of the many outstanding judicial nominations reported by the Senate Judiciary Committee that remain stalled on the Senate Executive Calendar. They should have been confirmed last year and would have but for Republican objection. When considered, they will be confirmed but not before being needlessly delayed for months.

They insisted on debate on the nomination of Judge Gerard Lynch, who was confirmed with more than 90 votes. Republicans insisted on hours of debate for the nomination of Judge Andre Davis, who was confirmed with more than 70 votes. Senate Republicans unsuccessfully filibustered the nomination of Judge David Hamilton last November, having delayed its consideration for months. For at least 2 additional months, Judge Beverly Martin's nomination was stalled because Republicans would not agree to consider it before January 20. Judge Martin had the strong support of both of her home State Republican Senators, Senator CHAMBLISS and Senator ISAKSON, and the highest possible rating from the American Bar Association's Standing Committee on the Federal Judiciary. Still, Republicans delayed her consideration.

None of the nine Federal circuit and district court nominations pending as of this morning on the Senate Executive Calendar should be controversial. Six were reported by the Senate Judiciary Committee without a single dissenting vote. One had 1 negative vote, one had 3 negatives votes and the nominee from Tennessee supported by Senator ALEXANDER had 4 negatives votes but 15 in favor, including three Republicans. We have wasted weeks and months having to seek time agreements in order to consider nominations that were reported by the Senate Judiciary Committee unanimously and who are then confirmed unanimously by the Senate once they were finally allowed to be considered. That obstruction and delay continues.

The American people deserve better. The cost will be felt by ordinary Americans seeking justice in our overburdened Federal courts. President Obama has reached across the aisle and worked with Republican Senators, including Senators LUGAR, MARTINEZ, SHELBY, SESSIONS, THUNE, ALEXANDER, BURR, CHAMBLISS and ISAKSON. I wish Senator Republicans and the Senate Republican leadership would reconsider their tactics of obstruction and delay and work with us and with the President.

The Republican minority must believe that this partisan playbook of obstruction will reap political benefit for them and damage to the President. But the people who pay the price for this political calculation are the American people who depend on the government being able to do its job. I hope that Republican Senators will rethink their political strategy and return to the Senate's tradition of promptly considering noncontroversial nominations so that we can work together to regain the trust of the American people.

The ACTING PRESIDENT pro tempore. Under the previous order, the question is, Will the Senate advise and consent to the nomination of M. Patricia Smith, of New York, to be Solicitor for the Department of Labor?

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

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There appears to be.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. KYL. The following Senators are necessarily absent: the Senator from Ohio (Mr. VOINOVICH), the Senator from Texas (Mrs. HUTCHISON), and the Senator from Utah (Mr. BENNETT).

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

The result was announced—yeas 60, nays 37, as follows:

[Rollcall Vote No. 18 Ex.]

YEAS—60

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

NAYS—37

Alexander	DeMint	McCain
Barrasso	Ensign	McConnell
Bond	Enzi	Murkowski
Brownback	Graham	Risch
Bunning	Grassley	Roberts
Burr	Gregg	Sessions
Chambliss	Hatch	Shelby
Coburn	Inhofe	Snowe
Cochran	Isakson	Thune
Collins	Johanns	Vitter
Corker	Kyl	Wicker
Cornyn	LeMieux	
Crapo	Lugar	

NOT VOTING—3

Bennett	Hutchison	Voinovich

The nomination was confirmed.

The ACTING PRESIDENT pro tempore. Under the previous order, the motion to reconsider is considered made and laid upon the table.

The President will be immediately notified of the Senate's action.

NOMINATION OF MARTHA N. JOHNSON TO BE ADMINISTRATOR, GENERAL SERVICES ADMINISTRATION

The ACTING PRESIDENT pro tempore. Under the previous order, there will be 2 hours of debate prior to a vote on the motion to invoke cloture on the Johnson nomination, with the time equally divided and controlled between the leaders or their designees.

The clerk will report the nomination.

The legislative clerk read the nomination of Martha N. Johnson, of Maryland, to be Administrator, General Services Administration.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut.

Mr. LIEBERMAN. Madam President, I rise to urge my colleagues in the strongest terms to vote for cloture on the nomination of Martha Johnson to be Administrator of the General Services Administration. The point of cloture is to allow this critical agency to finally have a permanent leader. It would be the first time in nearly 2 years and could potentially save America's taxpayers billions of dollars in the bargain.

Let me give a few examples of what is at stake, which is to say what the General Services Administration can do for us. Last year, Federal agencies bought $53 billion worth of goods and services, and they did so through contracts negotiated by the General Services Administration, the GSA. Having GSA negotiate these procurements lets the individual agencies focus on their core missions, doing what we or previous Congresses created them to do. It also allows the Federal Government to leverage our buying power because if the buying is occurring from one central agency, we can get, in conventional terms, volume discounts, leading to lower costs and, therefore, savings to the taxpayers.

