Border Czar—Alan Bersin.
Car Czar—Ron Bloom.
Central Region Czar—Dennis Ross.
Domestic Violence Czar—Lynn Rosenthal.

Drug Czar—Gil Kerlikowske.
Economic Czar—Paul Volcker.
Energy and Environment Czar—Carol Browner.
Faith-Based Czar—Joshua DuBois.
Great Lakes Czar—Cameron Davis.
Green Jobs Czar—Van Jones (resigned on Sept. 6).
Guantanamo Closure Czar—Daniel Fried.
Health Czar—Nancy-Ann DeParle.
Information Czar—*Vivek Kundra*.
International Climate Czar—Todd Stern.
Mideast Peace Czar—George Mitchell.
Pay Czar—Kenneth Feinberg.
Regulatory Czar—Cass Sunstein.*
Science Czar—John Holdren.
Stimulus Accountability Czar—Earl Devaney—statutory position.
Sudan Czar—J. Scott Gration.
TARP Czar—Herb Allison.
Terrorism Czar—John Brennan.
Technology Czar—Aneesh Chopra.
Urban Affairs Czar—Adolfo Carrion Jr.
Weapons Czar—Ashton Carter.
WMD Policy Czar—Gary Samore.

*Nomination was sent to Senate on April 20, no action yet taken.

Mr. ALEXANDER. 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.

Mrs. MURRAY. I ask unanimous consent that the order for the quorum call be rescinded.

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

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 3288, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 3288) making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

The ACTING PRESIDENT pro tempore. The Senator from Washington.

Mrs. MURRAY. Mr. President, we are again here on Monday afternoon talking about a very important bill that came to the floor last Thursday. That is the investment in infrastructure, transportation, and housing across the country. We have many issues important to many Members who want to get this bill passed and to the President as quickly as possible so we can move forward. My colleague from Missouri and I have worked very hard to put the bill together. We are here this afternoon ready and waiting for our colleagues to offer amendments so we can get to final passage. I know the majority leader wishes us to finish this fairly quickly. We have a number of appropriations bills we want to complete before the end of September deadline. So we ask our colleagues to get their amendments up, and we will move through them as quickly as we can.

The ACTING PRESIDENT pro tempore. The Senator from Missouri.

Mr. BOND. Mr. President, I echo what the chairman of our subcommittee, the Senator from Washington, has said. We have had it out now. We have had this bill out. It has been on the floor since Thursday. We had Friday and the weekend to look at it. A number of my colleagues, many on this side of the aisle, have talked about offering amendments. I hope they will be ready to bring those amendments down. I think one or two are going to be offered this afternoon so we can have votes scheduled at 5:30, as the majority leader has suggested. It is not only the majority leader, it is the Senator from Washington and I who are urging people to come down. This is a very important bill. Everybody has transportation needs, concerns, and issues. Housing is such a significant challenge right now, given the situation in the financial markets and the situation with housing. We have many people who are dependent upon federally supported housing. We need to make sure we have the funds made available to take care of their needs.

We have special needs projects such as the VASH program for veterans with assisted housing that the Chair and I have entered into. That is very important for bringing our service men and women home and giving them the right kind of accommodation. All of these things are in the context of significant financial problems in the Federal Housing Administration. FHA, if you read the papers, is at a crisis point. I have described it as a ticking timebomb. Regrettably, I think that is still an accurate calculation. We have funds to provide to HUD and to the Secretary of HUD, to the IG and others, to deal with problems before they become more serious. So we need to get this bill passed.

I hope our colleagues would bring their amendments forward. We will only be able to vote until 3 o'clock tomorrow afternoon. We would appreciate them bringing as many amendments as they can forward before then, this afternoon and tomorrow, so we can go about the business of conferencing with the House, getting a measure that will get to the President so he can sign it and put these critically important funds to work.

I yield the floor.

Mrs. MURRAY. 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.

Mr. JOHANNS. 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. 2355

Mr. JOHANNS. Mr. President, I ask that amendment No. 2355 be called up.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nebraska [Mr. JOHANNS] proposes an amendment numbered 2355.

Mr. JOHANNS. I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: Prohibiting direct or indirect use of funds to fund the Association of Community Organizations for Reform Now (ACORN))

After section 414, insert the following:

SEC. 4____. None of the funds made available under this Act may be directly or indirectly distributed to the Association of Community Organizations for Reform Now (ACORN).

Mr. JOHANNS. Mr. President, I rise today to discuss an amendment pertaining to ACORN, otherwise known as the Association of Community Organizations for Reform Now.

Records will indicate that ACORN has received $53 million in Federal funds—taxpayer money—since 1994. In the current transportation and housing appropriations bill, ACORN is eligible to add to that number, to receive millions more in taxpayer funds from several different accounts and purposes. It could receive money through mortgage counseling, it could receive money through CDBG, community development block grants, and it could receive money from the Neighborhood Stabilization Program.

The people of Nebraska sent me to Washington to protect them from waste and fraud and abuse, and they asked me to change the status quo. I take that responsibility very seriously. That is why my amendment would prohibit one more penny—one more penny—of taxpayer money from going to ACORN in the transportation and housing appropriations bill.

The recent news surrounding ACORN is alarming, at a minimum. In fact, it is outrageous. Last week, Miami-Dade prosecutors issued arrest warrants for 11 ACORN employees. The employees are charged with falsifying voter registration cards. A total of 1,400 voter registration cards were turned in, and 888 of those cards were found to be a fake. This means almost three-quarters of the voting cards were fraudulent. Then, damaging news surfaced regarding hidden videotapes at the Baltimore and Washington, DC, ACORN offices. You will not believe this: They feature ACORN employees offering advice on illegal activities, including tax evasion, prostitution, and fraud. Today we find out that a different ACORN office—this time in Brooklyn—also offered advice on the same topics. I

would suggest, obviously, this is a pattern of very rotten behavior. Well, the alarm bells are rightly going off.

The Census Bureau notified ACORN on Friday that it is severing all ties with the group for all work having to do with the 2010 census. Notwithstanding the fact that is long overdue, I applaud them for that action.

The Census letter pulled no punches, and I am quoting:

. . . it is clear that ACORN's affiliation with the 2010 Census promotion has caused sufficient concern in the general public, has indeed become a distraction from our mission, and may even become a discouragement to public cooperation, negatively impacting 2010 Census efforts. Unfortunately, we no longer have confidence—

''We no longer have confidence''—

that our national partnership agreement is being effectively managed through your many local offices. For the reasons stated, we therefore have decided to terminate the partnership.

Some may even say today, as amazing as this would sound, that the recent events are isolated, that they are not a fair and accurate representation of ACORN. How you could say that I am not sure, but to these defenders, I urge them to read the 88-page incriminating report published in July by the minority staff of the House Committee on Oversight and Government Reform. It is entitled—and, again, I am quoting, and I have the report here—''Is ACORN Intentionally Structured as a Criminal Enterprise?''

Mr. President, I ask unanimous consent that the Executive Summary of that report be printed in the RECORD.

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

U.S. House of Representatives, Committee on Oversight and Government Reform, Darrell Issa (CA–49), Ranking Member

IS ACORN INTENTIONALLY STRUCTURED AS A CRIMINAL ENTERPRISE?

I. EXECUTIVE SUMMARY

''We should be unfaithful to ourselves if we should ever lose sight of the danger to our liberties if anything partial or extraneous should infect the purity of our free, fair, virtuous, and independent elections''—President John Adams, Inaugural Address, 1797.

The Association of Community Organizations for Reform Now (ACORN) has repeatedly and deliberately engaged in systemic fraud. Both structurally and operationally, ACORN hides behind a paper wall of nonprofit corporate protections to conceal a criminal conspiracy on the part of its directors, to launder federal money in order to pursue a partisan political agenda and to manipulate the American electorate.

Emerging accounts of widespread deceit and corruption raise the need for a criminal investigation of ACORN. By intentionally blurring the legal distinctions between 361 tax-exempt and non-exempt entities, ACORN diverts taxpayer and tax-exempt monies into partisan political activities. Since 1994, more than $53 million in federal funds have been pumped into ACORN, and under the Obama administration, ACORN stands to receive a whopping $8.5 billion in available stimulus funds.

Operationally, ACORN is a shell game played in 120 cities, 43 states and the District of Columbia through a complex structure designed to conceal illegal activities, to use taxpayer and tax-exempt dollars for partisan political purposes, and to distract investigators. Structurally, ACORN is a chess game in which senior management is shielded from accountability by multiple layers of volunteers and compensated employees who serve as pawns to take the fall for every bad act.

The report that follows presents evidence obtained from former ACORN insiders that completes the picture of a criminal enterprise.

First, ACORN has evaded taxes, obstructed justice, engaged in self dealing, and aided and abetted a cover-up of embezzlement by Dale Rathke, the brother of ACORN founder Wade Rathke.

Committee investigators have established that a violation of corporate duties led to gross abuses of tax laws and other federal regulations. According to documents obtained from insiders, ACORN was made aware of its lax management structure but chose to ignore the problems and continue a cover-up of criminal activity. By refusing to report Dale Rathke's embezzlement of $948,607.50 as an excess benefit transaction, ACORN appears to have violated the Internal Revenue Code. ACORN's cover-up of the embezzlement for more than eight years would also constitute obstruction of justice.

Second, ACORN has committed investment fraud, deprived the public of its right to honest services, and engaged in a racketeering enterprise affecting interstate commerce.

Committee investigators have documented ACORN's use of charitable contributions against donor intent, typified by ACORN's secret transfer of donor funds to recover losses due to embezzlement. Moreover, ACORN comingles the accounts of federally-funded affiliates with politically-active affiliates and lacks sufficient oversight to safeguard taxpayer and donor interests, even though it receives millions of federal dollars.

ACORN's purposeful lack of quality control translates into the employment of convicted felons and other suspect persons. Through a strategy of providing financial incentives to employees who meet voter registration quotas, ACORN conducts voter drives that routinely produce fraudulent registrations. In fact, ACORN's employment practices have the intentional effect of encouraging voter registration fraud while linking criminal culpability to the lowest-level employees rather than the directors who contrive the illegal schemes.

To date, nearly 70 ACORN employees have been convicted in 12 states for voter registration fraud, though no federal charges have been filed against ACORN's directors. In fact, Pennsylvania judge Richard Zoller—after holding a low-level ACORN employee liable for election law violations—noted that ''somebody has to go after ACORN.''

Third, ACORN has committed a conspiracy to defraud the United States by using taxpayer funds for partisan political activities.

Committee investigators have unearthed documentation that ACORN and its affiliates conducted meticulous research that fed aggressive campaign initiatives designed to elect Democratic candidates in targeted races. ACORN forged both formal and informal connections with former Illinois Governor Rod Blagojevich, Ohio Senator Sherrod Brown and President Barack Obama, among others. Each of these campaigns received financial and personnel resource contributions from ACORN and its affiliates as part of a scheme to use taxpayer monies to support a partisan political agenda. These actions are a clear violation of numerous tax and election laws.

Documents contained in this report reveal ACORN's political agenda. ACORN's 2005–2007 Strategic Plan states that ''just as important as . . . mobilizing existing progressive voters, ACORN and similar groups actually create new progressive voters.'' In the same document, ACORN acknowledges that its ''issue campaigns play the dual role . . . of attracting new members, and educating or politicizing existing members.'' One particular issue where ACORN claims success is ''fighting key elements of the national Republican program.''

In other documents, ACORN affiliates take credit for the election of former-Illinois Governor Rod Blagojevich. In the 2006 year-end report of ACORN affiliate Service Employees International Union (SEIU) Local 880, efforts to elect Blagojevich and advance partisan political agendas are called ''flawless.''

Labor organizations, unions, and other tax-exempt entities stretched Chicago-style political manipulation and back room schemes beyond Illinois to other state-wide and national campaign efforts. In the State of Ohio, where ACORN directors drafted a political plan contained in this report, overt partisan goals are enumerated. The ACORN Ohio Political Plan states: ''ACORN will target three competitive Ohio congressional districts as well as a half dozen state rep seats nested within the districts. Our electoral work will mobilize and educate voters [and] our paid professional canvass will execute tightly managed Voter ID and GOTV canvasses moving our core constituency of base and swing voters to the polls to vote for the candidates who most closely align with a progressive Working Families Agenda.''

Moreover, documents provided by former ACORN employees and contained in this report demonstrate the degree to which ACORN and ACORN affiliates organized to elect President Barack Obama in 2008.

Fourth, ACORN has submitted false filings to the Internal Revenue Service (IRS) and the Department of Labor, in addition to violating the Fair Labor Standards Act (FLSA).

Committee investigators have tracked ACORN's numerous failures to comply with federal laws that required the payment of excise taxes on excess benefits to Dale Rathke. SEIU Local 100—under the direction of ACORN founder Wade Rathke—filed bogus reports with the Labor Department in order to conceal embezzlement. ACORN violated the overtime and record-keeping provisions of FLSA. All of these fraudulent acts would constitute a violation of 18 U.S.C. §1001 by presenting false documents to the United States government.

Fifth, ACORN falsified and concealed facts concerning an illegal transaction between related parties in violation of the Employee Retirement Income Security Act of 1974 (ERISA).

Committee investigators have concluded that ACORN plundered employee benefits and violated fiduciary responsibilities under ERISA by relieving corporate debts through prohibited loans to a related party. Moreover, ACORN affiliates lack independent control of their own assets and maintain shoddy accounting practices that serve to hide ACORN's secret and illegal use of monies.

ACORN conspired to conceal information concerning prohibited transactions from its board in violation of its corporate charter. ACORN's termination of board members who sought to uncover its illegal activities perpetuates a cover-up at the expense of adherence to its own bylaws.

The evidence contained in this report proves that ACORN's stated purpose to promote grassroots civic participation has been perverted through fraudulent and illegal acts. The weight of evidence against ACORN and its affiliates is astounding. This syndicate of tax-exempt organizations has coordinated and implemented a nation-wide

strategy of tax fraud, racketeering, money-laundering and manipulating the American electorate.

Scrutiny is essential to lift a dark cloud of suspicion from nonprofit community organizations; to bring to justice the responsible parties who have heretofore been shielded from prosecution by ACORN's obscure organizational structure; to protect the American system of democratic self-government from manipulation and disruption; and to free our political climate from the choke of corruption that threatens to strangle free and fair elections.

Mr. JOHANNS. According to the report:

Operationally, ACORN is a shell game played in 120 cities, 43 states and the District of Columbia through a complex structure designed to conceal illegal activities, to use taxpayer and tax exempt dollars for partisan political purposes, and to distract investigators. Structurally, ACORN is a chess game in which senior management is shielded from accountability by multiple layers of volunteers and compensated employees who serve as pawns to take the fall for every bad act.

There is a history here, and it is a sad history. In 1998, an ACORN employee was arrested for falsifying voter registration forms. In 1999, Philadelphia authorities found hundreds of fraudulent registration forms by ACORN. In October of 2008, the pattern continues. ACORN's Nevada offices were raided by Federal agents, and in 2009 their Las Vegas field director was charged with voter registration fraud. In May 2009, seven ACORN employees were charged in Pittsburgh for voter registration fraud.

I cite this sad, tragic history because the events of the last week were not isolated, and I do not believe it was accidental that this video caught ACORN employees delivering the same message in different cities. They magnify a troubling, systemic, and criminal pattern. In fact, they serve as a public window into an organization that is besieged by corruption, by fraud, and by illegal activities, all committed—all committed—on the taxpayers' dime. Mr. President, I would suggest to you, if we had the capability to ask every taxpayer in America: Is this how you want your money spent, we would have a nearly unanimous count saying: Absolutely not.

At a time when we are experiencing record deficits and the economy is struggling every day to get back on its feet, how in the world can anyone come to this floor of the Senate and say: I want to cast my vote to continue to fund this organization with taxpayer dollars, hard-earned dollars by American families, when so many questions of legitimacy reign? I think the answer to that is simple. I do not see how anybody could cast that vote. To do so, in my judgment, would ignore the proof, and it would also ignore our responsibility to protect taxpayers from waste and fraud and abuse. I would go so far as to say that I respect that some of my colleagues believe the work done by ACORN in some communities might be valuable. But I would respectfully suggest that the problems riddling this organization, in office after office, cannot and should not be trivialized. This is an opportunity for the Senate to stand up and say: Enough is enough, just as the Census Bureau did.

As Judge Richard Zoller said, after holding an ACORN employee liable for election law violations:

Somebody has to go after ACORN.

Well, I suggest today, on the floor of the Senate, that ''somebody'' is each and every U.S. Senator. That ''somebody'' is each Senator, who now has the ability to come to the floor and say to the taxpayers back home: We will not tolerate this any longer. Until a full investigation is launched into ACORN, no taxpayer money should be used to fund its activities. A vote in favor of my amendment is a vote in favor of the taxpayer and a vote against the status quo.

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. VOINOVICH. 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. VOINOVICH. Mr. President, I ask unanimous consent that I be permitted to speak as in morning business for up to 25 minutes.

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

FISCAL UPDATE

Mr. VOINOVICH. Mr. President, building on a series of speeches I have given over the past few years and in the tradition of a former Member of this body, Senator Fritz Hollings of South Carolina, I hope to provide my colleagues and the American people with regular updates on our catastrophic national debt. Unfortunately, given the lack of action to address this coming tsunami, I believe President Obama and Congress need to be reminded of the fiscal realities in which we find ourselves. Senator Hollings came down to the Senate floor every few weeks with a poster updating the national debt, and today I renew his tradition, and I will continue it until we do something about this unsustainable financial crisis.

One of my grandchildren's favorite stories is ''The Emperor's New Clothes'' by Hans Christian Anderson. In the tale, an emperor goes about the land wearing a nonexistent suit sold to him by a new tailor who convinced the monarch the suit is made of the finest silks. The tailors—two swindlers—tell the emperor that the threads of his robes will be so fine that they will look invisible to those dimwitted or unfit for their position. The emperor and his ministers, themselves unable to see the clothing, lavish the tailor with praise for the suit because they do not want to appear dimwitted or incompetent.

Word spread across the kingdom of the emperor's beautiful new robes. To show off the extraordinary suit, a parade was formed. People lined the streets to see the emperor show off his new clothes. Again, afraid to appear stupid or unfit, everyone pretends to see the suit. It is only when a child cries out ''the emperor wears no clothes'' does the crowd acknowledge that the emperor is, in fact, naked.

Much like the emperor, America's elected leaders know we face a fiscal train wreck, but we are choosing to ignore our current economic reality. I am here to tell my colleagues and President Obama, the emperor has no clothes and we are naked in terms of dealing with our deficits and national debt.

As shown right here on this chart, get the book out. I am sure you have it. Read it. That is where we are right now. The irony is that the American people know we are naked, and they are coming to Washington to let us know we are naked, and so does the rest of the world, and our credibility and our credit today are at risk.

I have this chart, what I refer to as the ''Wheel of Misfortune.'' This lays out quite clearly what our national debt is today.

One of the reasons I ran for the Senate back in 1998 was I wanted to come to Washington and reduce the national debt and balance budgets, which is something I did as the mayor of the city of Cleveland and something I did as Governor of the State of Ohio.

When I came to the Senate in 1999, our gross national debt stood at $5.6 trillion or 61 percent of the GDP. Today, as you can see from the chart behind me, the gross national debt is nearly $11.8 trillion. I understand the President is going to ask us to increase our debt limit to $12 trillion and, quite frankly, I believe he is going to be asking us to raise the debt limit to more than $12 trillion.

This is an increase of more than 100 percent in 10 years. Much of this increase has come recently. In fact, from 2008 to 2009 alone, the Federal debt will increase 22 percent, boosting the country's debt-to-income ratio—our national debt as a percentage of GDP—from 70 percent last year to 86 percent this year. We haven't seen this kind of GDP debt since the Second World War. It was 65 years ago during the Second World War that we saw these kinds of numbers.

By the way, this does not include our unfunded Medicare and Social Security obligations which the Peterson Foundation recently tagged at $56.4 trillion. This is the equivalent of a $483,000 debt per American household or $184,000 for every man, woman, and child in America today. Those are unfunded liabilities.

It doesn't take an economist to realize our course is unsustainable. President Obama and this Congress are fully aware of this reckless fiscal path. Yet they continue to spend and borrow,

spend and borrow. Our Federal Government is the worst credit card abuser in the world. We talk to our kids about not abusing their credit cards. What kind of example do we set? You know what. We are putting the tab on the credit of our children and grandchildren.

Like the boy who cried ''the emperor has no clothes,'' the American people see through this sham. There were a bunch of them here this weekend who saw through the sham. A recent poll conducted by the Peterson Foundation showed that after their personal job, the most pressing concern of Americans is the national debt. Americans are cutting back, folks, in their own family. They are making tough decisions. They know they haven't been living within their means.

Some people are saying: Why are they paying attention to this finally? Well, they are finally realizing in their own families they need to redo the way they are doing things, and they are asking themselves: Why isn't our Federal Government doing the same thing we are doing in our households? It is no wonder they are looking at government's reckless spending with disapproval and wondering why we are not doing the same thing they are doing. They are mad as hell, and they aren't going to take it anymore.

The media is also finally starting to pay attention to this issue. Recently, the Washington Post ran an article by Fred Hiatt, their chief editorial writer, acknowledging that our long-term fiscal path is unsustainable, as well as an editorial taking the administration to task for lacking a plan on how to start digging our economy out of this fiscal crisis.

Additionally, Newsweek published an article by Fareed Zakaria where he outlines what he describes as ''the disease of modern democracy: the system cannot impose any short-term pain for long-term gain.'' We are unwilling to pay for it or do without.

The first one, this Newsweek article, is called,

There is a Silver Lining.

The crisis has forced the United States to confront bad habits developed over the past few decades. If we can kick those habits, today's pain will translate into gains.

The other is a Washington Post article entitled ''No Laughing Matter. Why the U.S. Needs to Get Serious About Long-Term Budget Deficits.''

Mr. VOINOVICH. Mr. President, I ask unanimous consent to have printed in the CONGRESSIONAL RECORD the articles to which I previously referred.

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

[From Newsweek Magazine, Oct. 20, 2008]

THERE IS A SILVER LINING

(By Fareed Zakaria)

Some of us—especially those under 60—have always wondered what it would be like to live through the kind of epochal event one reads about in books. Well, this is it. We're now living history, suffering one of the greatest financial panics of all time. It compares with the big ones—1907, 1929—and we cannot yet know its full consequences for the financial system, the economy or society as a whole.

I'm betting that, in the end, the world's governments will win this battle against fear. They have potentially unlimited tools at their disposal, especially if they act in concert. They can nationalize firms, call bank holidays, suspend trading for weeks, buy up debt and equity, and renegotiate home mortgages. Most important, the American government can print money. All of these tools have long-term effects that are extremely troublesome, but they are nothing compared with the potential collapse of the financial system. And Washington seems to have recognized that it must do whatever is required to shore up that system. Big questions remain. What will it take to stop the fall? How costly will it be? How long before the rescue plan starts to have an effect? But at some point, the panic that gripped world markets last week will end. Of course, that will not mean a return to growth or a bull market. We're in for tough times. But it will mean a return to sanity.

Amid all the difficulties and hardship that we are about to undergo, I see one silver lining. This crisis has—dramatically, vengefully—forced the United States to confront the bad habits it has developed over the past few decades. If we can kick those habits, today's pain will translate into gains in the long run.

Since the 1980s, Americans have consumed more than they produced—and they have made up the difference by borrowing.

Two decades of easy money and innovative financial products meant that virtually anyone could borrow any amount of money for any purpose. If we wanted a bigger house, a better TV or a faster car, and we didn't actually have the money to pay for it, no problem. We put it on a credit card, took out a massive mortgage and financed our fantasies. As the fantasies grew, so did household debt, from $680 billion in 1974 to $14 trillion today. The total has doubled in just the past seven years. The average household owns 13 credit cards, and 40 percent of them carry a balance, up from 6 percent in 1970.

But the average American's behavior was virtue itself compared with the government's. Every city, every county and every state has wanted to preserve its many and proliferating operations and yet not raise taxes. How to square this circle? By borrowing, using ever more elaborate financial instruments. Revenue bonds were backed up by the prospect of future income from taxes or lotteries. ''A growing trend is to securitize future federal funding for highways, housing and other items,'' says Chris Edwards of the Cato Institute. The effect on the projects, he points out, is to make them more expensive, since they incur interest payments. Because they ''insulate the taxpayer from the cost''—all that needs to be paid now is the interest—they also tend to produce cost overruns.

Local pols aren't the only problem. Under Alan Greenspan, the Federal Reserve obstinately refused to inflict any pain. Russian default? Cut interest rates. Worried about Y2K? Cut rates. NASDAQ crash? Cut rates. The economy slows after 9/11? Cut rates. Whatever the problem, the solution was to keep the money flowing and goose the economy. Eventually, by putting the housing market on steroids, the strategy created problems too large to untangle.

The whole country has been complicit in a great fraud. As economist Jeffrey Sachs points out, ''We've wanted lots of government, but we haven't wanted to pay for it.'' So we've borrowed our way out of the problem. In 1990, the national debt stood at $3 trillion. (That sounds high, but keep reading.) By 2000, it had almost doubled, to $5.75 trillion. It is currently $10.2 trillion. The number moved into 11 digits last month, which meant that the National Debt Clock in New York City ran out of space to display the figures. Its owners plan to get a new clock next year.

''Leverage'' is the fancy Wall Street word for debt. It's at the heart of the current crisis. Warren Buffett explained the problem in his inimitable way on ''The Charlie Rose Show.'' ''Leverage,'' he said, ''is the only way a smart guy can go broke . . . You do smart things, you eventually get very rich. If you do smart things and use leverage and you do one wrong thing along the way, it could wipe you out, because anything times zero is zero. But it's reinforcing when the people around you are doing it successfully, you're doing it successfully, and it's a lot like Cinderella at the ball. The guys look better all the time, the music sounds better, it's more and more fun, you think, 'Why the hell should I leave at a quarter to 12? I'll leave at two minutes to 12.' But the trouble is, there are no clocks on the wall. And everybody thinks they're going to leave at two minutes to 12.''

If there is a lesson to be taken from this crisis, it's a simple and old rule of economics: there is no free lunch. If you want something, you have to pay for it. Debt is not a bad thing. Used responsibly, it is at the heart of modern capitalism. But hiding mountains of debt in complex instruments is a way to disguise costs, an invitation to irresponsible behavior.

At some point, the magical accounting had to stop. At some point, consumers had to stop using their homes as banks and spending money that they didn't have. At some point, the government had to confront its indebtedness. The United States—and other overleveraged societies—have now gotten the wake-up call from hell. If we can respond and change our behavior markedly, this might actually be a blessing in disguise. (Though, as Winston Churchill said when he lost the election of 1945, ''at the moment it appears rather effectively disguised.'')

In the short term, all the solutions to the current crisis require that governments take on more debts and larger obligations. This is inevitable and necessary. But that doesn't mean we should, as some noted economists advocate, stimulate the economy with more tax cuts. That would be only one more way to keep the party going artificially—like asking a drunk to go to AA next year, but in the meantime to have even more whisky. A far better stimulus would be to announce and expedite major infrastructure and energy projects, which are investments, not consumption, and therefore have a much different effect on the country's fiscal fortunes. (They are not listed separately in the federal budget, but that's just bad accounting.)

In the medium and long term, we have to get back to basics. Households, for instance, should save more. Governments should put incentives in place that make such savings more likely. The U.S. government offers enormous incentives to consume (the deduction of mortgage interest being the best example), and it works. We have the biggest houses in the world, the thinnest flat-screen TVs and the most cars. If we were to tax consumption and encourage savings, that would also work. Regulations on credit-card debt should be revised to ensure that people understand the risks and costs of these instruments. Moving in this direction would be good for families and for the government as well.

Wall Street will also need to change. Paul Volcker has long argued that the recent

spate of financial innovation was nothing of the kind: it simply shuffled around existing resources while contributing few real benefits to the economy. Such activity will now be reduced significantly. Boykin Curry, managing director of Eagle Capital, says, ''For 20 years, the DNA of nearly every financial institution had morphed dangerously. Each time someone at the table pressed for more leverage and more risk, the next few years proved them 'right.' These people were emboldened, they were promoted and they gained control of ever more capital. Meanwhile, anyone in power who hesitated, who argued for caution, was proved 'wrong.' The cautious types were increasingly intimidated, passed over for promotion. They lost their hold on capital. This happened every day in almost every financial institution over and over, until we ended up with a very specific kind of person running things. This year, the capital that remains is finally being reallocated to more careful, thoughtful executives and investors—the Warren Buffetts . . . of the world.''

Volcker has also argued that the highly complex financial system was not nearly as stable as people believed and that far-reaching efforts were needed to regulate and stabilize it. Now these issues will get attention at the highest level. The fear on Wall Street is that a Democratic administration would overregulate. But look at who is advising Barack Obama—Buffett, Volcker, former Treasury secretaries Robert Rubin and Larry Summers. It is more likely that what will come from their efforts will be a better-regulated financial system that, while producing less-extravagant profits, will be more stable and secure.

The financial industry itself is likely to shrink, and that's not a bad thing, either. It has ballooned dramatically in size. Curry points out that ''30 percent of S&P 500 profits last year were earned by financial firms, and U.S. consumers were spending $800 billion more than they earned every year. As a result, most of our top math Ph.D.s were being pulled into nonproductive financial engineering instead of biotech research and fuel technology. Capital expenditures went into retail construction instead of critical infrastructure.'' The crisis will stop the misallocation of human and financial resources and redirect them in more-productive ways. If some of the smart people now on Wall Street end up building better models of energy usage and efficiency, that would be a net gain for the economy.

The American economy remains extremely dynamic and flexible. Even now, the most surprising data continue to be how resilient the economy has been through all these shocks. That will not last, especially if the panic persists. But even so, it highlights the fact that the U.S. economy has underlying virtues and, after a tough recession, will probably recover faster than many can now imagine. The rise in emerging-market economies, which have been powering global growth, will not vanish overnight, either.

A new discipline would benefit America in a more general sense, too. Ever since the collapse of the Soviet Union, the United States has operated in the world with no constraints or checks on its power. This has not been good for its foreign policy. It has made Washington arrogant, lazy and careless. Its decision making has resembled General Motors' business strategy in the 1970s and 1980s, a process driven largely by a vast array of internal factors but little sense of urgency or awareness of outside pressures. We didn't have to make strategic choices; we could have it all. We could make blunders, anger the world, rupture alliances, waste resources, wage war incompetently—it didn't matter. We had more than enough room for error—lots of error.

But it's a different world out there. If Iraq cast a shadow on U.S. political and military credibility, this financial crisis has eroded America's economic and financial power. In the short run, there has been a flight to safety—toward dollars and T-bills—but in the long run, countries are likely to seek greater independence from an unstable superpower. The United States will now have to work to attract capital to its shores, and manage its fiscal house better. We will have to persuade countries to join in our foreign endeavors. We will have to make strategic choices. We cannot deploy missile interceptors along Russia's borders, draw Georgia and Ukraine into NATO, and still expect Russian cooperation on Iran's nuclear program. We cannot noisily denounce Chinese and Arab foreign investments in America one day and then hope that they will keep buying $4 billion worth of T-bills another day. We cannot keep preaching to the world about democracy and capitalism while our own house is so wildly out of order.

It's a fundamental American belief that competition is good—in business, athletics and life. Checks and balances are James Madison's crucial mechanisms, exposing and countering abuse and arrogance and forcing discipline on people. This discipline will be painful for a country that has gotten used to having it all. But it will make us much stronger in the long run. If we can learn the right lessons from this crisis, the United States will once more be playing by its own rules. And that cannot be bad for us.

[From the Washington Post, June 5, 2009]

NO LAUGHING MATTER

The Obama administration inherited from its predecessor both a tanking economy and a huge federal budget deficit. Under the circumstances, it cannot be faulted for increasing the deficit in the short run, because a mammoth recession called for fiscal stimulus. Thus, it is neither surprising nor irreversibly dangerous that the total federal debt held by the public looks as if it will reach 57 percent of gross domestic product by the end of fiscal 2009 on Sept. 30—well above the previous four decades' average of about 40 percent. What is more alarming is that, barring major spending cuts or tax increases, President Obama's budget could drive that figure to 82 percent by 2019, according to the Congressional Budget Office.

We are already getting a taste of the problems that could develop if the president and Congress do not address this soon. Since the end of last year, the interest rate on 10-year Treasury notes has gone up from 2 percent to over 3.5 percent. That number is within historical norms; indeed, Treasury rates probably had been artificially depressed during the financial panic of the fall. But the spike, which will cost the government tens of billions of dollars, also reflects mounting investor concern—at home and, especially, abroad—about the U.S. fiscal situation. If government borrowing costs continue to accelerate, they could kill economic growth for years to come.

It was a sign of the times that Treasury Secretary Timothy F. Geithner had to travel to Beijing this week to reassure China, the world's largest holder of Treasury debt, that lending money to the U.S. government is still a wise thing to do. Mr. Geithner insisted that, ''in the United States, we are putting in place the foundations for restoring fiscal sustainability.'' To be sure, China doesn't have many good alternatives to parking its massive trade surpluses in dollars. But it does have some, including commodities and the debt of more fiscally prudent European governments. In a moment that all Americans should consider a wake-up call, Mr. Geithner was met with laughter when he told a group of Chinese students that their country's assets were ''very safe'' in Washington.

The chairman of the Federal Reserve, Ben S. Bernanke, was considerably more decorous than the Chinese students in testimony before Congress on Wednesday but, in essence, only slightly less skeptical. ''Even as we take steps to address the recession and threats to financial stability,'' he said, ''maintaining the confidence of the financial markets requires that we, as a nation, begin planning now for the restoration of fiscal balance.''

Mr. Bernanke did not say explicitly that there is no such plan in Mr. Obama's budget—at least not according to the CBO, whose estimates of the president's budget show annual deficits lingering indefinitely above 4 percent of GDP. Nor did he point out that Congress has yet to come up with credible financing for the president's desirable but expensive health-care proposal. He did not say that Mr. Obama and Congress have done nothing so far to deliver on the president's pledge of entitlement reform. But if the Fed chairman had said those things, he would have been absolutely right.

Mr. VOINOVICH. Mr. President, now is the time to take the first step toward fiscal responsibility and making good on our promises by enacting meaningful, comprehensive tax and entitlement reform. The recent pay-as-you-go legislation passed by the House isn't going to get the job done. We know that. This Band-Aid relies on smoke and mirrors and exempts the 2001 and 2003 tax cuts, patching the alternative minimum tax, updating physician payments in Medicare, and modifying the estate tax. It is intellectually dishonest. Even the Budget Committee chairman in the Senate, Senator CONRAD, calls this pay-go that came out of the House insincere. If Congress is going to reenact statutory pay-go, then it should apply to everything, not just to what is convenient.

We need real comprehensive reform. I am pleased to say it appears as though President Obama is finally starting to get it. In an interview with the Washington Post, President Obama endorsed the idea of creating a commission where—here is what he said:

> Everything is going to be on the table when it comes to examining our tax and entitlement systems and presenting long-term solutions to place the United States on a fiscally sustainable course.

He went on to say:

> What you end up having to do in terms of structural reforms realistically is you probably have to set up some sort of commission or mechanism that reports back with the prospect of maybe locking in a pledge for action, post election.

I know we have talked about this on occasion, about this commission and setting it up and trying to get the administration to commit to it so we can let the American people know we are sincere about doing something about this debt and balancing our budget.

For the past three Congresses, I have been calling for such a commission. This Congress, I am proud to say, Senator LIEBERMAN has joined me as an original cosponsor to create the commission now.

Similar to the BRAC process, the Save America's Future Economy Commission—we call it SAFE—would break the legislative logjam in Washington by creating a bipartisan, bicameral committee to draw up policy prescriptions for the government's long-term budget shortfalls that would then go before Congress on an up-or-down vote. The legislation is similar to legislation introduced by Congressmen JIM COOPER and FRANK WOLF in the House, and today they have 69 cosponsors. It is vital—it is vital—to ensuring the solvency of entitlement programs for future generations.

It is my understanding that Pete Peterson and David Walker of the Peterson Foundation have endorsed this legislation along with the Heritage Foundation, the Brookings Institute, the Business Roundtable, and a host of other former CBO Directors who said it is time for us to do something about the problem, and they understand we will not get it done with the regular order of business. We have to have a commission come back with a recommendation, put it on a fast track, send it to the House, send it to the Senate, and let us either vote up or down as we do with the commissions we have set up on closing bases.

I am sure many of my colleagues are familiar with this legislation. I know David Walker has met with both Republican and Democratic legislative leaders or directors regarding this legislation.

Continuing down our current path, folks, is unsustainable. It is unsustainable, and it is immoral. For too long we have clothed ourselves in economic falsehoods, pretending they would protect us from the harsh economic realities. Folks, time is running out. The world sees that the emperor, in fact, has no clothes. I am calling on President Obama to follow through on his comments about the need for a commission and support the SAFE Commission Act.

OMB Director Peter Orszag has understood our fiscal crisis in the past and called for the creation of an entitlement commission, but since joining the administration he has stopped pushing for a commission, instead focusing just on health care reform. The bottom line is health care reform is but one of the major issues that needs to be addressed to respond to our fiscal crisis. We must also reform the Tax Code to encourage personal savings, investment, job creation, and economic growth. A lot of Americans are not aware of this fact, that we spend $240 billion a year paying our taxes; that is, to pay for professional help and keeping track of all of the papers we need to have when we prepare to pay our Federal income tax.

I think the current health care debate in Congress is a perfect example of why a piecemeal approach doesn't work. If we dealt with the fiscal crisis, it would be a lot easier for us to deal with health care.

There is a new poll out just today, AP, that says half of Americans are more concerned about tackling our debt than our health care reform, education, and climate change. Did my colleagues hear that? Over half of them say deal with the fiscal crisis. The reason I believe we are having such a darn difficult time dealing with health care and why we are not going to pass any kind of climate change legislation is that the people of this country know we have a fiscal crisis and they want us to contend with that before we deal with these other issues.

I think the American people know we can't afford the health care system we now have, and we must find a way to be more responsible. Think of this: We spend $2.2 trillion on health care in this country. The Medicare trust fund will be insolvent in 2017, and we have to reform the way we pay physicians under the program, which experts say will cost us $280 billion over 10 years. Furthermore, the States are already overburdened by the cost of their Medicaid programs.

We gave the States $87 billion in the stimulus bill. I can tell you in ordinary circumstances, many States usually come to Washington with a tin cup. I can guarantee you that the Governors of this country are going to be down here with a large bathtub asking us to fill it because of the problems they confront.

In other words, they can't now take care—well, they can now because they got the $87 billion, but once that runs out, they are going to be down here saying: We can't handle the current system as it is. How can we expand Medicaid when we can't take care of the Medicaid Program we now have? With the financial crisis we have in this country, we have to be careful of taking on something we can't afford, particularly when we can't afford to pay for what we already have.

I am surprised that in the President's speech last week he didn't talk about the fact that by 2017—everybody needs to understand this—the money coming in for Medicare would not be adequate to take care of the people who are out there who are eligible for Medicare. It is part of what I call that unfunded liability I talked about earlier.

The Peterson Foundation recently commissioned an in-depth health care study conducted by the Lewin Group, and I urge my colleagues to take a close look at this analysis and see the principles the Peterson Foundation lays out to determine a fiscally responsible health care reform bill.

I am not the only one calling for Congress to be fiscally responsible when considering health care reform. In order for health care reform legislation to be fiscally responsible, it must, one, pay for itself over a 10-year period; two, not add to the deficit beyond a 10-year period; three, bend the cost curve down to reduce health care spending; and four, significantly reduce current unfunded obligations. That is what we should be talking about.

President Obama and Congress must act. We all came to Washington to serve, and we have a moral responsibility to leave this place better than what we found it. How will we look our children and grandchildren in the eye knowing we have mortgaged their future at a time when we know they are going to have to work harder than we have to maintain the standard of living we enjoy.

God has blessed me with three children and seven grandchildren. I am constantly worried about what kind of America they are going to be living in. I know darn well the competition we face today worldwide is a lot more fierce than anything I experienced during my life here. I know because of that competition they are going to have to work harder. They are going to have to work smarter. It would be very cruel for us, on top of that, to lay this terrible burden on their shoulders and say: We weren't willing to pay for it or do without, so you take care of it. It is your problem. You handle it.

I was pleased to hear President Obama echo this last Wednesday during his joint session of Congress, the same sentiment I have just made. He stated—and I quote the President of the United States:

> I understand that the politically safe move would be to kick the can further down the road—to defer reform one more year, one more election, one more term. But that is not what the moment calls for. That is not what we came here to do. We did not come here to fear the future. We came here to shape it. I still believe we can act, even when it is hard.

President Obama's words ring true in light of the fiscal challenges we face as a nation today. And they should get the first priority. Until we start on a commission, Congress, the administration, the American people, and the world will know the Emperor has no clothes. We are naked in terms of realizing and dealing with our fiscal crisis. Now is the time to act.

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

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

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mrs. HAGAN). Without objection, it is so ordered.

The Senator from Missouri.

AMENDMENT NO. 2355, AS MODIFIED

Mr. BOND. Madam President, I ask unanimous consent that the Johanns amendment be modified with the changes at the desk.

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

The amendment (No. 2355), as modified, is as follows:

(PURPOSE: PROHIBITING USE OF FUNDS TO FUND THE ASSOCIATION OF COMMUNITY ORGANIZATIONS FOR REFORM NOW (ACORN))

After section 414, insert the following:

SEC. 4____. None of the funds made available under this Act may be distributed to the

Association of Community Organizations for Reform Now (ACORN) or its subsidiaries.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. BOND. Madam President, I rise today to support the amendment offered by my colleague from Nebraska, Senator JOHANNS. He has proposed an amendment to end taxpayer funding for the Association of Community Organizations for Reform Now.

We cannot allow taxpayer funds to support groups engaged in repeated voter registration fraud activities, and now their repeated assistance for housing, tax, and mortgage fraud.

I recognize—and let's be clear about it—that ACORN has helped counsel homeowners through the recent mortgage meltdown. Doubtless, they have helped good people find affordable housing solutions. But that cannot outweigh the numerous and repeated abuses of taxpayer dollars allowed to occur in their name.

In my home State of Missouri, several ACORN workers in Kansas City admitted to voter registration fraud. There have been other investigations throughout the State. Unfortunately, ACORN vote fraud in Missouri is not isolated. ACORN workers in Arkansas, Colorado, Florida, Michigan, North Carolina, New Mexico, Ohio, Minnesota, Pennsylvania, Texas, Virginia, Wisconsin, and Nevada have all been associated with fraudulent voter registration activities.