We need strong leadership at GSA to ensure these savings are a reality. For example, in 2007, GSA awarded the NETWORX contracts to provide telephone network and information technology services to all Federal agencies. That is a program estimated to be valued at, at least, $68 billion in the course of its 10-year lifetime. These contracts will allow agencies to take full advantage of the new technologies their colleagues in the private sector use every day to increase efficiency and lower costs. But without a permanent Administrator at GSA, agencies have been slow to move to the NETWORX services, costing taxpayers more than $150 million to date and an additional $18 million every month.

Given GSA's wide responsibilities in providing information technology and telecommunications services, I am concerned that we lack a confirmed Administrator at a time when we are also trying, of course, to strengthen our cyber-defenses. Government Web sites, such as private Web sites, are constantly under attack. GSA needs to play and can play a very important role in ensuring that our Federal IT systems are resistant to those cyber-attacks. Furthermore, because of the government's buying power, GSA's purchases will have a natural positive spillover effect in the private sector.

In other words, GSA, by its own requirements associated with purchases, can drive technologies that then become more available to the general public, and I am thinking here specifically of technologies that can defend

against cyber-attack on private companies as well as on public Web sites.

Here is another example about another function of the GSA. GSA is effectively the government's landlord, with 8,600 buildings and assets under its control that are valued at more than $500 billion. It is one of the largest, if not the largest, property management organizations in the world.

Another of GSA's roles is to help other agencies dispose of buildings and property they no longer need. Across the government, these numbers are both stunning and unsettling. There are different agencies that own thousands of buildings worth about $18 billion that are not being used.

Every day I hear Members come to the floor saying we need to work hard to trim the fat from the Federal budget so we can cut the deficit. I agree. Yet the GSA—the very agency established to help make government operations more cost efficient—has been languishing without a leader for over half a year and I think in that sense is losing some opportunities to save some money.

What is frustrating is that a hold has been placed on this nominee for reasons that have nothing to do with her qualifications or her personal history. That is why I am glad Senator REID filed a cloture motion and we have forced this nomination to the floor. It is important, in a totally nonpartisan way, that we get a full-time Administrator in here at GSA.

Martha Johnson's nomination received the unanimous support of the Homeland Security and Governmental Affairs Committee in June of last year—more than half a year ago. So that says she had total bipartisan support in our committee based on her experience and qualifications, and I am confident she has wide bipartisan support in the full Senate as well. I hope and trust we will see that when the vote occurs on cloture and final confirmation at around 3 o'clock.

I hope this nomination is a call to action and common sense—and not only bipartisan cooperation but the cooperation of every Member here who has the right to hold up nominations but ought to think about the public interest and the national interest when they do this—that we cannot continue the practice of holding nominees ''hostage,'' as President Obama said yesterday, for reasons that are parochial and unrelated to the nominee's ability to do the job they have been nominated for. I think these kinds of actions damage the Senate as an institution and further reduce the public's respect for how we do our business.

I wish to remind my colleagues at this point how well qualified this nominee is. To begin with, Ms. Johnson is a former Chief of Staff of the GSA. So she already knows the agency inside and out and will be ready to roll up her sleeves and get to work on day one—no on-the-job training needed. This is crucial both to the efficiency and morale of an agency that has not had a permanent Administrator since April of 2008—almost 2 years. April 2008 was the time when the former Director was asked to resign by the previous administration. GSA has since been run by five acting Administrators who could not act with the same authority as a Presidentially appointed, Senate-confirmed person in that top job.

But both before and after her government service, Martha Johnson's career shows a quite extraordinary mix of work in the public, private, and academic sectors that we should want in government service. Ms. Johnson holds a BA in economics and history from Oberlin College and an MBA from Yale Business School. She also taught some classes during this time.

After graduating from Yale, Ms. Johnson began her career in the private sector as a manager at Cummins Engines Company. She then had a series of other management positions in the private sector and was asked by President Clinton to become Associate Deputy Secretary of Commerce, and then Chief of Staff of GSA from 1996 to 2001.

Since leaving government service in 2001, Ms. Johnson has served as a vice president for the Council for Excellence in Government—a nonpartisan, nonprofit organization dedicated to increasing the effectiveness of government at all levels—and, most recently, she served as a vice president for Computer Sciences Corporation.

This is an extraordinarily experienced and qualified nominee, and that is why I think she deserves—and I think will receive—broad bipartisan support when this matter comes to a vote at around 3 o'clock.

It is past time for GSA to finally have a permanent Administrator, and we happen to have a nominee here who is remarkably well suited for the job. I urge my colleagues in the Senate to vote ''yes'' on cloture, and then we can have a final vote and get this able person on the job working for the American people and I think help us not only manage the Federal Government's activities better but to save billions—literally billions—of dollars for the American taxpayers.

I thank the Chair and yield the floor.

I would yield, if I might, to my friend and colleague from Louisiana whatever time she needs to speak at this time.

The PRESIDING OFFICER (Mr. BURRIS). The Senator from Louisiana is recognized.