This long list shows this is not a problem of a handful of rogue employees but, regrettably, an endemic systemwide culture of fraud and abuse. Now we have disgusting and unacceptable video footage of ACORN housing workers counseling on how prostitutes might circumvent mortgage applications, tax law, and child endangerment laws. Again, this despicable behavior is not isolated to one rogue employee but has occurred repeatedly in Washington, Baltimore, and New York.

For those who say that minority and low-income advocates are being picked upon, I say the causes of expanding housing and voting opportunities and wise counseling and assistance to those who need help are too important to be allowed to be sullied by such a morally fraudulent organization. The tireless volunteers and underpaid staffers toiling to help the impoverished and disenfranchised do not deserve to have their reputation pulled down by the organization they work for which cannot put an end to these abuses. All taxpayers deserve to know their hard-earned tax dollars are not going toward voter, housing, mortgage, or tax fraud assistance.

Congress has the opportunity to end this relationship now. I am hoping we will be able to vote this afternoon, and I urge my colleagues to support the Johanns amendment.

I yield the floor.

Mr. HATCH. Madam President, I rise to speak in support of an amendment by my good friend, Senator MIKE JOHANNS, that would prevent our taxpayer dollars from being directed to the Association of Community Organizations for Reform Now, more commonly known as ACORN. I also want to commend the Census Bureau's recent decision to cut all ties with ACORN.

Simply put I am very pleased with this decision, which was announced late last week through a letter from Census Bureau Director Robert Groves to ACORN's National Headquarters. As I met with Dr. Groves in my office just last week, I raised this very issue and expressed my disappointment, along with the disappointment of many of the Utahns I represent, that ACORN would have any association with such an important and historic event such as the 2010 Census.

Anyone who knows me, knows that I am always supportive of reasonable efforts to ensure that taxpayer funds are not used for unlawful activities, particularly when those activities may be construed to be partisan in nature. That is why I have followed this particular issue so closely throughout the year and raised the issue directly with Director Groves.

In fact, as next year's census quickly approaches, I continue to work with Census officials at the Commerce Department on all levels. As all Utahns are keenly aware, the Decennial Census requires precision and uniformity—both of which I am closely monitoring as the Census moves forward.

To that end, I am hopeful that the Census Bureau will ensure that all Americans are counted fairly and accurately, with the privacy of the individual always in mind. I applaud Director Groves and his decision for the Census Bureau to cut all ties with ACORN. I am pleased that he listened not only to my concerns, but also to the concerns of thousands of Utahns and Americans from across country who have expressed severe disappointment with ACORN's involvement in the 2010 Census. Personally, I feel ACORN should not have been involved in the 2010 Census in the first place. However, I recognize Director Groves' decision as an important step toward an accurate and fair count and look forward to assisting in additional efforts toward that same end in the near future.

While I am encouraged by the recent actions by the Census Bureau, I believe it is critical to adopt Senator JOHANNS' amendment so we can know with certainty that partisan political organizations like ACORN will not be underwritten with taxpayer dollars.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Madam President, I ask unanimous consent that at 5:30 p.m. today, the Senate proceed to vote in relation to the Johanns amendment No. 2355, as modified; that no amendment be in order to the amendment prior to the vote; and that there be 2 minutes of debate prior to a vote in relation to the amendment, with the time equally divided and controlled in the usual form.

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

Mrs. MURRAY. Madam President, with that, there will be a vote at 5:30 this afternoon, and if any other Senators wish to come to the floor to speak to their amendments, we are here ready and waiting for them to do that.

With that, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. KAUFMAN. Madam President, I ask unanimous consent to speak as in morning business for up to 25 minutes.

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

FINANCIAL ABUSES

Mr. KAUFMAN. Madam President, tomorrow is the first anniversary of the Lehman Brothers collapse, the largest bankruptcy in United States history. Lehman's failure sent shock waves throughout the entire country.

The resulting financial meltdown plunged the American economy into the most severe recession since the 1950s. Credit markets froze, investor confidence collapsed, stock prices crashed, and millions of Americans lost their jobs, their homes, and their savings.

Lehman brought about its own demise. Once the Nation's fourth-largest investment bank, Lehman allowed a culture of recklessness to engulf its firm.

But the blame for this downward spiral and for the consequences to millions of Americans does not end with Lehman. At a time when banks were taking on unprecedented risk, our regulatory agencies were taking their referees off the field.

The SEC, like other regulatory agencies, has made many mistakes in recent years: from failing to monitor the credit rating agencies and permitting the banks to increase their capital-leverage ratios to as much as 30- or 50-to-1 to buy up what turned out to be toxic assets, to removing the uptick rule without putting anything effective in its place and failing to put in place systems to monitor and adjust its regulations as the markets rapidly evolved.

Our Nation has paid dearly for these mistakes.

In response, we have vowed to shine a light on Wall Street, to enact financial regulatory reforms, to push for clearer

and enforceable laws, to strengthen our oversight agencies—all in an effort to prevent history from repeating itself and to rebuild the credibility of and investor confidence in our markets.

But our actions have not yet followed our words.

President Obama has proposed a new financial regulation plan that would enforce stricter capital and liquidity requirements for investment banks, revamp the disjointed regulatory system, and impose higher standards for risky products like credit default swaps.

I applaud President Obama's efforts to address the regulatory problems that devastated our economy and I look forward to working with my colleagues to create a systemic risk regulator, to regulate derivatives effectively, and to ensure consumer financial protections.

But we cannot simply react to problems after they have occurred. We must also adopt a forward-looking approach to regulation that recognizes manipulation and wrongdoing while it is happening and stops it in its tracks.

Because of the damage that was done to our economy by the prior financial scandals, the regulatory agencies and Congress need to catch up and redress prior mistakes—while at the same time focus on current questionable market practices before new problems arise.

Since I became a Senator in January, I have been spending much of my time in Congress asking questions and promoting regulatory solutions to current questionable practices on Wall Street. And I have stressed repeatedly the need for the SEC to step forward as a strong and determined cop on the beat.

I believe that democracy and fair markets are the foundation of our American society.

They are both based on the notions of equality and fairness—the idea that all Americans have an equal opportunity to succeed.

For markets to have credibility and investors to have confidence, Congress and the SEC must act urgently to restore a level playing field for investors.

If investors don't believe the markets are fair, they won't invest in them. It is as simple as that.

Fairness may be an ever-changing and elusive concept when it comes to the financial markets, but it must be defined and then defended by the regulators. Where abuses continue in our financial markets, those abuses must be addressed through clear rules with teeth and through tough enforcement.

Otherwise, we will be left with two financial markets: One market for huge-volume, high-speed players, who can take advantage of every loophole for profit, and another market for retail investors, whose orders are seemingly filled as an afterthought without any special priority.

For example, since March, I have worked with a bipartisan group of Senators to push the SEC to do more about abusive or so-called ''naked'' short selling.

When Lehman Brothers began to go down, many believe naked short sellers drove it into its grave, profiting handsomely by manipulating the price of Lehman's stock down, down, down.

The SEC will be holding a roundtable on September 30th to discuss pre-borrow requirements and centralized ''hard locate'' system solutions that I and other Senators have proposed. I strongly urge the Commission to propose new rules addressing these issues and to begin to elicit serious comments about their effectiveness.

At the very least they should set up pilot programs to test how they might work.

Otherwise, if the SEC does nothing, I am concerned that when the conditions for profitable naked short selling reoccur, there will be no enforceable rules to stop it, and the SEC will be unable to punish those who undertake it, just as the SEC has yet to punish anyone for the naked short selling events of last year.

More recently, several questionable market structure issues have come to light, threatening market fairness in ways we are only beginning to understand.

Wall Street has undergone a radical transformation in only the last few years. Only a few years ago, powerful trading organizations, like the New York Stock Exchange, handled over 80 percent of all transactions. Today, the market is currently heavily fragmented and dominated by high-frequency traders.

According to research by the Tabb Group, there are now over 50 trading venues in the United States. Technologically advanced high-frequency trading firms now represent over 61 percent of the daily trading volume in stocks.

Institutional investors prefer to trade in dark liquidity pools, which arguably violate the spirit of rules that require fair and non-discriminatory access to quotations.

These innovations, from market fragmentation to high-speed electronic trading, have produced benefits, including increased liquidity, narrowed spreads, and lowered commissions for most investors.

But while competition and innovation have flourished, the fundamental fairness of our markets cannot be taken for granted.

Actions by the SEC over recent decades have had the unintended consequence of producing markets that now seem to favor the most technologically sophisticated traders, sometimes at the expense of ordinary retail investors. Moreover, competition for market trading volume among market centers now includes questionable practices such as liquidity rebates, flash order offerings, co-location of servers, and other inducement arrangements with broker-dealers and other market participants.

Congress, the SEC, and the public they serve need to stand back and better understand what has happened. Even for the skilled insiders, it is all very complicated and opaque, and the challenge we face is to understand the benefits, costs, and risks of these developments to long-term investors, in a market environment very different from just 5 years ago.

This is why I recently called on the SEC to undertake a comprehensive review of a broad range of market issues, analyzing the current market structure from the ground up before piecemeal changes built on the current structure add to the potential for execution unfairness.

I am concerned that questionable practices threaten to further erode investor confidence in our financial markets and that our understanding and regulatory capability have not kept pace with those changes.

To her credit, SEC Chairman Schapiro, for whom I have great respect as well as for the urgent tasks she confronts in this challenging era for the Commission, has begun such a review and has agreed to broaden it.

In her letter responding to my concerns, she too recognizes the trade-offs between liquidity and fairness, as well as the importance of standing up for the interests of long-term investors.

She wrote: ''If . . . the interests of long-term investors and professional short-term traders conflict, the Commission previously has emphasized that 'its clear responsibility is to uphold the interests of long-term investors.' I firmly agree that the Commission's focus must be on the protection of long-term investors.''

Alan Greenspan, the former Fed Chairman, in commenting on the fixed income markets, learned this lesson too late: technological developments without effective regulation do not always lead to the best interests of investors.

He wrote: ''All of the sophisticated mathematics and computer wizardry essentially rested on one central premise: that enlightened self interest of owners and managers of financial institutions would lead them to maintain a sufficient buffer against insolvency by actively monitoring and managing their firms' capital and risk positions.'' The premise failed in the summer of 2007, the former Fed Chairman said, leaving him ''deeply dismayed.''

We are all deeply dismayed, and we do not ever want to be so dismayed again.

So while recent developments in the equity and options markets are very different from what happened in the fixed income markets, Congress must exercise its oversight capacity to lay out the issues and ask the tough questions about high-frequency trading and recent market structure issues.

High-frequency traders have many tools at their disposal that give them significant advantages over regular investors.

The first is speed. In order to receive information as quickly as possible,

high-speed firms place their computer servers right next to the exchanges. Co-locating allows them to receive information a few milliseconds before the rest of the world. Because every millisecond is critical in the world of high-frequency trading, firms are willing to pay millions of dollars annually for this advantage.

Information on price movement and market trends is routed directly to electronic algorithms, designed by top engineers to make trades automatically.

These programs rely on the rapid acquisition of information in order to read the markets and execute trades instantaneously, sometimes as many as 1,000 times in a single second.

To prevent abuse, the SEC must ensure ''fair access'' for co-located servers at the exchanges and a method of allocation that does not disadvantage retail orders.

Another advantage for insiders in this new system, arises from what are known as market latency disparities.

Market fragmentation appears to permit high-speed traders to use the disparities in time, place, speed, and price to advantage themselves over unsuspecting investors.

Let me read from a recent article in The Economist magazine entitled ''Rise of the Machines.'' ''High-frequency traders attempt to uncover how much an investor is willing to pay—or sell for—by sending out a stream of probing quotes that are swiftly cancelled until they elicit a response. The traders then buy or short the targeted stock ahead of the investor, offering it to them a fraction of a second later for a tidy profit.''

While the cost to each individual might be slight, the Tabb Group estimates that high-speed stock traders banked about $8 billion in profits last year. Let me repeat: $8 billion with a ''b.'' How much of this profit came from legitimate practices that benefited all investors, and how much of it was a toll paid by the average investor?

We all know the old adage, that it is easier to steal a penny or two from 100 million people than to steal a million dollars from one person.

We need to know if high-speed traders are proving this to be true in our markets every day.

Some market practices have also introduced potential conflicts of interest into the marketplace. For example, trading venues offer rebates to investors who post limit orders, which bring liquidity to their exchange, and charge for market orders, which take liquidity out of the exchange. Some broker-dealer firms direct a sizable majority of their order flow to the exchanges that offer the highest payments and lowest fees.

In theory, best execution is always the first priority, as regulations clearly state that even if the customer's order is routed to a market that does not have the best price, it must be rerouted to the market center that does.

I am concerned that regulators are outmatched by the rapid advances in high-speed trading. In a highly fragmented system where millions of trades take place in a microsecond, the ability to measure and enforce so-called ''best execution'' may be a vain hope.

The so-called Rule 605 forms, which purport to measure execution quality, are woefully outdated. The first column for time for execution reads ''0–9 seconds.'' In a gap of 9 seconds, prices can change significantly. In a world of 50 market venues, with structural latency issues being targeted by an entire industry of high-frequency traders, millions of trades reaping millions of dollars can take place before retail investors and the regulators who protect their interests can comprehend what happened.

We need to ask if regulators are looking through the wrong end of a telescope when they should be using a microscope.

Average investors must now wonder if their orders are being routed to a venue because it offers the best execution quality for them, or because it leads to the most revenue or lowest transaction fees for their brokers.

Liquidity rebates paid by the exchanges have increased trade volume and thereby provided added revenue for exchanges.

Most of the traders who capitalize on rebates are high-frequency traders who execute millions of low-risk trades a day. These market participants are not investors. Rather, they step in between buy and sell orders, trade on both sides of a security, and cash in on double the rebate.

Let me again read from The Economist: ''Another popular HFT [high-frequency trading] strategy is to collect rebates that exchanges offer to liquidity providers. High-frequency traders will quickly outbid investors before immediately selling the shares to the investor at the slightly higher purchase price, collecting a rebate of one-quarter of a cent on both trades.''

Some argue that such innovations add needed liquidity to the market. But high-speed traders mainly target the most frequently-traded stocks.

Liquidity is light and spreads are wide on many lower-volume stocks. We must rigorously examine the degree to which rebates actually bring liquidity to the marketplace where it is needed and help the market function properly.

I have discussed a variety of questionable practices that deserve and I hope will receive a searching examination by the SEC and by Congress.

While some of these innovations have produced benefits, they have also created wide disparities between high-speed traders and average investors. We do not have a clear accounting of all the costs and benefits of these recent market structure changes.

Under the current system, until empirical data shows up to dispel our concerns, we have little reason to believe average investors can compete with the high-speed traders they are up against.

We must question whether certain broker-dealers are acting in the best interests of their customers, under cover of flawed regulation and antiquated enforcement techniques. At the same time, we have dark trading platforms that are insufficiently monitored by regulators and which undermine public price discovery.

Moreover, unlike specialists and traditional market-makers that are regulated, some of these new high-frequency traders are unregulated, though they are acting in a market-maker capacity.

They have no requirements to ''maintain a fair and orderly'' market. They trade when it benefits them.

If we experience another shock to the financial system, will this new, and dominant, type of pseudo market maker act in the interest of the markets when we really need them? Will they step up and maintain a two-sided market, or will they simply shut off the machines and walk away? Even worse, will they seek even further profit and exacerbate the downside?

Because our rules and regulations are so inapt, most of the practices I've mentioned today are still legal, but they are not fair.

It used to be that steroids were not banned by Major League Baseball. In fact, they were great for business. The game's biggest sluggers hit home runs at an unprecedented rate, enthralling fans in the process. But the game was tainted, the competition was unfair, and the power was not genuine. Eventually, the game suffered a crisis of legitimacy.

High-frequency trading, while not illegal, may operate in ways that undermine the legitimacy of our financial markets. In order to restore investor confidence, we must effectively regulate unfair performance-enhancers. We must shine a light on dark pools, conduct a searching examination of high-frequency trading strategies to ensure they are not manipulative, ban flash orders, and give regulators the tools they need to ensure that broker-dealers are acting in the best interests of their clients.

I know as well as anyone the benefits of free markets. I know that technology, innovation, and competition are critical components of economic growth. But we must balance those interests, against the values of fairness and equal opportunity. We must bring back a level playing field, encourage long-term investment, and help our economy grow.

I am not here today, to stand in the way of progress. I do not wish to return to a horse-and-buggy system.

High frequency trading and the ''Rise of the Machines''—as The Economist called it—are here to stay.

I don't want to ban them. I don't want to slow them down.

Simply put, technological developments should not control our regulatory destiny; rather, our regulatory

agencies should ensure that technological progress everywhere bring benefits to long-term investors. And where the interests of the two are in conflict, our regulators must stop the practices of professional short-term traders that harm the interests of long-term investors.

The market structure rules themselves should not enshrine or permit illicit advantages that a careful review, a surgeon's scalpel, electronically constructed solutions, and effective enforcement can end.

Neither should needed solutions that protect investor interests, like reinstatement of some form of the uptick or bid test—or the need for a ''hard locate'' requirement to end naked short selling once and for all—remain unused primarily in deference to the desires and convenience of high-frequency traders.

For our part, we in Congress need to undertake a fundamental review of the oversight responsibilities we give to regulators, examining whether they have adequate tools to carry out these responsibilities.

We have become complacent in thinking that continually updating our body of regulations is enough, when in reality we perhaps have failed to provide regulators with the necessary tools they need to observe these complex financial institutions.

So on this anniversary of the Lehman Brothers collapse, I conclude by saying I look forward to working with my colleagues, not only to address the financial crises of the past, but also to scrutinize and begin to correct the financial abuses of the present, so we can avoid the problems of the future.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. JOHANNS. Madam President, at 5:30, in a few minutes, we are going to vote on the pending amendment, which is an amendment to bar ACORN from receiving any money from the appropriations bill we are considering. I spoke earlier today, so I will only speak a couple of minutes.

I wanted to come to the floor again to underscore the importance of this vote and to underscore the history that brings us here today to take this action. The history is a sad one.

On September 9, 2009, Miami-Dade prosecutors issued arrest warrants for 11 ACORN employees. The employees are charged with falsifying voter registration cards. A total of 1,400 voter registration cards were turned in, and 888 of those were found to be fake. That means that almost three-quarters of those cards were fraudulent.

Late last week, damaging news surfaced regarding hidden videotapes at the New York, Baltimore, and Washington, DC, ACORN offices. What is the feature on these videotapes? They feature ACORN employees offering advice on a number of illegal activities, including tax evasion, prostitution, and fraud—all with taxpayer dollars.

Finally, the Census Bureau notified ACORN on Friday in a letter that it was severing all ties. The Census Bureau has had a bellyful. They severed all ties with this group having to do with the 2010 census. Here is what they said in the letter:

> . . . it is clear that ACORN's affiliation with the 2010 Census promotion has caused sufficient concern in the general public, has indeed become a distraction from our mission, and may even become a discouragement to public cooperation, negatively impacting the 2010 Census efforts.

The letter goes on:

> Unfortunately, we no longer have confidence that our national partnership agreement is being effectively managed through your many local offices. For the reasons stated, we therefore have decided to terminate the partnership.

According to a report published in July by the minority staff of the House Committee on Oversight and Government Reform, again quoting:

> Operationally, ACORN is a shell game played in 120 cities, 43 states and the District of Columbia through a complex structure designed to conceal illegal activities, to use taxpayer and tax exempt dollars for partisan political purposes, and to distract investigators. Structurally, ACORN is a chess game in which senior management is shielded from accountability by multiple layers of volunteers and compensated employees who serve as pawns to take the fall for every bad act.

It doesn't stop there. In 1998, an ACORN employee was arrested for falsifying voter registration forms. In 1999, Philadelphia authorities found hundreds of fraudulent registration forms by ACORN. In October of 2008, ACORN's Nevada offices were raided by Federal agents and in 2009 their Las Vegas field director—their field director: unbelievable—was charged with voter registration fraud.

In May 2009, seven ACORN employees were charged in Pittsburgh for voter registration fraud.

To date, nearly 70 ACORN employees have been convicted in 12 States for voter registration fraud.

The events of the last week are not isolated. We have only caught them. As Judge Richard Zoller said, after holding an ACORN employee liable for election law violations:

> Somebody has to go after ACORN.

Madam President, I suggest this afternoon that ''somebody'' is each and every Member of the Senate. Until a full investigation is launched into ACORN, no taxpayer money should be used to fund their activities. A vote in favor of my amendment is a vote in favor of the taxpayer and against the status quo.

I will just wrap up by saying, if somehow we could bring the taxpayers of America to the Senate floor and ask them: Do you want your taxpayer dollars to continue to fund this organization, with this kind of history, with the videos that have been just released, overwhelmingly, taxpayers would say: Absolutely not.

This is our opportunity to stand up against an organization that does not deserve the trust of the American people.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. JOHANNS. Madam President, I ask for the yeas and nays on the pending amendment and I yield back all time.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be.

The yeas and nays are ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) and the Senator from Maryland (Mrs. MIKULSKI) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from North Carolina (Mr. BURR), the Senator from Oklahoma (Mr. COBURN), the Senator from South Carolina (Mr. GRAHAM), the Senator from New Hampshire (Mr. GREGG), the Senator from Texas (Mrs. HUTCHISON), the Senator from Arizona (Mr. MCCAIN), and the Senator from Louisiana (Mr. VITTER).

Further, if present and voting, the Senator from South Carolina (Mr. GRAHAM) would have voted ''yea.''

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

The result was announced—yeas 83, nays 7, as follows:

[Rollcall Vote No. 275 Leg.]

YEAS—83

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

NAYS—7

Burris	Gillibrand	Whitehouse
Casey	Leahy	
Durbin	Sanders	

NOT VOTING—9

Burr	Graham	McCain
Byrd	Gregg	Mikulski
Coburn	Hutchison	Vitter

The amendment (No. 2355), as modified, was agreed to.

Mrs. MURRAY. Madam President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE EXPLANATION

● Ms. MIKULSKI. Madam President, had I been present, I would have voted in favor of amendment No. 2355 offered by Senator JOHANNS.●

Mrs. MURRAY. Madam President, my counterpart, Senator BOND, and I have been on the Senate floor Thursday afternoon, Thursday evening, Friday, and this afternoon and into the evening today. We are waiting for Members to bring their amendments to the floor.

For the information of all Senators, there will not be votes after 3 o'clock tomorrow, as everybody knows. We intend to finish this bill by Wednesday. So there is not a lot of floor time tomorrow.

If anyone has an amendment, offer it tonight. We will set up the vote for tomorrow or Wednesday. Again, we intend to finish this bill by Wednesday. So do not expect that your amendments will have time after that.

Again, I ask Members who have amendments to bring them to the floor and offer them so we can get them considered and up for a vote.

Again, it is going to be a short week. We need to get the bill done by Wednesday. We ask everybody to please consider that and come and offer their amendments so we can get this bill moving.

Mr. CONRAD. Madam President, I rise to offer for the record the Budget Committee's official scoring of H.R. 3288, the Departments of Transportation, Housing and Urban Development, and Related Agencies Appropriations Act for fiscal year 2010.

The bill, as reported by the Senate Committee on Appropriations, provides $67.7 billion in discretionary budget authority for fiscal year 2010, which will result in new outlays of $51.8 billion. When outlays from prior-year budget authority are taken into account, discretionary outlays for the bill will total $134.5 billion.

The Senate-reported bill matches its section 302(b) allocation for budget authority and is $8 million below its allocation for outlays. No budget points of order lie against the committee-reported bill.

I ask unanimous consent that the table displaying the Budget Committee scoring of the bill be printed in the RECORD.

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

H.R. 3288, TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

[Spending comparisons—Senate-Reported Bill (in millions of dollars)]

	Defense	General Purpose	Total
Senate-Reported Bill:			
Budget Authority	174	67,526	67,700
Outlays	174	134,287	134,461
Senate 302(b) Allocation:			
Budget Authority	.....	.....	67,700
Outlays	.....	.....	134,469
House-Passed Bill:			
Budget Authority	174	68,647	68,821
Outlays	174	134,411	4,585
President's Request:[1]			
Budget Authority	174	68,696	68,870
Outlays	174	134,829	135,003
Senate-Reported Bill Compared To:			
Senate 302(b) allocation:			
Budget Authority	.....	.....	0
Outlays	.....	.....	−8
House-Passed Bill:			
Budget Authority	0	−1,121	−1,121
Outlays	0	−124	−124
President's Request:			
Budget Authority	0	−1,170	−1,170
Outlays	0	−542	−542

[1] For comparison purposes, Pesident's requested level is adjusted to remove $39.45 billion in proposed BA that continues to be classified as transportation obligation limitations.

Note: Table does not include 2010 outlays stemming from emergency budget authority provided in the 2009 Supplemental Appropriations Act (P.L. 111–32).

MORNING BUSINESS

Mrs. MURRAY. Madam President, I ask unanimous consent that the Senate proceed to a period for the transaction of morning business, with Senators allowed to speak for up to 10 minutes each.

The PRESIDING OFFICER (Mrs. SHAHEEN). Without objection, it is so ordered.

The Senator from Connecticut.

DESIGNATING THE KENNEDY CAUCUS ROOM

Mr. DODD. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 264, submitted earlier today.

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

The assistant legislative clerk read as follows:

A resolution (S. Res. 264) designating the Caucus Room of the Russell Senate Office Building as the ''Kennedy Caucus Room.''

S. RES. 264

Whereas, during the last century, few rooms have borne witness to as much history as the Caucus Room of the Russell Senate Office Building;

Whereas, during the last century, few families have played as integral a role in the history of the United States as has the Kennedy family;

Whereas the Senate mourns the passing of Senator Edward Moore Kennedy, one of the most accomplished, effective, and beloved Senators of all time;

Whereas Senator Edward Moore Kennedy played a role in every major national debate during the last 50 years, serving as a constant champion of the disadvantaged and overlooked;

Whereas the legacy of Senator Edward Moore Kennedy includes not only his prolific achievements on behalf of the people of the United States, but the enduring friendships he formed with colleagues on both sides of the aisle;

Whereas the wit and passion of Senator Edward Moore Kennedy and his perseverance in the face of adversity will be remembered in equal measure to his impressive legislative and rhetorical skills;

Whereas Senator Edward Moore Kennedy was part of a proud family tradition of public service, which included 2 other distinguished Senators;

Whereas never before have 3 brothers served in the Senate, and rarely have any 3 brothers served the United States so well;

Whereas John Fitzgerald Kennedy served the people of Massachusetts with distinction in the Senate, before being elected the 35th President of the United States;

Whereas Robert Francis Kennedy served the people of New York with distinction in the Senate, after serving as the 64th Attorney General;

Whereas Edward Moore Kennedy served the people of Massachusetts with distinction in the Senate for nearly half a century, acting as a tireless advocate for those who might otherwise have been without an advocate;

Whereas the Senate has been greatly enriched by the dedication, compassion, and talent of the 3 Kennedy brothers who served as Senators;

Whereas, in the Caucus Room of the Russell Senate Office Building, the people of the United States have commemorated tragedy, celebrated triumph, and held hearings of great importance on the most important issues facing the Nation;

Whereas it was in the Caucus Room of the Russell Senate Office Building that both Senator John Fitzgerald Kennedy and Senator Robert Francis Kennedy announced their intention to run for the office of the President of the United States;

Whereas a spirit of passionate advocacy and deep respect for the institution of the Senate should govern the deliberations that take place in the Caucus Room of the Russell Senate Office Building; and

Whereas the Senate wishes to honor the life and work of Senator Edward Moore Kennedy, to recognize the contributions of the 3 Kennedy brothers who served as Senators, and to celebrate the spirit of public service exemplified by the Kennedy family: Now, therefore, be it

Resolved, That the Senate designates room 325 of the Russell Senate Office Building, commonly referred to as the ''Caucus Room'', as the ''Kennedy Caucus Room'', in recognition of the service to the Senate and the people of the United States of Senators Edward Moore Kennedy, Robert Francis Kennedy, and John Fitzgerald Kennedy.

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

Mr. DODD. Madam President, I wish to take a second and thank, first of all, the majority leader, Senator REID, for his support in this effort. I recognize as well our colleague from Massachusetts, Senator KERRY, who is my lead cosponsor in this effort and a very close and dear personal friend of Ted Kennedy for many years. And I thank our colleagues.

We are joined by the presence of our colleague from the other body, Senator Ted Kennedy's son PATRICK, who serves with great distinction in the other body. I am pleased he is here with us at this moment to watch this resolution be adopted.

I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, en bloc, and

that any statements relating to the resolution be printed in the RECORD.

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

The resolution (S. Res. 264) was agreed to.

The preamble was agreed to.

The Senator from Massachusetts.

Mr. KERRY. Madam President, I thank the distinguished Senator from Connecticut. There was no closer or better friend to Ted Kennedy than CHRIS DODD. I admire and respect his many efforts in the Senate to fight the fights in the spirit of Ted Kennedy.

This could not be more appropriate, and I do not think anything more needs to be said. I thank him, and I thank the majority leader. It is wonderful to have PATRICK, Congressman KENNEDY, on the floor of the Senate to share in this moment.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. Madam President, I join, of course, Senator KERRY, Senator DODD, and Congressman KENNEDY in honoring PATRICK's father and the Kennedy family in what used to be the Russell caucus chamber. There is no more appropriate place, I believe, to honor Senator Kennedy than right there.

MANUFACTURING AND TRADE

Mr. BROWN. Madam President, last week in Cincinnati, President Obama joined thousands of Ohioans at the Nation's largest Labor Day picnic. Ohioans gathered together to celebrate our history of workers who transitioned our Nation from one industry to the next, sustaining our economy, creating the middle class, and strengthening the middle class.

It is time once again to invest in our workers. It is time to invest in a national manufacturing policy.

As Ohioans understand, manufacturing for so many is a ticket to the middle class, and Ohioans understand that a strong middle class makes a strong nation. That is why American workers deserves a manufacturing strategy that works for them.

First, we must invest in manufacturing innovation. We should make research and development tax credits permanent to incentivize investment in emerging manufacturing industries, such as clean energy, so that the tax system is predictable so investors will bring money forward, especially for capital-intensive industries that create jobs such as wind and solar manufacturing.

Second, a national manufacturing strategy must strengthen our component supply chain. Companies that make the parts for cars and trucks should be able to expand to make component parts for other industries, such as clean energy, aerospace, and biotechnology. If a company can make glass for a truck, they can make glass for solar panels. If a company can make gears for a car, they can make gear boxes for wind turbines.

The Investments for Manufacturing Progress and Clean Technology Act, the IMPACT Act, I introduced 4 months ago, would provide a $30 billion revolving loan fund to help component part manufacturers transition to the clean energy economy.

Third, we must better connect workers with jobs in emerging industries. Earlier this year, I introduced the Strengthening Employment Clusters to Organize Regional Success Act which will allow local communities to determine their workforce needs from the bottom up. Workforce investment boards working with local businesses, working with local community colleges, working with local organized labor could determine what they want to specialize in region by region, even within a State. That way workers will be retrained for jobs that actually exist, that are productive, and that build the middle class.

Fourth, there must be improved Federal assistance for economically distressed communities. When a major plant closing results in massive job loss and economic decline, there must be a coordinated Federal response such as we are trying to do in Wilmington, OH, in response to the closing of DHL, the same way the Federal Government responds to disastrous base closings—disastrous in terms of what it does to local communities—and the same way the Federal Government responds to help a community to recover from a devastating flood or tornado.

Fifth, a national manufacturing strategy must revamp how our Nation does trade. It must include fair trade policies that promote American manufacturing and level the playing field for workers and products alike.

I applaud the President's decision Friday night to stand up and enforce fair trade rules that will save jobs, that will help our communities, that will strengthen the middle class.

Since China joined the World Trade Organization, American workers have not been assured that the government would defend them against unfair trade. With this section 421 decision—a section of trade law that China agreed to during the permanent normal trade relations debate—President Obama has taken the side of American workers and American manufacturers.

If American workers and manufacturers are going to compete in the global market, they need to have a government that uses the trade enforcement tools that exist, including the section 421 safeguard.

As part of becoming a member of WTO, as I said, about a decade ago, China agreed to this so-called section 421 safeguard. Four times it has been invoked or been suggested by the International Trade Commission, a bipartisan, generally free trade arm of the Federal Government, four times President Bush backed off and let China have its way. This is the first President who stood up on this issue to actually enforce the trade laws that exist on the books to make our trade policy fairer and to help American workers.

The data in this case on tires make clear that American workers are getting crushed by a surge in tire imports from China. Imports of these products more than doubled in volume and tripled in dollar value in only a 4-year period. During this time, domestic production obviously declined. Manufacturers could not sell their high-quality products and orders dropped. In many cases, there was no choice but to slow or even halt production.

Take, for example, workers at the Denman Tire Company located in Leavittsburg, OH. I have been to that plant. That plant that has been in operation for almost 100 years produces a variety of tires. About half of its 2,600 units-per-day capacity is dedicated to the passenger and light truck tires that are the subject of this trade investigation. The facility employs 270 men and women in good-paying, skilled jobs that strengthen the middle class.

Take, for example, workers at the Cooper Tire and Rubber facility in Findlay, OH. There over 1,100 workers produce some 22,000 units per day. The Cooper facility has also been in operation for almost a century.

It is time our trade policies reflect our national interest and that we do not practice trade according to a textbook that was out of print 20 years ago. It is time our trade laws were enforced to promote our goods and services—and our auto communities.

Tomorrow the President travels to Lordstown, OH, a northeast Ohio community not far from Youngstown, where GM workers are building the next generation fuel-efficient vehicles, the most fuel-efficient vehicles in the GM fleet. Increased production of these vehicles invests in Ohio workers and invests in the future of our auto industry.

We have a rare opportunity to reinvigorate manufacturing by helping to build demand for products and technologies in a brand new industry. We have not had an opportunity such as this in 40 years. We can build a new industry that will help end global warming and create good will and will rebuild our Nation's manufacturing backbone. We can build on our auto industry, which in my State has been a leading economic engine for all kinds of next-generation manufacturing.

When you look at a GM factory in Parma, outside of Cleveland, or a Chrysler factory in Toledo, you are also seeing the genesis of next-generation manufacturing jobs up and down the Ohio Turnpike as it crisscrosses from west of Toledo in Williams County to the Pennsylvania border near Youngstown—jobs in the aerospace industry, the component parts industry, the largest industry still in America—auto parts, auto components, auto supply parts—and you can also see jobs in the soap industry all coming out of the auto industry. These jobs were created out of America's manufacturing ingenuity and entrepreneurship.

Plainly and simply, as we work to build more fuel-efficient autos, we will expand opportunities for new manufacturing jobs that become part of the green jobs supply chain.

Again, this manufacturing strategy must include rigorous trade enforcement.

I am struck by the chorus of voices from editorial boards and from the conventional wisdom think-tanks that warn against creeping protectionism. Safe to say, none of these editorial writers and none of these think-tank academicians have ever lost their job because of trade agreements or ever lost their job because of unfair trade practices.

These think-tank academicians and these editorial board members are confusing protectionism with pragmatism. Utilizing trade remedies under limited circumstances, as the President did, as provided for under international trade rules, is not protectionism. It is simply enforcing the law. Enforcement of trade remedy laws consistent with WTO rules, again, is not protectionism.

Most Americans recognize that trade plays an important roll in creating opportunities for economic growth. But when our trade deficit is bumped up against $2 billion a day for much of the last several years—we buy $2 billion more in products than we sell abroad, about a third of that bilaterally with China alone—you know something is not working.

American workers and businesses have an entrepreneurial spirit and can compete with anyone. They also need to look to new markets to sustain economic growth. American workers can compete with anyone, but they must rely on this government to enforce fair trade practices. Done right, a national manufacturing policy can reinvest in our workers' capacity to build next-generation technologies and can rebuild the next generation of middle-class families.

One thing is certain: It is time to invest in the workers and the communities that are the backbone of our middle class.

I yield the floor.

50TH ANNIVERSARY OF BALL HOMES

Mr. MCCONNELL. Madam President, I read with great interest a recent article published in the Lexington Herald-Leader, retracing the 50 years of hard work that Don and Mira Ball have put into making their business the largest provider of new homes in central Kentucky. On top of their success in business, Don and Mira should be commended for the good work they have done on behalf of their community. They have supported several community initiatives, including the Hope Center that helps at-risk and homeless individuals get the stability and the help they need to improve their lives. I am proud to have joined them in support of this and other efforts for the good of everyone in their city and surrounding region.

I know all of my colleagues will join me in recognizing Don and Mira for all they have done for the Lexington community, and for 50 years of Ball Homes.

I ask unanimous consent that the full article be printed in the RECORD.

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

[From the Lexington Herald-Leader, Aug. 9, 2009]

HOMESELLER: BALL HOMES IS CELEBRATING 50 YEARS IN BUSINESS

(By Melissa Nipper)

Now Central Kentucky's largest home builder, Ball Homes was incorporated in 1959 by Don and Mira Ball. Today, the company is still family owned and operated by Don and Mira and their three children. Ray Ball is the president, and siblings Mike Ball and Lisa Ball Sharp serve as vice presidents.

Ball Homes has built thousands of affordable houses in Kentucky neighborhoods over the last five decades. Every year since 1998, BUILDER magazine has named Ball Homes one of the top 100 builders of single-family homes in the nation.

While the Ball name is usually associated with home building, the family is also deeply ingrained in the community, supporting organizations such as Habitat for Humanity, the Hope Center, Virginia Place and many others. Many of their efforts promote home ownership, helping people overcome obstacles to the American Dream.

''We are glad that our children see the value of the family business and that what we do is not just to make a living,'' Mira said. ''We are building affordable homes that people can be proud of. We love this community, all of us do, and I don't think there's a better place to be.''

A STRONG FOUNDATION

Don and Mira met while attending the University of Kentucky. Don was a pre-law student and worked part time distributing brochures for a builder. The couple married in 1955 and four years later started their business. They share fond memories of the early days.

''I remember when Don had his real estate license, we moved 13 times in two and a half years,'' Mira said. ''We would find a house that was marketable, fix it up, sell it and buy a new one. That enabled us to get started. Don used to say that our furniture was on wheels.''

Ball Homes started targeting the first-time home buyers and over the years evolved into a company that builds for the ''total market,'' Mira said.

''I guess the biggest change is, back then we were building houses for $10,950,'' Don said. ''Now the lots cost more than that.''

One thing that hasn't changed is that Ball Homes has always been a family affair. Don and Mira never pushed the home-building business on their children. But from his earliest days, Ray remembers coming to the office with his parents. And of course, there were always summer jobs to be had for the Ball siblings.

''I think (the family business) says a lot about the way our parents raised us,'' said Lisa, who focuses on Ball Homes' sales, marketing and customer relations. ''They weren't in any way overpowering, but they gave us moral lessons and giving back to the community was just inherent in the way they live.''

A BLUEPRINT FOR SUCCESS

So how does a builder remain successful for five decades—throughout a continuously evolving market, constant changes in technology and even during economic downturns and recessions?

Like all businesses, Ball Homes has had its share of challenges. The toughest time for the company was in the 1980's, when mortgage interest rates soared to 22 percent. The family had to develop creative products and financing to weather the hard times. ''And of course, it helped us that that period was a relatively short duration,'' Don said.

The family has never been afraid to try new ideas and adapt to the marketplace. In the early 1990s, Ball Homes expanded its product line, offering more styles of homes in a wider variety of price ranges.

They also stretched their base into surrounding communities of Versailles, Paris, Richmond, and Frankfort. The company also builds in Louisville, and in 2008 was ranked Louisville's No. 1 home builder by BUILDER magazine.

In recent years, the builder has incorporated energy-efficient materials and technology into all of its homes. New Ball Homes meet Energy Star qualifications. (The Energy Star designation signifies that a home meets strict energy efficiency guidelines set by the U.S. Environmental Protection Agency.)

''People may say they don't build (homes) like they used to,'' Mira said. ''Well, today we do so much more with energy efficiency and we build them better than we used to.''

Ball Homes has several ongoing projects, including the Chilesburg community which features a six-home model village where home buyers can see a variety of floor plans and amenities in one location.

They recently opened another model home village at their newest development, Glasford. Located in Lexington on the outer loop of Man O' War Boulevard between Tates Creek and Nicholasville roads, Glasford offers 30 floor plans and many luxury options, including beautiful tilework, built-in book cases and crown molding, chair rail and wainscoting packages in formal living and dining rooms.

A BRIGHT FUTURE

Innovative products, careful planning and great employees helped make Ball Homes what it has become over the past 50 years. However, Ball family members say their success and future depend on the most important component of their business—the customers, many of whom are living in their second and even third-generation Ball Home.

''One of the keys to our success in the environment is that we are recognized as a company that has been here many years, and we will remain here,'' Ray said. ''We just try to take care of the customer and offer a good product in good locations.''

COMMENDING JIM WILLIAMS

Mr. MCCONNELL. Madam President, I rise today to pay tribute to Jim Williams, the director of communications of one of Kentucky's most storied racetracks, Keeneland in Lexington. After 38 years at the forefront of Kentucky's racing community, Mr. Williams has left a legacy worthy of the champion thoroughbred horses who have won there, and the entire State wishes him well as he retires from the job he loves.

Keeneland racetrack is located in the beautiful Bluegrass region of Kentucky. Since 1936 Keeneland has operated two meets per year, every April and October. For nearly 40 of those years, Mr. Williams has helped transform what was once a small racetrack

that began on a local farm into a premier equestrian facility.

Mr. Williams's passion and dedication for Keeneland and horse racing began when he was just a boy, when he moved to Lexington and attended his first race at Keeneland. Since that first race, Mr. Williams has been in attendance at a majority of Keeneland's races.

Mr. Williams has had the opportunity to serve under three Keeneland presidents: Mr. Ted Bassett, Mr. Bill Greely and the current CEO, Mr. Nick Nicholson. Mr. Nicholson spoke dearly of Jim when asked to reflect on his service. In a recent article in the Lexington Herald-Leader, he said:

To put Jim's tenure in perspective, when he joined Keeneland in 1971, Richard Nixon was president, ''All in the Family'' premiered on television, and gas was 30 cents a gallon. Since that time, Jim has been the public face of Keeneland, and he has conducted himself in a manner that has enhanced Keeneland's stature in the eyes of everyone who has had the pleasure of meeting him. Jim is a man of character, integrity and humility. We at Keeneland thank him for his many years of service and wish him the best in his retirement.

Jim Williams is a legend in Kentucky horse racing and his contributions to the Commonwealth's most hallowed sport are immeasurable. His retirement is going to leave a large hole that will be very hard to fill. Mr. President, I ask my colleagues to join me in recognizing Jim Williams for his 38 years of service to Keeneland and to Kentucky horse racing.

BOWLING GREEN AREA CHAMBER OF COMMERCE

Mr. MCCONNELL. Madam President, I read an article of great interest in the Bowling Green Daily News involving the Bowling Green Area Chamber of Commerce. The article commended the chamber on being recognized by the American Chamber of Commerce Executives as the number-one chamber in the nation. Bowling Green and the surrounding community has experienced significant growth in the areas of business and industry, due to the chamber's efforts to keep Bowling Green a flourishing and vibrant city. I know my colleagues join me in commending the Bowling Green Area Chamber of Commerce for all it has done to better their community and State. I am pleased to see their hard work being recognized.

I ask unanimous consent that the full article be printed in the RECORD.

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

[From the Bowling Green Daily News, Aug. 4, 2009]

''WE'RE NO. 1'' CHANTS A THRILL FOR BG AREA CHAMBER LOCAL GROUP NAMED BEST IN THE NATION IN ITS CATEGORY

(By Jenna Mink)

''About 100 state and local officials, business leaders and community members gathered at the Bowling Green Area Chamber of Commerce today, many of them chanting, ''We're No. 1.'' The Bowling Green Area Chamber of Commerce recently was named the best chamber of its size in the nation, chamber officials announced today.

''I can't tell you what a great feeling it is to say we're the No. 1 chamber in the nation,'' said Jim Hizer, president and CEO of the Bowling Green Area Chamber of Commerce.

Each year, the American Chamber of Commerce Executives, a national group of chamber leaders, chooses the top chambers in the nation. Chambers are separated into three categories based on their revenue; the Bowling Green Area Chamber of Commerce won in the mid-size category, beating about 45 chambers that were invited to apply for the award.

When choosing the top chamber of commerce, ACCE officials look at ''the entire scope of the chamber, from its financial practices all the way to programs and special events,'' said Tonya Matthews, vice president of chamber operations. ''They really don't miss a beat in digging into the chamber.''

This is the second year the local chamber has been a finalist—last year, it was one of the top three chambers, but did not pick up the top award.

''All I was thinking about was to be a finalist two years in a row and not come home with an award would be an empty feeling,'' Hizer said. ''But we don't have to worry about that.'' The chamber of commerce works to boost the business community by attracting new companies to the area and helping existing businesses expand.

''Our principle responsibility is to bring wealth and prosperity to our community for the benefit of our business members, partners and for all citizens,'' Hizer said.

About 7,000 chambers exist in the United States and 1,400 of those are members of the ACCE. This year, two other cities that sit along Interstate 65 won ACCE awards—Nashville's chamber won the large division and Columbus, Ind., won the small division, according to the chamber.

In 2008, about 26 businesses either located or expanded operations in the Barren River area with a total investment of about $105 million and 2,092 additional jobs, according the chamber.

And because of its new businesses and expansion efforts, southcentral Kentucky received several national recognitions last year—the area was named by Forbes Magazine the 12th best small place in the area for businesses and careers. It was also ranked 33rd of 363 metropolitan areas in job growth and employment.

''The fact that the Bowling Green metropolitan area, by virtually every measure, has been . . . the fastest growing metropolitan area in the state of Kentucky, is evidence that we are achieving our objective in spite of a challenging economic environment,'' Hizer said.

As for future economic development, the ACCE award will help attract new businesses and convince existing businesses to consolidate here or expand, Hizer said.

''This sent a message to the rest of the world that there are some special things happening here in southcentral Kentucky,'' Hizer said. ''And that in and of itself will draw additional interest to our community.''

Mr. BUNNING. Madam President, I would like to take this opportunity to recognize the Bowling Green Area Chamber of Commerce for receiving the 2009 Chamber of the Year award.

The Bowling Green Chamber of Commerce is truly an outstanding organization. It provides an invaluable service to South Central Kentucky by working with its more than 1,300 partners to stimulate economic development and create a better business environment in the region. Its hard work and advocacy has also enabled Bowling Green to compete nationally and to earn Site Selection Magazine's ranking of ninth for its number of 2008 industry and expansion projects.

The greater Bowling Green region is home to a resilient economy where small and large businesses are forced to contend with a number of economic challenges. Recognizing these challenges, the Bowling Green Chamber of Commerce has remained committed to aiding businesses as they work their way through today's economic landscape.

Strong leadership and solid organization have contributed to the chamber's record of success. Under the guidance of current chamber president, Jim Hizer, the chamber's membership and activities have continued to increase, providing local businesses more opportunities for growth and employment.

I would like to congratulate the Bowling Green Chamber of Commerce for receiving the 2009 Chamber of the Year award. Over the years, it has become a strong organization committed to serving the interests of its members and community. I wish it all the best in its future endeavors within Kentucky and around our Nation.

REMEMBERING SEPTEMBER 11, 2001

Mr. LEAHY. Madam President, last Friday was the eighth anniversary of the September 11 terrorist attacks, and we solemnly remembered the thousands of innocent lives, of many nationalities and religions, that were so cruelly and indiscriminately destroyed on that infamous day. It was a defining moment for our country, and since then we have sought to address the shocking intelligence and security failures that enabled the perpetrators to so brazenly enter this country and carry out those attacks, as well as to track down the masterminds of that atrocity and to destroy al-Qaida and other terrorist networks that have become a global menace.

We all recognize the threat that violent extremists pose to Americans, as well as to citizens of other countries, and the imperative of countering it. This should not be a matter of partisan politics, but of working together in a common purpose for the sake of law abiding people everywhere. I supported many of the initiatives of the Bush administration, as I have the Obama administration, to make our borders more secure, to improve our intelligence gathering, to track down terrorists and bring them to justice.

But there have been strong differences over what tactics to use, and the effectiveness of military force to combat violent extremism in countries where we are widely seen as invaders or occupiers. No issue has generated more

controversy than the Bush Administration's abuse of detainees, whether at Abu Ghraib prison in Iraq, Bagram prison in Afghanistan, Guantanamo, other secret detention facilities around the world, or through the use of ''extraordinary rendition'' whereby prisoners were secretly delivered to the custody of foreign security forces whose use of torture was well documented.

These policies and practices, conceived and supported at the highest levels of the Bush administration, justified by Department of Justice lawyers who made a mockery of the law, and steadfastly defended as recently as last week by former Vice President Cheney, were abhorrent. They were also dangerous. They violated our international legal obligations, caused grave harm to our reputation as a country devoted to the rule of law, endangered our service men and women who every day face the risk of capture and mistreatment by our enemies, and caused deep embarrassment among the American people who, for generations, have taken pride in the image of our country as a defender of human rights and the highest moral values.

Last Friday, these issues and concerns were eloquently addressed in a timely piece in The Miami Herald by two distinguished retired senior U.S. military officers, Charles C. Krulak, who was commandant of the Marine Corps from 1995 to 1999, and Joseph P. Hoar, who was commander in chief of U.S. Central Command from 1991 to 1994. I urge all Senators to read it, and 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:

[From the Miami Herald, Sept. 11, 2009]

FEAR WAS NO EXCUSE TO CONDONE TORTURE

(By Charles C. Krulak and Joseph P. Hoar)

In the fear that followed the Sept. 11, 2001, attacks, Americans were told that defeating Al Qaeda would require us to ''take off the gloves.'' As a former commandant of the U.S. Marine Corps and a retired commander-in-chief of U.S. Central Command, we knew that was a recipe for disaster.

But we never imagined that we would feel duty-bound to publicly denounce a vice president of the United States, a man who has served our country for many years. In light of the irresponsible statements recently made by former Vice President Dick Cheney, however, we feel we must repudiate his dangerous ideas—and his scare tactics.

We have seen how ill-conceived policies that ignored military law on the treatment of enemy prisoners hindered our ability to defeat al Qaeda. We have seen American troops die at the hands of foreign fighters recruited with stories about tortured Muslim detainees at Guantánamo and Abu Ghraib. And yet Cheney and others who orchestrated America's disastrous trip to ''the dark side'' continue to assert—against all evidence—that torture ''worked'' and that our country is better off for having gone there.

In an interview with Fox News Sunday, Cheney applauded the ''enhanced interrogation techniques''—what we used to call ''war crimes'' because they violated the Geneva Conventions, which the United States instigated and has followed for 60 years. Cheney insisted the abusive techniques were ''absolutely essential in saving thousands of American lives and preventing further attacks against the United States.'' He claimed they were ''directly responsible for the fact that for eight years, we had no further mass casualty attacks against the United States. It was good policy . . . It worked very, very well.''

Repeating these assertions doesn't make them true. We now see that the best intelligence, which led to the capture of Saddam Hussein and the elimination of Abu Musab al-Zarqawi, was produced by professional interrogations using non-coercive techniques. When the abuse began, prisoners told interrogators whatever they thought would make it stop.

Torture is as likely to produce lies as the truth. And it did.

What leaders say matters. So when it comes to light, as it did recently, that U.S. interrogators staged mock executions and held a whirling electric drill close to the body of a naked, hooded detainee, and the former vice president winks and nods, it matters.

The Bush administration had already degraded the rules of war by authorizing techniques that violated the Geneva Conventions and shocked the conscience of the world. Now Cheney has publicly condoned the abuse that went beyond even those weakened standards, leading us down a slippery slope of lawlessness. Rules about the humane treatment of prisoners exist precisely to deter those in the field from taking matters into their own hands. They protect our nation's honor.

To argue that honorable conduct is only required against an honorable enemy degrades the Americans who must carry out the orders. As military professionals, we know that complex situational ethics cannot be applied during the stress of combat. The rules must be firm and absolute; if torture is broached as a possibility, it will become a reality. Moral equivocation about abuse at the top of the chain of command travels through the ranks at warp speed.

On Aug. 24, the United States took an important step toward moral clarity and the rule of law when a special task force recommended that in the future, the Army interrogation manual should be the single standard for all agencies of the U.S. government.

The unanimous decision represents an unusual consensus among the defense, intelligence, law enforcement and homeland security agencies. Members of the task force had access to every scrap of intelligence, yet they drew the opposite conclusion from Cheney's. They concluded that far from making us safer, cruelty betrays American values and harms U.S. national security.

On this solemn day we pause to remember those who lost their lives on 9/11. As our leaders work to prevent terrorists from again striking on our soil, they should remember the fundamental precept of counterinsurgency we've relearned in Afghanistan and Iraq: Undermine the enemy's legitimacy while building our own. These wars will not be won on the battlefield. They will be won in the hearts of young men who decide not to sign up to be fighters and young women who decline to be suicide bombers. If Americans torture and it comes to light—as it inevitably will—it embitters and alienates the very people we need most.

Our current commander-in-chief understands this. The task force recommendations take us a step closer to restoring the rule of law and the standards of human dignity that made us who we are as a nation. Repudiating torture and other cruelty helps keep us from being sent on fools' errands by bad intelligence. And in the end, that makes us all safer.

POLAND'S 70 YEAR JOURNEY

Mr. KERRY. Madam President, this month we commemorate an important anniversary: 70 years ago the Second World War began in Europe with a ruthless Nazi assault on Poland. Outnumbered and outgunned, Poland's defenders fought bravely, forced to surrender only through the overwhelming force of their enemies. Every American should remember the sacrifice made by the heroes of Poland, whose bravery was tragically often rewarded with a concentration camp or a bullet in the head in a dark forest. They were the first of many innocent victims, almost too many to count.

On an occasion like this it is important to honor the past, remind the present of the sacrifice of those who came before, and warn the future that the world should never allow the initiation of such catastrophic events again.

In September 1939, authoritarian paranoia and violence won out over trust and humanity, and in the end the world burned. Seventy years later, Poland and its democratic neighbors work together in Brussels to build a better Europe. We remember the importance of that hard-won cooperation on this 70th anniversary.

As Americans, let us appreciate this achievement, help extend the cooperation, and continue to assist in the preservation of democratic ideals.

BASKETBALL HALL OF FAME INDUCTEES

Mr. HATCH. Madam President, I wish to speak about a matter of great prominence to the people of my State. This past Friday, in Springfield, MA, Jerry Sloan and John Stockton were inducted into the Naismith Memorial Basketball Hall of Fame. This is a well-deserved honor, and I wanted to take a few moments to congratulate them both.

As any fan of professional basketball can tell you, the Energy Solutions Arena in Salt Lake City is widely considered one of the most difficult places for visiting teams to play. Some have tried to blame this on the city's high elevation, but, if you have ever been to a game there, you know very well that it is because of the Jazz fans.

You see, due to its relatively small population, Utah has only one major sports franchise—the Jazz. And there were times when people thought that this small market would not be able to sustain even a single NBA team. But for more than two decades the Jazz have enjoyed one of the most loyal and supportive fan bases of any team in professional sports. This is due in no small part to the careers of both John Stockton and Jerry Sloan.

John Stockton grew up in Spokane, WA, and played basketball at both

Gonzaga Prep and Gonzaga University in his hometown. He was a relative unknown when he moved into the professional ranks, picked by the Jazz in the middle of the first round of the 1984 draft and initially relegated to a reserve role on the team. But after three seasons he became the full-time starter at the point guard position and went on to have one of the most prolific careers in basketball history.

Over the course of his career, he accumulated numerous honors. He was selected to play in the NBA All Star game 10 times. He played on the 1992 and 1996 Olympic teams—the first two Olympic squads to include professional players winning Gold Medals in both years. He was selected to the All-NBA First Team twice, the All-NBA Second Team six times, the All-NBA Third Team three times, and the NBA All-Defensive Second Team five times. In 1996, the NBA celebrated its 50th anniversary by selecting the 50 Greatest Players in NBA History. Of course, John Stockton was honored on this list as well.

Though the accomplishment of winning an NBA championship eluded him, Stockton did lead the Jazz to two consecutive NBA Finals appearances in 1997 and 1998. John Stockton was immortalized in the first of those seasons when, in Game 6 of the Western Conference finals, he scored the last 9 points for the Jazz, including a last-second 3 pointer to send the Jazz to the Finals for the first time. This was probably the most memorable moment of Stockton's career and the history of the Jazz franchise and it is still replayed in montages of great sports moments.

It is impossible to talk about John Stockton without mentioning Karl Malone. Together, these two formed one of the game's legendary one-two punches. Together, they became the league's models of consistency, commitment, and success. The two played 18 seasons and an NBA record 1,412 regular-season games together as teammates. Due to their collaborative efforts, Malone finished his career as the second highest scorer in NBA history and Stockton holds the all time career assist record.

Let's talk about that assist record for a moment. In the 63-year history of the NBA, only 4 players have career assist totals of over 10,000. Stockton finished his career with 15,806 assists. Mark Jackson, No. 2 on the list, collected 10,334 assists—5,483 fewer than Stockton.

But, the raw numbers don't do this record justice. To put it in perspective, only 37 players have dished out 5,483 or more assists in their entire careers. Indeed, just getting that many assists over a whole career would put you in pretty elite company—and that is the difference between John Stockton's total and that of the guy who is next in line.

This record is among the truly unbreakable records in all of sports—and it isn't the only one held by John Stockton. He also holds the career record in steals, also by a considerable margin. He holds the NBA record for the most seasons and consecutive games played with one team and is third in total games played.

John Stockton's success on the floor was matched only by his consistency. He missed only 22 games during his career, 18 of them came in 1 season. In 17 of his 19 seasons in the NBA, he played in every single game. Overall, he played in 1,504 of 1,526 possible games. These are Lou Gehrig or Cal Ripken-type numbers.

Stockton will always be remembered for his no-nonsense approach to the game, his hard-nosed defense, his matchless work ethic, and his quiet, unassuming personality. His unflashy, fundamentally sound style of play earned him the respect of John Wooden, the legendary UCLA basketball coach, who once said that John Stockton was the only NBA player he would pay money to see.

Stockton retired in 2003 and returned home to Spokane. While other NBA greats have sought careers in broadcasting and coaching after their careers were over, so far, John has been content to stay at home with his family. This comes as no surprise to those who know him.

Guiding John through most of his NBA career, was coach Jerry Sloan, who, once again, is also being inducted into the Hall of Fame. Sloan's careers as both a player and a coach have been characterized by his unyielding toughness and an unmatched drive to compete.

Jerry was born and raised in McLeansboro, IL, and played his college career at the University of Evansville. He played one season in the NBA for the Baltimore Bullets before being selected by the Chicago Bulls in the expansion draft. In fact, he was the team's first player, earning him the nickname ''The Original Bull.'' Sloan quickly became known for his tenacity on defense, and he led the expansion team to the playoffs in its first season.

He had an exceptional career as a player. He played in two All-Star Games, was named to the NBA All-Defensive First Team four times and the All-Defensive Second Team twice. He also led the Bulls to the playoffs on various occasions and helped them to win the franchise's only division title prior to the Michael Jordan era. After his playing career was cut short by knee injuries, the Bulls retired Sloan's No. 4 jersey, the first jersey retirement in the team's history.

Immediately after his retirement, he became part of the Bull's coaching staff, starting out as a scout, eventually working his way up to head coach, a position he held for three seasons. A few years later, he joined the Jazz coaching staff as an assistant to another Utah sports icon, Frank Layden. In 1988, when Layden's health forced him to retire, Jerry was named head coach of the Jazz, a position he has held ever since.

Coach Sloan just finished his 20th season as coach of the Jazz, a milestone that, in today's sports world, is almost unthinkable. Over the course of his Jazz tenure, literally hundreds of coaching changes have taken place throughout the NBA. In a league that has had a number of great coaches in its history, none have coached for the same team as long as Jerry Sloan.

This extends to other sports as well. Currently, Sloan is the longest-tenured coach in any major professional sport.

There are a number of reasons to explain his longevity. The most obvious is that he has been successful. He is currently fourth on the list for alltime coaching wins—though he holds the record for most wins with one team. In 17 out of the 20 seasons he's been in Utah, the Jazz have been in the playoffs, the only absences coming in transitional years after the departures of John Stockton and Karl Malone.

Another reason Sloan has been able to stick around is his consistent, no-nonsense approach to the game. Over time, teams have changed strategies to become flashier in order to cater to younger fans and the new era of players, many of whom have been self-centered prima donnas. Throughout that time, Coach Sloan has been a model of consistency, placing premiums on discipline and hard work among his players. The result has been a franchise that, for over two decades, has competed at a high level.

In many ways, Stockton and Sloan were alike, and their strengths complemented each other. Neither one will claim to have been able to be successful without the other.

Currently, there is a huge statue of John Stockton in front of the Energy Solutions arena alongside a statue of Karl Malone. Chances are, in 20 or 30 years when Jerry Sloan finally decides to hang it up, they will want to build a monument to him as well. Neither of these gentlemen would actively seek such limelight, but few are as deserving.

Once again, I would like to extend my congratulations to both John Stockton and Jerry Sloan for this great honor and to thank them for their contributions to the Utah community.

ADDITIONAL STATEMENTS

COMMENDING DICK RUSH

• Mr. INHOFE. Madam President, on behalf of the Oklahoma Congressional Delegation, I would like to congratulate Richard P. Rush on his retirement from the Oklahoma State Chamber of Commerce.

Dick will be leaving the State chamber next spring after serving as its president and chief executive officer for 24 years. Dick has made a positive contribution to the State of Oklahoma and has been characterized as ''the State's leading pro-business advocate.''

Dick's success is evident in both his internal administration of the State chamber and his work leading key probusiness campaigns which have made a positive impact on Oklahoma creating jobs and increasing business development.

Due to Dick's work, the State chamber now operates debt free. During his tenure, Dick has built the State chamber to over 2,000 members. He has been named Executive of the Year by the Oklahoma Chamber of Commerce Executives and is already a member of the Oklahoma Chamber of Commerce Hall of Fame.

Through leading key campaigns advocating new business opportunities and job creation such as Right-to-Work and tort reform, Dick has been credited with saving the business community in Oklahoma over $2 billion. In fact, the State chamber recently earned the Nation's highest honor from the American Tort Reform Association and the U.S. Chamber's Institute for Legal Reform. Just this year, the State chamber was awarded the ''The State Legislative Achievement Award'' by the U.S. Chamber's Institute for Legal Reform and the first annual ''Gold Medal for the Best State Civil Justice Legislation'' by the American Tort Reform Association. Dick has also led international outreach serving as Executive in Charge of sister chamber work between the Oklahoma State Chamber and both the Gansu, China Provincial Chamber and the Liaoning, China Provincial Chamber. Dick was a presenter at the VI Hemispheric Sister Cities Forum in Iquique, Chile, and he is the recipient of the ''The George Nigh Global Trade Award.'' Dick's involvement in Oklahoma business development has been extensive.

Dick's success is due in part to his long history in chamber management. Before coming to Oklahoma, Dick worked in chambers throughout the country from California to Texas before coming to Oklahoma in 1986. His experience also extends internationally as Dick worked as a project adviser for the U.S. Chamber's Center for International Private Enterprise serving as a consultant to the National Chamber of Commerce of Zimbabwe, Africa.

Oklahomans can appreciate Dick's service to the Oklahoma State Chamber and the entire State of Oklahoma, and we wish him the very best in his retirement and all future endeavors.●

COMMENDING C. VIVIAN STRINGER

● Mr. MENENDEZ. Madam President, I rise to extend my congratulations to C. Vivian Stringer for her induction into the Naismith Memorial Basketball Hall of Fame. It is a proper tribute for such a distinguished and celebrated career. This is certainly an incredible honor which stands tall, even amongst her other considerable accolades.

The success that Vivian Stringer has achieved in her 38-year coaching career, including the last 14 at Rutgers University, speaks for itself: 825 victories; 30 seasons of 20 or more wins; 22 NCAA Tournament appearances; 4 Final Fours with 3 different programs; Olympic Gold as an assistant coach with the 2004 U.S. Women's Basketball team. Her commitment to excellence is unsurpassed and lauded by peers and supporters alike.

Most importantly, Vivian Stringer has served, above all else, as a teacher to each of her players. Her dedication to education beyond the court is clear, as her players traditionally graduate on par with their nonathlete classmates. The students who have walked into her program walk out of it as strong and dignified women, each ready to continue the legacy of achievement that Vivian Stringer has set before them, whatever the arena. Two years ago, Vivian Stringer's leadership was on display as the Lady Scarlet Knights, in the face of adversity and slander, served as shining examples of exceptional poise and grace.

This 2009 Hall of Fame Class is indeed one of the most distinguished in memory, and it is fitting that Vivian Stringer enters alongside other luminaries that share her caliber of achievement. I applaud Vivian Stringer's service to Rutgers University, the entire basketball community, and the great State of New Jersey. I wish her luck as she continues her career and in all of her other future endeavors.●

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

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

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

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, with amendments:

S. 599. A bill to amend chapter 81 of title 5, United States Code, to create a presumption that a disability or death of a Federal employee in fire protection activities caused by any certain diseases is the result of the performance of such employee's duty (Rept. No. 111–75).

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–2871. A communication from the Deputy Secretary of Defense, transmitting the report of the authorization of (4) officers to wear the authorized insignia of the grade of brigadier general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC–2872. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Employer Comparable Contributions under 4980G, and Requirement of Return for Filing of the Excise Tax under Section 4980B, 4980D, 4980E or 4980G'' ((RIN1545–BG71)(TD9457)) received in the Office of the President of the Senate on September 9, 2009; to the Committee on Finance.

EC–2873. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Reasonable Good Faith Interpretation of Required Minimum Distribution Rules by Governmental Plans'' ((RIN1545–BH53)(TD9459)) received in the Office of the President of the Senate on September 9, 2009; to the Committee on Finance.

EC–2874. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Modification to Consolidated Return Regulation Permitting an Election to Treat a Liquidation of a Target, Followed by a Recontribution to a New Target, as a Cross-Chain Reorganization'' ((RIN1545–BI72)(TD9458)) received in the Office of the President of the Senate on September 9, 2009; to the Committee on Finance.

EC–2875. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Single Insured—Reinsurance'' (Rev. Rul. 2009–26) received in the Office of the President of the Senate on September 9, 2009; to the Committee on Finance.

EC–2876. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Insurance E&P Project'' (Rev. Rul. 2009–25) received in the Office of the President of the Senate on September 9, 2009; to the Committee on Finance.

EC–2877. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Automatic Contribution Increases under Automatic Contribution Arrangements'' (Revenue Ruling 2009–30) received in the Office of the President of the Senate on September 9, 2009; to the Committee on Finance.

EC–2878. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Annual Paid Time Off Contributions'' (Revenue Ruling 2009–31) received in the Office of the President of the Senate on September 9, 2009; to the Committee on Finance.

EC–2879. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Paid Time Off Contributions at Termination of Employment'' (Revenue Ruling 2009–32) received in the Office of the President of the Senate on September 9, 2009; to the Committee on Finance.

EC–2880. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the

Treasury, transmitting, pursuant to law, the report of a rule entitled ''ICE Futures Canada, Inc. 1256(g)(7)(C) Qualified Board or Exchange'' (Revenue Ruling 2009–24) received in the Office of the President of the Senate on September 9, 2009; to the Committee on Finance.

EC – 2881. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Adding Automatic Enrollment to Section 401(k) Plans—Sample Amendments'' (Notice 2009—65) received in the Office of the President of the Senate on September 9, 2009; to the Committee on Finance.

EC – 2882. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Automatic Enrollment in SIMPLE IRAs'' (Notice 2009–66) received in the Office of the President of the Senate on September 9, 2009; to the Committee on Finance.

EC – 2883. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Adding Automatic Enrollment to SIMPLE IRA Plans—Sample Amendment'' (Notice 2009–67) received in the Office of the President of the Senate on September 9, 2009; to the Committee on Finance.

EC – 2884. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Safe Harbor Explanation—Eligible Rollover Distributions'' (Notice 2009–68) received in the Office of the President of the Senate on September 9, 2009; to the Committee on Finance.

EC – 2885. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Rollovers from Employer Plans to Roth IRAs'' (Notice 2009–75) received in the Office of the President of the Senate on September 9, 2009; to the Committee on Finance.

EC – 2886. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–164, ''Modifications to the Permanent System of Highways and Designation of Water Lily Lane, N.E., and Cassell Place, N.E., S.O. 07–3090, and Transfer of Jurisdiction of Portions of Parcel 170/27 and Parcel 170/28, Act of 2009''; to the Committee on Homeland Security and Governmental Affairs.

EC – 2887. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–165, ''KIPP DC Douglass Property Tax Exemption Act of 2009''; to the Committee on Homeland Security and Governmental Affairs.

EC – 2888. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–166, ''Closing of a Portion of the Public Alley in Square 2892, S .O. 08–6440, Act of 2009''; to the Committee on Homeland Security and Governmental Affairs.

EC – 2889. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–167, ''Vending Regulation Act of 2009''; to the Committee on Homeland Security and Governmental Affairs.

EC – 2890. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–168, ''Closing of a Public Alley in Square 5928, S.O. 08–4393, Act of 2009''; to the Committee on Homeland Security and Governmental Affairs.

EC – 2891. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–169, ''University of the District of Columbia Expansion Temporary Act of 2009''; to the Committee on Homeland Security and Governmental Affairs.

EC – 2892. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–170, ''Council Cable Autonomy and Control Temporary Amendment Act of 2009''; to the Committee on Homeland Security and Governmental Affairs.

EC – 2893. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–171, ''Stimulus Accountability Temporary Act of 2009''; to the Committee on Homeland Security and Governmental Affairs.

EC – 2894. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–179, ''District Land Disposition Amendment Act of 2009''; to the Committee on Homeland Security and Governmental Affairs.

EC – 2895. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–180, ''District Land Disposition Temporary Amendment Act of 2009''; to the Committee on Homeland Security and Governmental Affairs.

EC – 2896. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–185, ''New Convention Center Hotel Amendment Act of 2009''; to the Committee on Homeland Security and Governmental Affairs.

EC – 2897. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–189, ''Omnibus Public Safety and Justice Amendment Act of 2009''; to the Committee on Homeland Security and Governmental Affairs.

EC – 2898. A communication from the Deputy Assistant Administrator of Diversion Control, Drug Enforcement Administration, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Schedules of Controlled Substances; Table of Excluded Nonnarcotic Products: Nasal Decongestant Inhalers Manufactured by Classic Pharmaceuticals LLC'' ((Docket Number DEA–3291)(RIN1117–AB23)) received in the Office of the President of the Senate on September 9, 2009; to the Committee on the Judiciary.

EC – 2899. A communication from the Deputy Assistant Administrator for Operations, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Bering Sea and Aleutian Islands (Amendment 90) and Gulf of Alaska Groundfish (Amendment 78); Limited Access Privilege Programs'' (RIN0648–AX25) received in the Office of the President of the Senate on September 8, 2009; to the Committee on Commerce, Science, and Transportation.

EC – 2900. A communication from the Deputy Assistant Administrator for Operations, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Bering Sea/Aleutian Islands Crab Rationalization Program; Amendment 28'' (RIN0648–AW97) as received during adjournment of the Senate in the Office of the President of the Senate on August 31, 2009; to the Committee on Commerce, Science, and Transportation.

EC – 2901. A communication from the Deputy Assistant Administrator for Operations, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Atlantic Coastal Fisheries Cooperative Management Act Provisions; American Lobster Fishery'' (RIN0648–AV77) as received during adjournment of the Senate in the Office of the President of the Senate on August 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC – 2902. A communication from the Deputy Assistant Administrator for Operations, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Bering Sea and Aleutian Islands (Amendment 92) and the Gulf of Alaska'' License (Amendment 82) Limitation Program' (RIN0648–AX14) as received during adjournment of the Senate in the Office of the President of the Senate on August 31, 2009; to the Committee on Commerce, Science, and Transportation.

EC – 2903. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; Closure of the Primary Pacific Whiting Season for the Shore-Based Sector' (RIN0648–AQ39) as received during adjournment of the Senate in the Office of the President of the Senate on August 19, 2009; to the Committee on Commerce, Science, and Transportation.

EC – 2904. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the West Yakut District of the Gulf of Alaska'' (RIN0648–XQ51) as received during adjournment of the Senate in the Office of the President of the Senate on August 19, 2009; to the Committee on Commerce, Science, and Transportation.

EC – 2905. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pelagic Shelf Rockfish by Vessels Subject to Amendment 80 Sideboard Limits in the Western Regulatory Area of the Gulf of Alaska'' (RIN0648–XQ52) as received during adjournment of the Senate in the Office of the President of the Senate on August 19, 2009; to the Committee on Commerce, Science, and Transportation.

EC – 2906. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''International Fisheries; Western and Central Pacific Fisheries for Highly Migratory Species; Fishing Restrictions and Observer Requirements in Purse Seine Fisheries for 2009–2011 and Turtle Mitigation Requirements in Purse Seine Fisheries'' (RIN0648–AX60) as received during adjournment of the Senate in the Office of the President of the Senate on August 19, 2009; to the Committee on Commerce, Science, and Transportation.

EC – 2907. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled

''Fisheries of the Exclusive Economic Zone Off Alaska; Revision of Single Geographic Location Requirement in the Bering Sea Subarea; Amendments 62/62'' (RIN0648–AR06) as received during adjournment of the Senate in the Office of the President of the Senate on August 19, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2908. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Tilefish; Amendment 1'' (RIN0648–AS25) received in the Office of the President of the Senate on September 8, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2909. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Magnuson-Stevens Act Provisions; Experimental Permitting Process, Exempted Fishing Permits, and Scientific Research Activity'' (RIN0648–AR78) received in the Office of the President of the Senate on September 8, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2910. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Atlantic Deep-Sea Red Crab Fishery; Emergency Rule; Extension'' (RIN0648–AX61) received in the Office of the President of the Senate on September 8, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2911. A communication from the Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Other Rockfish in the Western Regulatory Area of the Gulf of Alaska'' (RIN0648–XQ75) received in the Office of the President of the Senate on September 8, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2912. A communication from the Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Shortraker Rockfish in the Western Regulatory Area of the Gulf of Alaska'' (RIN0648–XQ57) as received during adjournment of the Senate in the Office of the President of the Senate on August 19, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2913. A communication from the Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Northern Rockfish and Pelagic Shelf Rockfish for Trawl Catcher Vessels Participating in the Entry Level Rockfish Fishery in the Central Regulatory Area of the Gulf of Alaska'' (RIN0648–XQ58) as received during adjournment of the Senate in the Office of the President of the Senate on August 19, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2914. A communication from the Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch for Catcher Processors Participating in the Rockfish Limited Access Fishery in the Central Regulatory Area of the Gulf of Alaska'' (RIN0648–XQ59) as received during adjournment of the Senate in the Office of the President of the Senate on August 19, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2915. A communication from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries Off West Coast States; Highly Migratory Species Fisheries'' (RIN0648–AW50) as received during adjournment of the Senate in the Office of the President of the Senate on August 19, 2009; to the Committee on Commerce, Science, and Transportation.

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. JOHNSON:

S. 1664. A bill to amend title 10, United States Code, to modify the appointment and grade of the Chief of the Army Medical Specialist Corps; to the Committee on Armed Services.

By Mr. LUGAR:

S. 1665. A bill to amend the Andean Trade Preference Act to add Paraguay and Uruguay to the list of countries that are eligible to be designated as beneficiary countries and ATPDEA beneficiary countries, and for other purposes; to the Committee on Finance.

By Ms. COLLINS (for herself, Mr. CARDIN, Mr. WHITEHOUSE, and Ms. LANDRIEU):

S. 1666. A bill to require the Administrator of the Environmental Protection Agency to satisfy certain conditions before issuing to producers of mid-level ethanol blends a waiver from certain requirements under the Clean Air Act, and for other purposes; to the Committee on Environment and Public Works.

By Ms. COLLINS (for herself, Ms. CANTWELL, Ms. SNOWE, Mr. KERRY, and Mrs. GILLIBRAND):

S. 1667. A bill to provide for the development and coordinator of a comprehensive and integrated United States research program that assists the people of the United States and the world to understand past, assess present, and predict future human-induced and natural processes of abrupt climate change, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BENNET:

S. 1668. A bill to amend title 38, United States Code, to provide for the inclusion of certain active duty service in the reserve components as qualifying service for purposes of Post-9/11 Educational Assistance Program, and for other purposes; to the Committee on Veterans' Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. GRASSLEY (for himself, Mr. DURBIN, and Mrs. FEINSTEIN):

S. Res. 263. A resolution designating October 2009 as ''National Medicine Abuse Awareness Month''; to the Committee on the Judiciary.

By Mr. DODD (for himself, Mr. KERRY, Mr. REID, Mr. MCCONNELL, Mr. AKAKA, Mr. ALEXANDER, Mr. BARRASSO, Mr. BAUCUS, Mr. BAYH, Mr. BEGICH, Mr. BENNET, Mr. BENNETT, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BROWN, Mr. BROWNBACK, Mr. BUNNING, Mr. BURR, Mr. BURRIS, Mr. BYRD, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mr. COBURN, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. CORKER, Mr. CORNYN, Mr. CRAPO, Mr. DEMINT, Mr. DORGAN, Mr. DURBIN, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mrs. HAGAN, Mr. HARKIN, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. ISAKSON, Mr. JOHANNS, Mr. JOHNSON, Mr. KAUFMAN, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEMIEUX, Mr. LEAHY, 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):

S. Res. 264. A resolution designating the Caucus Room of the Russell Senate Office Building as the ''Kennedy Caucus Room''; considered and agreed to.

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. Res. 265. A resolution honoring the firefighters who sacrificed their lives while battling the Station Fire in southern California in August 2009; considered and agreed to.

ADDITIONAL COSPONSORS

S. 229

At the request of Mrs. BOXER, the name of the Senator from Illinois (Mr. BURRIS) was added as a cosponsor of S. 229, a bill to empower women in Afghanistan, and for other purposes.

S. 428

At the request of Mr. DORGAN, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 428, a bill to allow travel between the United States and Cuba.

S. 451

At the request of Ms. COLLINS, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 451, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of the Girl Scouts of the United States of America.

S. 461

At the request of Mrs. LINCOLN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 461, a bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit.

S. 518

At the request of Mr. CARDIN, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 518, a bill to establish the Star-Spangled Banner and War of 1812 Bicentennial Commission, and for other purposes.

S. 524

At the request of Mr. FEINGOLD, the name of the Senator from Wyoming (Mr. BARRASSO) was added as a cosponsor of S. 524, a bill to amend the Congressional Budget and Impoundment Control Act of 1974 to provide for the expedited consideration of certain proposed rescissions of budget authority.

S. 535

At the request of Mr. NELSON of Florida, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 535, a bill to amend title 10, United States Code, to repeal requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation, and for other purposes.

S. 607

At the request of Mr. UDALL of Colorado, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 607, a bill to amend the National Forest Ski Area Permit Act of 1986 to clarify the authority of the Secretary of Agriculture regarding additional recreational uses of National Forest System land that are subject to ski area permits, and for other purposes.

S. 795

At the request of Mr. HATCH, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 795, a bill to amend the Social Security Act to enhance the social security of the Nation by ensuring adequate public-private infrastructure and to resolve to prevent, detect, treat, intervene in, and prosecute elder abuse, neglect, and exploitation, and for other purposes.

S. 819

At the request of Mr. DURBIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 819, a bill to provide for enhanced treatment, support, services, and research for individuals with autism spectrum disorders and their families.

S. 883

At the request of Mr. KERRY, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 883, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the establishment of the Medal of Honor in 1861, America's highest award for valor in action against an enemy force which can be bestowed upon an individual serving in the Armed Services of the United States, to honor the American military men and women who have been recipients of the Medal of Honor, and to promote awareness of what the Medal of Honor represents and how ordinary Americans, through courage, sacrifice, selfless service and patriotism, can challenge fate and change the course of history.

S. 994

At the request of Ms. KLOBUCHAR, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 994, a bill to amend the Public Health Service Act to increase awareness of the risks of breast cancer in young women and provide support for young women diagnosed with breast cancer.

S. 1076

At the request of Mr. MENENDEZ, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1076, a bill to improve the accuracy of fur product labeling, and for other purposes.

S. 1244

At the request of Mr. MERKLEY, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 1244, a bill to amend the Civil Rights Act of 1964 to protect breastfeeding by new mothers, to provide for a performance standard for breast pumps, and to provide tax incentives to encourage breastfeeding.

S. 1254

At the request of Mr. SCHUMER, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 1254, a bill to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes.

S. 1318

At the request of Mr. GREGG, the names of the Senator from Nebraska (Mr. JOHANNS) and the Senator from Georgia (Mr. CHAMBLISS) were added as cosponsors of S. 1318, a bill to prohibit the use of stimulus funds for signage indicating that a project is being carried out using those funds.

S. 1340

At the request of Mr. LEAHY, the names of the Senator from Oregon (Mr. MERKLEY) and the Senator from Iowa (Mr. GRASSLEY) were added as cosponsors of S. 1340, a bill to establish a minimum funding level for programs under the Victims of Crime Act of 1984 for fiscal years 2010 to 2014 that ensures a reasonable growth in victim programs without jeopardizing the long-term sustainability of the Crime Victims Fund.

S. 1382

At the request of Mr. DODD, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 1382, a bill to improve and expand the Peace Corps for the 21st century, and for other purposes.

S. 1402

At the request of Mr. MERKLEY, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1402, a bill to amend the Internal Revenue Code of 1986 to increase the amount allowed as a deduction for start-up expenditures.

S. 1490

At the request of Mr. LEAHY, the name of the Senator from Maryland (Mr. CARDIN) 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 names of the Senator from Virginia (Mr. WARNER), the Senator from Massachusetts (Mr. KERRY) and the Senator from Rhode Island (Mr. REED) were added as cosponsors of S. 1492, a bill to amend the Public Health Service Act to fund breakthroughs in Alzheimer's disease research while providing more help to caregivers and increasing public education about prevention.

S. 1511

At the request of Mr. CARDIN, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 1511, a bill to amend titles XVIII and XIX of the Social Security Act to improve awareness and access to colorectal cancer screening tests under the Medicare and Medicaid programs, and for other purposes.

S. 1606

At the request of Mr. WHITEHOUSE, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 1606, a bill to require foreign manufacturers of products imported into the United States to establish registered agents in the United States who are authorized to accept service of process against such manufacturers, and for other purposes.

S.J. RES. 16

At the request of Mr. DEMINT, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S.J. Res. 16, a joint resolution proposing an amendment to the Constitution of the United States relative to parental rights.

S. RES. 242

At the request of Mr. VOINOVICH, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. Res. 242, a resolution supporting the goals and ideals of ''National Aerospace Day''.

AMENDMENT NO. 2355

At the request of Mr. JOHANNS, the names of the Senator from Wyoming (Mr. ENZI), the Senator from Georgia (Mr. CHAMBLISS), the Senator from Kentucky (Mr. BUNNING), the Senator from Arizona (Mr. KYL), the Senator from North Carolina (Mr. BURR), the Senator from South Carolina (Mr. DEMINT), the Senator from Utah (Mr. BENNETT), the Senator from Kansas (Mr. ROBERTS), the Senator from Wyoming (Mr. BARRASSO), the Senator from Oklahoma (Mr. COBURN), the Senator from Georgia (Mr. ISAKSON), the Senator from South Dakota (Mr. THUNE) and the Senator from Mississippi (Mr.

WICKER) were added as cosponsors of amendment No. 2355 proposed to H.R. 3288, a bill making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

At the request of Mr. HATCH, his name was added as a cosponsor of amendment No. 2355 proposed to H.R. 3288, supra.

AMENDMENT NO. 2356

At the request of Mr. JOHANNS, the names of the Senator from Kansas (Mr. ROBERTS) and the Senator from Nebraska (Mr. NELSON) were added as cosponsors of amendment No. 2356 intended to be proposed to H.R. 3288, a bill making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 2361

At the request of Mr. GREGG, the names of the Senator from North Carolina (Mr. BURR), the Senator from Georgia (Mr. ISAKSON), the Senator from Nebraska (Mr. JOHANNS) and the Senator from Georgia (Mr. CHAMBLISS) were added as cosponsors of amendment No. 2361 intended to be proposed to H.R. 3288, a bill making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. COLLINS (for herself, Mr. CARDIN, Mr. WHITEHOUSE, and Ms. LANDRIEU):

S. 1666. A bill to require the Administrator of the Environmental Protection Agency to satisfy certain conditions before issuing to producers of mid-level ethanol blends a waiver from certain requirements under the Clean Air Act, and for other purposes; to the Committee on Environment and Public Works.

Ms. COLLINS. Mr. President, today along with Senators CARDIN, WHITEHOUSE, and LANDRIEU I am introducing legislation that requires the administrator of the Environmental Protection Agency to satisfy three conditions before granting a waiver from the Clean Air Act of 1970 to producers of mid-level blends of ethanol. These are fuels that contain more than ten percent ethanol that are destined for use in engines originally designed to work with just gasoline.

While I believe that expanding our capacity to generate and use renewable energy is an important step toward becoming energy independent, I have serious concerns about the impact of ethanol on engines and fuel efficiency. Ethanol blends are more corrosive than gasoline and can cause failure in small and older engines, such as boat engines.

The 2005 Energy Policy Act required that renewable fuels be introduced into our fuel supply to reduce our dependence on foreign oil. In 2007, that Renewable Fuel Standard was updated to require that by the year 2022 we introduce annually a minimum of 36 billion gallons of renewable fuel into our fuel supply.

The first, easiest route to satisfying the renewable fuel mandate was through blending ethanol, chiefly derived from corn, into gasoline at a level of 10 percent by volume, resulting in a gasoline known as ''E10.'' Due to its high oxygen content, this fuel requires a Clean Air Act waiver, which EPA first granted in 1978. Today, in many areas of the country, people only have E10 as a choice at the pump. This includes my constituents in Maine. While the most modern engines have been designed to work with E10, older engines have well-documented difficulties using this fuel. I am very concerned that they will have even greater problems using ethanol fuel blends with even higher levels of ethanol.

E10 was introduced into Maine in 2008 and now it is the only fuel choice in the State. E10 has caused problems for some of my constituents. One topped off his gas tanks before heading to sea but, two miles out, the boat stopped. He later discovered that his tanks were topped off with E10 that destroyed his boat's fuel lines and caused fuel filters and carburetors to clog. He eventually had to tear up the boat deck and replace the fuel tanks at a cost of thousands of dollars.

In March 2009, manufacturers of mid-level ethanol blends containing as much as 15 percent of ethanol by volume, termed E15, petitioned the Environmental Protection Agency, EPA, to also grant this new fuel a waiver from the Clean Air Act. Many organizations share my concern about this development and are demanding that the performance of E15 in the current fleet of engines be thoroughly investigated before the new fuel can be introduced into commerce.

In June, 21 Senators wrote to the administrator of the EPA urging her to ensure that independent and comprehensive testing of any ethanol blend fuel with greater than 10 percent ethanol was completed prior to any waiver from current EPA guidance as required under the Clean Air Act. The response on July 20 was that a decision to grant a waiver for the new fuel rests entirely on the demonstration that the new fuel will not cause or contribute to the failure of vehicles or engines to meet emission standards. This is not adequate to alleviate my concerns about older and non-road engines.

Thus, today I am introducing the Mid-Level Ethanol Blends bill. This bill requires that the EPA Science Advisory Board carefully evaluate the body of evidence presented about E15's performance in the current inventory of engines and report back to the Administrator before any waiver is granted. The report would indicate whether or not a sufficient body of evidence exists to support a decision to grant a waiver, which is hotly contested between supporters of E15 and those who caution against introducing the fuel into the market now. Automobile manufacturers who warranty their products to perform with E10 are justifiably concerned about whether they will be able to extend the warranty to users of E15 without putting themselves at significant economic risk. They will require significant testing of all engine and emission systems before accepting such risks.

The Science Advisory Board also would report on the ability of the wholesale and retail gasoline fuel infrastructure to introduce an E15 fuel into commerce without consumer confusion or misfueling. The Science Advisory Board also would estimate whether consumers throughout the country will be able to purchase gasoline other than E15 immediately and for five years after the introduction of the new blend. This will provide the Administrator with information about potential difficulties faced by many millions of vehicle, boat, and small-engine devices, for example, lawnmowers, chainsaws, weed trimmers, snowmobiles, that have engines whose performance could be compromised were they unable to use any fuel other than E15.

Once the Science Advisory Board report is released and the public has an opportunity to comment on the Board's findings, should the administrator decide to grant a waiver, this bill requires that the administrator formally respond to the recommendations of the Science Advisory Board in the waiver announcement. The administrator can only issue a waiver if the findings are that it will not adversely conventional gasoline-powered onroad and nonroad vehicles and nonroad engines in widespread use as of the date the new fuel is introduced.

There are over 200 million engines in the U.S. today that could conceivably be damaged by the introduction of new fuel blends containing higher amounts of ethanol. Should this occur, it would result in significant hardship to millions of Americans. We simply cannot place so many people in jeopardy through precipitous actions. Any introduction of a new fuel must be done carefully with ample time for testing.

As we pursue strategies to lessen our dependence on foreign oil, we must also take action to insure that ethanol fuel blends are safe and efficient for current engines. I urge my colleagues to join me, Senator CARDIN, and the coalition of organizations endorsing this legislation, and ensure that the ramifications of introducing mid-level ethanol blends into commerce are thoroughly understood before they are granted a waiver from the Clear Air Act.

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. 1666

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

SECTION 1. INTRODUCTION OF HIGHER ETHANOL BLENDS INTO COMMERCE.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(2) MID-LEVEL ETHANOL BLEND.—The term ''mid-level ethanol blend'' means an ethanol-gasoline blend containing greater than 10 percent ethanol by volume that is intended to be used in any conventional gasoline-powered onroad or nonroad vehicle or engine.

(3) WIDESPREAD USE.—The term ''widespread use'', with respect to the use of a particular fuel, system, or component in an onroad or nonroad vehicle or nonroad engine, has such meaning as is given the term by the Administrator in accordance with the determination of the Administrator under section 202(a)(6) of the Clean Air Act (42 U.S.C. 7521(a)(6)).

(b) INTRODUCTION OF HIGHER ETHANOL BLENDS INTO COMMERCE.—Notwithstanding any other provision of law, the Administrator may permit or authorize the introduction into commerce of a mid-level ethanol blend for use in conventional gasoline-powered onroad and nonroad vehicles and nonroad engines only if—

(1) not later than 1 year after the date of enactment of this Act, the Science Advisory Board of the Environmental Protection Agency, after opportunity for public comment and an analysis of available independent scientific evidence, submits to the Administrator, and the Administrator provides for notice and a public comment for a period of not less than 30 days on, a report that describes (and, with respect to the matters described in subparagraph (A), provides recommendations on mitigating)—

(A)(i) the impact of the mid-level ethanol blend on engine performance of conventional gasoline-powered onroad and nonroad vehicles and nonroad engines;

(ii) emissions from the use of the blend; and

(iii) materials compatibility and consumer safety issues associated with the use of those blends (including the identification of insufficient data or information for some or all of those vehicles and engines with respect to each of issues described in this clause and clauses (i) and (ii));

(B) the ability of wholesale and retail gasoline distribution infrastructure, including bulk storage, retail storage configurations, and retail equipment (including certification of equipment compatibility by independent organizations), to introduce the mid-level ethanol blend into commerce without widespread intentional or unintentional misfueling by consumers; and

(C) the estimated ability of consumers, determined through separate reviews of populations in rural areas and of areas with populations greater than 50,000 individuals, to purchase gasoline other than that mid-level ethanol blend—

(i) in metropolitan areas having populations greater than 50,000 individuals throughout the United States; and

(ii) in all areas of the United States, by the date that is 5 years after the mid-level ethanol blend is introduced into commerce;

(2)(A) the permit or authorization is granted through the fuels and fuel additives waiver process under section 211(f)(4) of the Clean Air Act (42 U.S.C. 7545(f)(4)) after the close of the public comment period on the report required under paragraph (1); and

(B) the Administrator formally responds to the recommendations of the Science Advisory Board in the waiver announcement; and

(3) the mid-level ethanol blend is introduced into commerce for general use in all conventional gasoline-powered onroad and nonroad vehicles and nonroad engines in widespread use as of the date on which the Administrator authorizes that introduction.

By Ms. COLLINS (for herself, Ms. CANTWELL, Ms. SNOWE, Mr. KERRY, and Mrs. GILLIBRAND):

S. 1667. A bill to provide for the development and coordinator of a comprehensive and integrated United States research program that assists the people of the United States and the world to understand past, assess present, and predict future human-induced and natural processes of abrupt climate change, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Ms. COLLINS. Mr. President, I rise today to offer a bill to authorize funding for abrupt climate change research. I am pleased to be joined on this bill by Senator CANTWELL as lead cosponsor and by our colleagues, Senators SNOWE, KERRY, and GILLIBRAND.

Abrupt climate change is defined as a large-scale change in the climate system that takes place over a few decades or less, persists, or is anticipated to persist, for at least a few decades, and causes substantial disruptions in human and natural systems.

Our bill authorizes $10 million per year for the next 6 years for a comprehensive and integrated competitive, peer-reviewed, research program at the National Oceanic and Atmospheric Administration to understand, assess, and predict abrupt climate change.

Abrupt climate change is not necessarily a result of increased amounts of greenhouse gases in our atmosphere. It can be caused by natural phenomena, such massive volcanic eruptions, or natural climate variability.

However it comes about, abrupt climate change can pose significant risks and challenges to our society. For us to uphold our responsibility as stewards of the Nation's environmental and economic security, it is crucial that we better understand abrupt climate change so that we can recognize it early and respond to it effectively.

Understanding and predicting climate change are enormous scientific challenges. The challenges are made even more difficult with the recognition that the climate system is capable of dramatic and abrupt changes. Past global temperatures have swung as much as 20 degrees fahrenheit within a decade, accompanied by drought in some places and catastrophic floods in others. An abrupt climate change triggered by the ongoing buildup of greenhouse gases in the atmosphere would also likely result in the redistribution of atmospheric moisture and rainfall, with substantial impact on the world's food supplies. Unfortunately, we have no satisfactory understanding of what triggers abrupt climate changes.

The National Academy of Sciences and the U.S. Climate Change Science Program have identified abrupt climate change as a key priority for additional research. The National Academy of Sciences stated that ''Large, abrupt climate changes have repeatedly affected much or all of the Earth.'' Furthermore, the Academy went on to state that ''abrupt climate changes are not only possible but likely in the future, potentially with large impacts on ecosystems and societies,'' and noted that we're not doing nearly enough to identify the threat of abrupt climate change. The U.S. Climate Change Science Program last reported to the President and Congress on abrupt climate change in December 2008. The overarching recommendation of this report is the urgent need for committed and sustained monitoring of components of the climate system particularly vulnerable to abrupt climate change. Our bill provides a framework and funds for the U.S. to better understand and address abrupt climate change.

One reason this funding is so urgent is that we are rapidly losing one of the greatest sources of information: ice cores from glaciers. The University of Maine's Climate Change Institute has one of the best abrupt climate change research programs in the world. The Climate Change Institute uses ice cores from glaciers and ice sheets around the world to make discoveries that change the way we think about climate change. Unfortunately, numerous glaciers around the world are melting, and when they go, we lose the very record that has given us so much of this critical climatic history.

I have had several opportunities to see how scientists are able to use glaciers and ice sheets to understand climate change. In 2006, I joined Senators MCCAIN and SUNUNU in traveling to the South Pole to see groundbreaking research taking place on ice more than 2 miles deep. Along the way we toured some of the University of Maine research sites in New Zealand with distinguished Professor George Denton, who was the first scientist from the University of Maine to be elected to the National Academy of Sciences. According to Professor Denton, 50 percent of the glaciers in New Zealand have melted since 1860, and this melting is unprecedented in the last 5,000 years. We stood with the professor on sites that had been buried by massive glaciers at the beginning of the 20th century, but are now ice free.

I also traveled with Senators MCCAIN, SUNUNU, and others to Ny-Alesund, the northernmost community in the world. The scientists we met with told us that the global climate is changing more rapidly now than at any time since the beginning of civilization. They further stated that the region of the globe changing most rapidly is the Arctic. The changes are remarkable and disturbing.

In the last 30 years, the Arctic has lost sea-ice cover over an area 10 times as large as the State of Maine. In the summer, the change is even more dramatic, with twice as much ice loss. The ice that remains is as much as 40 percent thinner than it was just a few decades ago. In Ny-Alesund, Senator MCCAIN and I witnessed massive blocks of ice falling off glaciers that had already retreated well back from the shores where they once rested.

The melting of glaciers and sea ice, the thawing of permafrost, and the increases in sea levels resulting from warming are already beginning to cause environmental, social, and economic changes. If these changes were to be compounded with an abrupt climate change on the scale seen in our climatic history, the result could be devastating.

Mr. President, this measure has passed the Senate many times, as part of the 2001, 2003, and 2007 energy bills. I hope this is the year that we finally pass this important provision into law. I urge my colleagues to support this bill.

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

S. 1667

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 ''Abrupt Climate Change Research Act of 2009''.

SEC. 2. ABRUPT CLIMATE CHANGE DEFINED.

In this Act, the term ''abrupt climate change'' means a change in the climate that occurs so rapidly or unexpectedly that human or natural systems have difficulty adapting to the climate as changed.

SEC. 3. ABRUPT CLIMATE CHANGE RESEARCH PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary of Commerce shall establish within the Office of Oceanic and Atmospheric Research of the National Oceanic and Atmospheric Administration, and carry out, a program of extramural awards, made on a peer-reviewed and competitive basis, to conduct scientific research on abrupt climate change.

(b) PURPOSES OF PROGRAM.—The purposes of the program established under subsection (a) shall be as follows:

(1) To develop a global array of terrestrial and oceanographic indicators of paleoclimate in order to sufficiently identify and describe past instances of abrupt climate change.

(2) To improve understanding of thresholds and nonlinearities in geophysical systems related to the mechanisms of abrupt climate change.

(3) To incorporate such mechanisms into advanced geophysical models of climate change.

(4) To test the simulation of climate change by such models against an improved global array of records of past abrupt climate changes.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Commerce for each of fiscal years 2010 through 2016, $10,000,000 to carry out the research program established under section 3(a).

(b) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to the authorization of appropriations in subsection (a) are authorized to remain available until expended.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 263—DESIGNATING OCTOBER 2009 AS ''NATIONAL MEDICINE ABUSE AWARENESS MONTH''

Mr. GRASSLEY (for himself, Mr. DURBIN, and Mrs. FEINSTEIN) submitted the following resolution; which was referred to the Committee on the Judiciary.

S. RES. 263

Whereas over-the-counter and prescription medicines are extremely safe, effective, and potentially lifesaving when used properly;

Whereas the abuse and recreational use of over-the-counter and prescription medicines can be extremely dangerous and produce serious side effects;

Whereas during a recently sampled month, approximately 7,000,000 individuals 12 years of age and older reported using prescription psychotherapeutic medicines for non-medical purposes;

Whereas prescription medications such as pain relievers, tranquilizers, stimulants, and sedatives are second only to marijuana as the most abused drug in the United States;

Whereas recent studies indicate that 2,500,000 children between 12 and 17 years of age, or 1 out of every 10 children, have intentionally abused cough medicine to get high from the ingredient dextromethorphan;

Whereas 4,700,000 young adults, or 1 out of every 5 young men and women, have used prescription medicines for non-medical purposes;

Whereas in 2008, the National Institute on Drug Abuse estimated that the rates for intentional abuse of cough medicine among eighth, tenth, and twelfth graders stood at 3.6 percent, 5.3 percent, and 5.5 percent, respectively;

Whereas according to research from the Partnership for a Drug-Free America, more than ⅓rd of teenagers mistakenly believe that taking prescription drugs, even if not prescribed by a doctor, is much safer than using street drugs;

Whereas the lack of understanding by teenagers and parents of the potential harms of these powerful medicines makes it more critical than ever to raise public awareness about the dangers of their abuse;

Whereas when prescription drugs are abused, they are most often obtained through friends and relatives, but can also be obtained through rogue internet pharmacies;

Whereas parents should be aware that the Internet gives teenagers access to websites that promote abuse of medicines;

Whereas National Medicine Abuse Awareness Month promotes the message that over-the-counter and prescription medicines should be taken only as labeled or prescribed, and that taking over-the-counter and prescription medicines for recreational use or in large doses can have serious and life-threatening consequences;

Whereas National Medicine Abuse Awareness Month will encourage parents to educate themselves about this problem and talk to their children about all types of substance abuse;

Whereas observance of National Medicine Abuse Awareness Month should be encouraged at the national, State, and local levels to increase awareness of the rising abuse of medicines;

Whereas educational toolkits and training methods have been developed on how to best engage and educate parents and grandparents, teachers, law enforcement officials, doctors and health care professionals, and retailers about the potential harms of cough medicine abuse; and

Whereas educating the public on the dangers of medicine abuse and promoting prevention is a critical component of what must be a multi-pronged effort to curb the disturbing rise in medicine abuse: Now, therefore, be it

Resolved, That the Senate—

(1) designates October 2009 as ''National Medicine Abuse Awareness Month''; and

(2) urges communities to carry out appropriate programs and activities to educate parents and youth of the potential dangers associated with medicine abuse.

Mr. GRASSLEY. Mr. President, I am pleased to submit a resolution designating the month of October, 2009 as the National Medicine Abuse Awareness Month. The abuse of prescription drugs and cold medicine is currently the fastest growing drug abuse trend in the country. According to the most recent National Survey of Drug Use and Health, NSDUH, nearly 7 million people have admitted to using controlled substances without a doctor's prescription. People between the ages of 12 and 25 are the most common group to abuse these drugs. However, more and more people are dying because of this abuse. The Centers for Disease Control and Prevention report that the unintentional deaths involving prescription narcotics increased 117 percent from the years 2001 to 2005.

Abuse of over-the-counter, OTC, cough and cold medicines is also alarming. While these common cold medicines are safe and effective if used properly, the abuse of these medicines can also be destructive. According to a study conducted by the Partnership for a Drug-Free America, nearly one in ten young people between the ages of 12 and 17 have intentionally abused cough medicine to get high off its main ingredient Dextromethorphan. These are statistics that can no longer be ignored.

Millions of Americans use these medicines every year to treat a variety of symptoms due to injury, depression, insomnia, and the effects of the common cold. Many legitimate users of these drugs often do not use as much medication as the prescription contains. As a result, these drugs remain in the family medicine cabinet for months or years because people forget about them or do not know how to properly dispose of them. However, many of these drugs, when not properly used or administered, are just as addictive and deadly as street drugs like methamphetamine or cocaine.

According to the NSDUH, more than half of the people who abuse these drugs reported that they obtained OTC and prescription drugs from a friend or relative or from the family medicine cabinet. As a result, groups like the Community Anti-Drug Coalitions of America, the Consumer Healthcare Products Association, and the Partnership for a Drug-Free America have been reaching out to communities

throughout the nation to raise awareness of this growing drug abuse trend and encourage communities to tackle the problem head on. Many community anti-drug coalitions, public health officials, and law enforcement officials have been holding town halls, organizing community ''clean out your medicine cabinet'' events, and holding many other events to raise awareness of this growing abuse in an effort to reverse this trend.

We can stop the growing trend of medicine abuse in its tracks, but it will require all sectors of the community to join together to make it happen. The National Medicine Abuse Awareness Month Resolution promotes the message that over-the-counter and prescription medicines must be taken as directed, and when used recreationally or in large doses they can have serious and deadly consequences. This resolution will help remind parents that access to drugs that are abused doesn't just happen in alleys and on the streets, but can often occur right in the home. I urge all my colleagues to join me in supporting this resolution.

SENATE RESOLUTION 264—DESIGNATING THE CAUCUS ROOM OF THE RUSSELL SENATE OFFICE BUILDING AS THE ''KENNEDY CAUCUS ROOM''

Mr. DODD (for himself, Mr. KERRY, Mr. REID, Mr. MCCONNELL, Mr. AKAKA, Mr. ALEXANDER, Mr. BARRASSO, Mr. BAUCUS, Mr. BAYH, Mr. BEGICH, Mr. BENNET, Mr. BENNETT, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BROWN, Mr. BROWNBACK, Mr. BUNNING, Mr. BURR, Mr. BURRIS, Mr. BYRD, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mr. COBURN, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. CORKER, Mr. CORNYN, Mr. CRAPO, Mr. DEMINT, Mr. DORGAN, Mr. DURBIN, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mrs. HAGAN, Mr. HARKIN, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. ISAKSON, Mr. JOHANNS, Mr. JOHNSON, Mr. KAUFMAN, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEMIEUX, Mr. LEAHY, 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. 264

Whereas, during the last century, few rooms have borne witness to as much history as the Caucus Room of the Russell Senate Office Building;

Whereas, during the last century, few families have played as integral a role in the history of the United States as has the Kennedy family;

Whereas the Senate mourns the passing of Senator Edward Moore Kennedy, one of the most accomplished, effective, and beloved Senators of all time;

Whereas Senator Edward Moore Kennedy played a role in every major national debate during the last 50 years, serving as a constant champion of the disadvantaged and overlooked;

Whereas the legacy of Senator Edward Moore Kennedy includes not only his prolific achievements on behalf of the people of the United States, but the enduring friendships he formed with colleagues on both sides of the aisle;

Whereas the wit and passion of Senator Edward Moore Kennedy and his perseverance in the face of adversity will be remembered in equal measure to his impressive legislative and rhetorical skills;

Whereas Senator Edward Moore Kennedy was part of a proud family tradition of public service, which included 2 other distinguished Senators;

Whereas never before have 3 brothers served in the Senate, and rarely have any 3 brothers served the United States so well;

Whereas John Fitzgerald Kennedy served the people of Massachusetts with distinction in the Senate, before being elected the 35th President of the United States;

Whereas Robert Francis Kennedy served the people of New York with distinction in the Senate, after serving as the 64th Attorney General;

Whereas Edward Moore Kennedy served the people of Massachusetts with distinction in the Senate for nearly half a century, acting as a tireless advocate for those who might otherwise have been without an advocate;

Whereas the Senate has been greatly enriched by the dedication, compassion, and talent of the 3 Kennedy brothers who served as Senators;

Whereas, in the Caucus Room of the Russell Senate Office Building, the people of the United States have commemorated tragedy, celebrated triumph, and held hearings of great importance on the most important issues facing the Nation;

Whereas it was in the Caucus Room of the Russell Senate Office Building that both Senator John Fitzgerald Kennedy and Senator Robert Francis Kennedy announced their intention to run for the office of the President of the United States;

Whereas a spirit of passionate advocacy and deep respect for the institution of the Senate should govern the deliberations that take place in the Caucus Room of the Russell Senate Office Building; and

Whereas the Senate wishes to honor the life and work of Senator Edward Moore Kennedy, to recognize the contributions of the 3 Kennedy brothers who served as Senators, and to celebrate the spirit of public service exemplified by the Kennedy family: Now, therefore, be it

Resolved, That the Senate designates room 325 of the Russell Senate Office Building, commonly referred to as the ''Caucus Room'', as the ''Kennedy Caucus Room'', in recognition of the service to the Senate and the people of the United States of Senators Edward Moore Kennedy, Robert Francis Kennedy, and John Fitzgerald Kennedy.

SENATE RESOLUTION 265—HONORING THE FIREFIGHTERS WHO SACRIFICED THEIR LIVES WHILE BATTLING THE STATION FIRE IN SOUTHERN CALIFORNIA IN AUGUST 2009

Mrs. BOXER (for herself and Mrs. FEINSTEIN), submitted the following resolution; which was considered and agreed to:

S. RES. 265

Whereas in late August 2009, the Angeles National Forest and neighboring communities north of Los Angeles, California were engulfed by an intense wildfire, which came to be known as the ''Station Fire'';

Whereas the Station Fire, ignited by arson on August 26, 2009, burned more than 160,000 acres of public lands and private property in Los Angeles County and the Angeles National Forest, including more than 160 structures and homes;

Whereas as of September 9, 2009, the Station Fire was the 10th largest wildfire in modern California history, and the largest wildfire in the modern history of Los Angeles County;

Whereas as of September 9, 2009, the Station Fire continued to threaten 12,000 structures in the National Forest and nearby communities such as Acton, Altadena, Glendale, La Cañada Flintridge, La Crescenta, Pasadena, Littlerock, Sunland, and Tujunga;

Whereas more than 8,000 fire personnel and 800 fire engines and approximately 40 helicopters, 13 fixed winged aircraft, and 88 water tenders were deployed statewide to assist with firefighting efforts;

Whereas the extraordinary effort made by firefighters throughout the region contributed to the preservation of the historic Mount Wilson Observatory, a national landmark for astronomical research;

Whereas Fire Captain Tedmund D. ''Ted'' Hall, aged 47, and Firefighter Specialist Arnaldo ''Arnie'' Quinones, aged 34, lost their lives in the line of duty fighting the Station Fire;

Whereas Tedmund D. Hall joined the Los Angeles County Fire Department on April 22, 1981;

Whereas during his time in the Los Angeles County Fire Department, Tedmund D. Hall served the city of Lakewood, the city of Whittier, the city of La Puente, and the Department's command and control team;

Whereas in January 2001, Tedmund D. Hall was promoted to fire captain;

Whereas Tedmund D. Hall is survived by his wife, Katherine, sons Randall and Steven, and parents, Roland Ray and Donna Marie Hall;

Whereas Arnaldo Quinones joined the Los Angeles County Fire Department on August 6, 1998;

Whereas during his time in the Los Angeles County Fire Department, Arnaldo Quinones served the city of Palmdale, the city of Covina, and the city of La Cañada Flintridge;

Whereas in December 2005, Arnaldo Quinones was promoted to firefighter specialist; and

Whereas Arnaldo Quinones is survived by his wife, Loressa, who is expecting their first child, and his mother Sonia Quinones: Now, therefore, be it

Resolved, That the Senate—

(1) expresses its heartfelt condolences to the families, fellow firefighters, and friends of Tedmund D. Hall and Arnaldo Quinones;

(2) recognizes the noble and brave service that firefighters provide to every community in the United States; and

(3) honors Tedmund D. Hall and Arnaldo Quinones for the sacrifices they made in giving their lives to protect Californians from the Station Fire.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2362. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table.

SA 2363. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 3288, supra; which was ordered to lie on the table.

SA 2364. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 3288, supra; which was ordered to lie on the table.

SA 2365. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 3288, supra; which was ordered to lie on the table.

SA 2366. Mr. WICKER submitted an amendment intended to be proposed by him to the bill H.R. 3288, supra; which was ordered to lie on the table.

SA 2367. Mr. SHELBY submitted an amendment intended to be proposed by him to the bill H.R. 3288, supra; which was ordered to lie on the table.

SA 2368. Ms. KLOBUCHAR submitted an amendment intended to be proposed by her to the bill H.R. 3288, supra; which was ordered to lie on the table.

SA 2369. Mrs. SHAHEEN submitted an amendment intended to be proposed by her to the bill H.R. 3288, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2362. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, 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 318, between lines 11 and 12, insert the following:

SEC. 234. Not later than 6 months after the date of enactment of this Act, the Secretary of Housing and Urban Development shall submit to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives a report that—

(1) identifies programs of the Department of Housing and Urban Development that directly support the activities of community-based organizations that carry out housing and community development activities in areas for which the President has declared a major disaster, as defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122), as a result of Hurricane Katrina of 2005, Hurricane Rita of 2005, Hurricane Gustav of 2008, or Hurricane Ike of 2008 (referred to in this section as ''hurricane disaster areas''), including—

(A) programs under section 4 of the HUD Demonstration Act of 1993 (42 U.S.C. 9816 note);

(B) the program under section 11 of the Housing Opportunity Program Extension Act of 1996 (42 U.S.C. 12805 note);

(C) programs of the Office of Rural Housing and Economic Development of the Department of Housing and Urban Development;

(D) programs of the Neighborhood Reinvestment Corporation (commonly referred to as ''NeighborWorks America'');

(E) the community services block grant program under the Community Services Block Grant Act (42 U.S.C. 9901 et seq.);

(F) the community development block grant program under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.); and

(G) the HOME investment partnership program under title II of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12721 et seq.);

(2) contains, for each of the programs identified under paragraph (1), the total amount of funds expended by each program in hurricane disaster areas—

(A) during each of fiscal years 2005 through 2009;

(B) in each State; and

(C) in each county or parish;

(3) contains the total number of nonprofit organizations that—

(A) primarily serve hurricane disaster areas; and

(B) received a direct benefit from a program identified under paragraph (1) on or after August 28, 2005;

(4) to the extent practicable, contains—

(A) the total number of jobs created by the nonprofit organizations described in paragraph (3) using funds provided by programs described in paragraph (1); and

(B) the total number of units of housing constructed or redeveloped by the nonprofit organizations described in paragraph (3) using funds provided by programs described in paragraph (1);

(5) identifies any hurricane disaster area that is underserved by the programs identified under paragraph (1); and

(6) contains recommendations for improvements to the programs identified under paragraph (1) that would benefit areas affected by natural or man-made disaster.

SA 2363. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, 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 268, line 17, strike ''$85,000,000'' and insert ''$88,000,000''.

On page 268, line 23, strike ''$50,000,000'' and insert ''$53,000,000''.

SA 2364. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, 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 318, between lines 11 and 12, insert the following:

SEC. 234. The matter under the heading ''COMMUNITY DEVELOPMENT FUND'', under the heading ''COMMUNITY PLANNING AND DEVELOPMENT'', under the heading ''DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT'' in chapter 10 of title I of division B of the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009 (Public Law 110–329; 122 Stat. 3601) is amended by striking '': *Provided further*, That none of the funds provided under this heading may be used by a State or locality as a matching requirement, share, or contribution for any other Federal program''.

SA 2365. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, 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 318, between lines 11 and 12, insert the following:

SEC. 234. The matter under the heading ''COMMUNITY DEVELOPMENT FUND'', under the heading ''COMMUNITY PLANNING AND DEVELOPMENT'', under the heading ''DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT'' in chapter 10 of title I of division B of the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009 (Public Law 110–329; 122 Stat. 3601) is amended by striking '': *Provided further*, That none of the funds provided under this heading may be used by a State or locality as a matching requirement, share, or contribution for any other Federal program''.

SA 2366. Mr. WICKER submitted an amendment intended to be proposed by him to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, 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. ___. (a) FUNDING LIMITATION.—Notwithstanding any other provision of law, beginning on the date of the enactment of this Act, amounts made available in this Act for the National Railroad Passenger Corporation (Amtrak) shall immediately cease to be available if Amtrak prohibits the secure transportation of firearms on passenger trains.

(b) DEFINITION.—In this section, the term ''secure transportation of firearms'' means—

(1) if an Amtrak station accepts checked baggage for a specific Amtrak route, Amtrak passengers holding a ticket for such route are allowed to place an unloaded firearm or starter pistol in a checked bag on such route if—

(A) before checking the bag or boarding the train, the passenger declares to Amtrak, either orally or in writing, that the firearm is in his or her bag and is unloaded;

(B) the firearm is carried in a hard-sided container;

(C) such container is locked; and

(D) only the passenger has the key or combination for such container; and

(2) Amtrak passengers are allowed to place small arms ammunition for personal use in a checked bag on an Amtrak route if the ammunition is securely packed—

(A) in fiber, wood, or metal boxes; or

(B) in other packaging specifically designed to carry small amounts of ammunition.

SA 2367. Mr. SHELBY submitted an amendment intended to be proposed by him to the bill H.R. 3288, making appropriations for the Departments of

Transportation, and Housing and Urban Development, 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 194, after line 23, add the following:

SEC. 132. (a) The project description in item 3730 under section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59) is amended by adding at the end the following: ''(to include the Montgomery Outer Loop)''.

(b) The project description in item 16 under section 1934(c) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59) is amended by adding at the end the following: ''(to include the Montgomery Outer Loop)''.

SA 2368. Ms. KLOBUCHAR submitted an amendment intended to be proposed by her to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, 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 215, between lines 2 and 3, insert the following:

SEC. 156. Notwithstanding any other provision of law, amounts made available for the Rail Line Relocation and Improvement Program under title I of division I of the Omnibus Appropriations Act, 2009 (Public Law 111–8; 123 Stat. 935) and directed to ''Phase 3 Rail Rehabilitation in Redwood Falls, MN'' in the explanatory statement appearing on page H2472 of the Congressional Record shall be available for obligation and expenditure for ''Minnesota Valley Regional Rail Authority, MN.''.

SA 2369. Mrs. SHAHEEN submitted an amendment intended to be proposed by her to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, 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 223, between lines 22 and 23, insert the following:

SEC. 172. (a) Title I of Public Law 106–346 is amended, under the heading ''Capital Investment Grants'', by inserting ''and Manchester'' after ''Nashua''.

(b) Title I of Public Law 107–87 is amended, under the heading ''Capital Investment Grants'', by inserting ''and Manchester'' after ''Nashua''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on September 14, 2009, at 10 a.m. to conduct a hearing entitled ''Cyber Attacks: Protecting Industry Against Growing Threats.''

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

ONE HUNDREDTH ANNIVERSARY OF UNIVERSITY OF WISCONSIN-LA CROSSE

Mr. MERKLEY. Madam President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 258 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 258) commemorating the 100th anniversary of the University of Wisconsin-La Crosse.

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

Mr. MERKLEY. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the resolution be printed in the RECORD.

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

The resolution (S. Res. 258) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 258

Whereas La Crosse is located on the western border of middle-Wisconsin, on the east side of the Mississippi River;

Whereas the first Europeans to see the site of La Crosse were French fur traders who traveled the Mississippi River in the late 17th century;

Whereas La Crosse was incorporated as a city in 1856;

Whereas Thomas Morris sponsored a bill in the Wisconsin State Senate that led to the creation of the current-day University of Wisconsin-La Crosse;

Whereas the University of Wisconsin-La Crosse was founded in 1909 as the La Crosse State Normal School for the purpose of teacher preparation;

Whereas the philosophy of Fassett A. Cotton, the university's first president, was to train the whole person;

Whereas ''mens corpusque'', Latin for ''mind and body'', is the motto on the university seal;

Whereas the college changed its name to Wisconsin State College-La Crosse in 1951 when the Wisconsin State teachers colleges began awarding baccalaureate degrees in liberal arts;

Whereas the University of Wisconsin-La Crosse offers 88 undergraduate programs in 44 disciplines and 26 graduate programs;

Whereas the University of Wisconsin-La Crosse celebrated its 50th anniversary in 1959, the same year that presidential candidate John F. Kennedy visited the campus and spoke to the student body in Graff Main Hall auditorium;

Whereas U.S. News & World Report ranked the University of Wisconsin-La Crosse second among midwestern public universities offering bachelor's and master's degrees;

Whereas the University of Wisconsin-La Crosse men's athletic teams adopted the nickname ''Eagles'' in the fall of 1989, and the women's teams adopted that nickname a year later;

Whereas the University of Wisconsin-La Crosse athletic teams have won 59 National Collegiate Athletic Association Division III titles in 9 different sports; and

Whereas 2009 marks the 100th anniversary of the founding of the University of Wisconsin-La Crosse: Now, therefore, be it

Resolved, That the Senate—

(1) commemorates the 100th anniversary of the University of Wisconsin-La Crosse; and

(2) commends the university for its status as a leading public university that excels in academics, athletics, and quality of life for students.

HONORING SOUTHERN CALIFORNIA FIREFIGHTERS

Mr. MERKLEY. Madam President, I ask unanimous consent the Senate proceed to the immediate consideration of S. Res. 265, submitted earlier today.

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

The legislative clerk read as follows:

A resolution (S. Res. 265) honoring the firefighters who sacrificed their lives while battling the Station Fire in southern California in August 2009.

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

Mr. MERKLEY. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

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

The resolution (S. Res. 265) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 265

Whereas in late August 2009, the Angeles National Forest and neighboring communities north of Los Angeles, California were engulfed by an intense wildfire, which came to be known as the ''Station Fire'';

Whereas the Station Fire, ignited by arson on August 26, 2009, burned more than 160,000 acres of public lands and private property in Los Angeles County and the Angeles National Forest, including more than 160 structures and homes;

Whereas as of September 9, 2009, the Station Fire was the 10th largest wildfire in modern California history, and the largest wildfire in the modern history of Los Angeles County;

Whereas as of September 9, 2009, the Station Fire continued to threaten 12,000 structures in the National Forest and nearby communities such as Acton, Altadena, Glendale, La Cañada Flintridge, La Crescenta, Pasadena, Littlerock, Sunland, and Tujunga;

Whereas more than 8,000 fire personnel and 800 fire engines and approximately 40 helicopters, 13 fixed winged aircraft, and 88 water tenders were deployed statewide to assist with firefighting efforts;

Whereas the extraordinary effort made by firefighters throughout the region contributed to the preservation of the historic Mount Wilson Observatory, a national landmark for astronomical research;

Whereas Fire Captain Tedmund D. ''Ted'' Hall, aged 47, and Firefighter Specialist Arnaldo ''Arnie'' Quinones, aged 34, lost their lives in the line of duty fighting the Station Fire;

Whereas Tedmund D. Hall joined the Los Angeles County Fire Department on April 22, 1981;

Whereas during his time in the Los Angeles County Fire Department, Tedmund D. Hall served the city of Lakewood, the city of Whittier, the city of La Puente, and the Department's command and control team;

Whereas in January 2001, Tedmund D. Hall was promoted to fire captain;

Whereas Tedmund D. Hall is survived by his wife, Katherine, sons Randall and Steven, and parents, Roland Ray and Donna Marie Hall;

Whereas Arnaldo Quinones joined the Los Angeles County Fire Department on August 6, 1998;

Whereas during his time in the Los Angeles County Fire Department, Arnaldo Quinones served the city of Palmdale, the city of Covina, and the city of La Cañada Flintridge;

Whereas in December 2005, Arnaldo Quinones was promoted to firefighter specialist; and

Whereas Arnaldo Quinones is survived by his wife, Loressa, who is expecting their first child, and his mother Sonia Quinones: Now, therefore, be it

Resolved, That the Senate—

(1) expresses its heartfelt condolences to the families, fellow firefighters, and friends of Tedmund D. Hall and Arnaldo Quinones;

(2) recognizes the noble and brave service that firefighters provide to every community in the United States; and

(3) honors Tedmund D. Hall and Arnaldo Quinones for the sacrifices they made in giving their lives to protect Californians from the Station Fire.

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to 14 U.S.C. 194(a), as amended by Public Law 101–595, and upon the recommendation of the Chairman of the Committee on Commerce, Science and Transportation, appoints the following Senators to the Board of Visitors of the U.S. Coast Guard Academy: the Senator from West Virginia (Mr. ROCKEFELLER), ex officio, as Chairman of the Committee on Commerce, Science and Transportation; and the Senator from Washington (Ms. CANTWELL), Committee on Commerce, Science and Transportation.

ORDERS FOR TUESDAY, SEPTEMBER 15, 2009

Mr. MERKLEY. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. tomorrow, Tuesday, September 15; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and there then be a period of morning business for 1 hour, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the second half, with Senators permitted to speak for up to 10 minutes each; that following morning business, the Senate resume consideration of Calendar No. 153, H.R. 3288, Transportation HUD appropriations; and finally, I ask the Senate recess from 12:30 until 2:15 p.m. to allow for the weekly caucus luncheons.

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

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. MERKLEY. Madam President, if there is no further business to come before the Senate, I ask unanimous consent it adjourn under the previous order.

There being no objection, the Senate, at 6:34 p.m., adjourned until Tuesday, September 15, 2009, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF COMMERCE

ERIC L. HIRSCHHORN, OF MARYLAND, TO BE UNDER SECRETARY OF COMMERCE FOR EXPORT ADMINISTRATION, VICE MARIO MANCUSO, RESIGNED.

ENVIRONMENTAL PROTECTION AGENCY

BARBARA J. BENNETT, OF VIRGINIA, TO BE CHIEF FINANCIAL OFFICER, ENVIRONMENTAL PROTECTION AGENCY, VICE LYONS GRAY, RESIGNED.

TENNESSEE VALLEY AUTHORITY

BARBARA SHORT HASKEW, OF TENNESSEE, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE TENNESSEE VALLEY AUTHORITY FOR A TERM EXPIRING MAY 18, 2014, VICE DONALD R. DEPRIEST, RESIGNED.

DEPARTMENT OF STATE

JEFFREY L. BLEICH, OF CALIFORNIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO AUSTRALIA.

LESLIE V. ROWE, OF WASHINGTON, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER—COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MOZAMBIQUE.

MICHAEL W. PUNKE, OF MONTANA, TO BE A DEPUTY UNITED STATES TRADE REPRESENTATIVE, WITH THE RANK OF AMBASSADOR, VICE PETER F. ALLGEIER, RESIGNED.

DEPARTMENT OF JUSTICE

LAURIE O. ROBINSON, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT ATTORNEY GENERAL, VICE JEFFREY LEIGH SEDGWICK, RESIGNED.

THE JUDICIARY

BARBARA MILANO KEENAN, OF VIRGINIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FOURTH CIRCUIT, VICE H. EMORY WIDENER, JR., RETIRED.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. DAVID J. CONBOY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. JAMES V. YOUNG, JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. IVAN N. BLACK

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS COMMANDER, MARINE FORCES RESERVE, AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 5144:

To be lieutenant general

MAJ. GEN. JOHN F. KELLY

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) GREGORY J. SMITH

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

THOMAS M. ANDERSON

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be major

RICKY B. REAVES

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

To be major

JOSE R. PEREZTORRES

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADES INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

To be lieutenant colonel

LOYD A. GRAHAM
JOHN T. LINNETT
NINO A. VIDIC

To be major

VIRGINIA L. HAYS
KRISTINE R. SAUNDERS
BRETT A. SESHUL
CHRISTINE E. STAHL

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTIONS 624:

To be lieutenant colonel

SONNIE D. DEYAMPERT

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be colonel

DOUGLAS LOUGEE

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY, CHAPLAINS, UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

JAMES PEAK

THE FOLLOWING NAMED OFFICERS FOR REGULAR ARMY APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 531:

To be lieutenant colonel

JOYVETTA LEWIS
DARRIN W. OLINGER

To be major

JOSEPH C. GUIDO
JEFFREY M. HUSTON
STUART A. LUTTRELL
JAE H. OH
LEONARDO D. REEDER
JAMES D. RYE
STEVEN A. SABO
AARON J. WIGGINS
CHRIS A. WOODY
WILLIAM A. WYMAN

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTIONS 531 AND 5582:

To be lieutenant commander

BRIAN J. ELLIS
MARY B. POHANKA
GREGORY W. SAYBOLT
MATTHEW L. TUCKER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE GRADES INDICATED IN THE REGULAR NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be captain

ANTHONY T. COWDEN
JAMES P. MURRAY
PHILIP E. OLD

To be commander

MAURICE A. FISCHER
CYNTHIA S. SIKORSKI

To be lieutenant commander

JAMES L. BARR
STEVEN A. DILIBERTO
MILL ETIENNE
KHOA H. NGUYEN
STEPHEN T. PADHI
SEAN T. RICKS
JARED E. SCOTT