Ms. LANDRIEU. Mr. President, I thank the Chair and thank the Senator from Connecticut for yielding the remainder of his time. I understand he has an hour under his control, and I intend to take the full measure of the hour that is left, first speaking in favor of the nominee who he has so eloquently described in terms of her background and experience and the arguments he is making about trying to bring more civility and bipartisanship to this body and the importance of getting some of these very important Federal officials appointed so government can work better and more efficiently.

It has been my pleasure to serve with the chairman now for several years on the Homeland Security Committee, and I am familiar with the work he and his ranking member, SUSAN COLLINS, the Senator from Maine, have done together. They have shown a real example of bipartisanship, and I would hope his calls for this nominee to move forward without delay and not be held up would be heeded.

LOUISIANA FMAP FORMULA

Mr. President, I am on the floor to speak about a different subject, one that is very important to the State of Louisiana and the people of our State—an issue that has been mischaracterized for months now in all sorts of venues—and I thought taking an opportunity today, for a couple of hours, to go through the request by the State of Louisiana for a change or realignment of our FMAP formula, the formula that funds our Medicaid system, would be good to do.

It is good to do for several reasons, the most important of which is not to bring up this subject again for further review to try to clear anything that people have said about me. I have been in public office now for 30 years. People have said all sorts of things about me as a public official. I would venture to say every Member of this body has been called some very choice names. That is actually not why I am here, to defend myself. The RECORD will do that.

What I am here to do is to defend the people of Louisiana and to express clearly and strongly why and how our delegation came forward, united in a very public way, to press our case here in Washington—the only place this can be fixed—why we felt as a delegation, strongly united Democrats and Republicans, to press this case to the Federal Government to get some immediate and necessary and urgent relief for the people of our State.

I make no apologies for leading this effort. I do not back up an inch from the yearlong effort we have undertaken. I am here today because I actually do not have any idea at the moment what will happen to the health care bill we have worked on for the better part of a year. I do not know if we are going to have a bill. I do not know if it is going to be the Senate version or the House version. I do not know if it is going to be a bill passed by 60-plus people or more on the Senate side and a wide majority in the House. I do not know if there is going to be reconciliation that is used. Those discussions are happening actually right now above my pay grade.

But what is in my pay grade, what I actually do get paid to do here, is to represent the people of Louisiana, and I intend to do that for the better part of this hour and for the rest of the day because there has been some great misunderstanding about this in the national media—not much in the mainstream media but on the fringes; but

sometimes those fringes can be quite loud, and I would like to try my best to silence them a little bit at this point. The mainstream media has been, for the most part, taking their time to understand, and I appreciate it.

I most certainly appreciate the newspapers in my State that actually know more about this than any media outlets. They would because they have covered it longer, have editorialized generally in my favor and the favor of our delegation that has stood strong, except two members who have folded on this issue.

So I want to start to try to take everyone through chronologically the timeframe. First of all, I have been, and the State of Louisiana has been, criticized for a ''secret'' deal, for something that happened at the very end of the process that people did not know about.

I wish to call everyone's attention to a Times-Picayune headline—this is the newspaper in New Orleans—a Times-Picayune headline, dated January 11, 2009. We are in February of 2010, so this was a year ago. This was a year ago. I also would call to the attention of my critics that this date is actually almost 2 weeks before President Obama was ever sworn into office, just to remind people.

This meeting, called by my Governor, who is a Republican Governor, happened in a public place, in the Governor's mansion in Baton Rouge and five members of our delegation were there, and the entire delegation was represented. It was reported at length in several papers. In the Times-Picayune, this is the headline: ''Jindal reviews wish list with LA delegation; aid for recovery, health care stressed.'' This is the other headline: ''Governor Jindal Stresses Urgent Need for Federal Government to Fix Faulty FMAP Rate.'' Let me repeat that: ''Governor Jindal Stresses Urgent Need for Federal Government to Fix Faulty FMAP Rate.'' Not special FMAP rate, not FMAP rate problems that every State is fixing, but faulty FMAP. I will explain why we think it is faulty in a minute.

''The Advocate,'' August 29. This was in July. These meetings continued through the year: Jindal, Republican Governor; LANDRIEU, Democratic Senator, Pushed for Federal Funding Fix.

So I wish to put my critics on notice. I am going to submit letters and documents and these articles. Nothing about this effort was secret. Nothing. If there is one Member of this body, either the junior Senator from Louisiana, or the great Senator from Arizona, or any other Senator who would like to come and talk to me about this ''secret'' effort, I would look forward to hearing their comments on the floor of this Senate sometime today because I am staying here today until 6 or 7 o'clock, until we go out of session tonight. I thought it would be good to spend the better part of the day.

If anyone, if any Senator, wants to come down and say they thought this was some kind of secret arrangement, I think the editors of our newspapers would be very interested since they have been reporting on it since the first meeting on January 11, 2009.

Secondly, I wish to show a letter signed by our entire delegation to make another point. My critics have said: Oh, there she goes again, Senator LANDRIEU, just running off on her own making all sorts of terrible things and making the State of Louisiana look bad.

I have spent 30 years of my life trying to represent the people of my State and make them look good. Even when they were wrong, I have defended them. When they were right, I praised them. When I was wrong, I apologized; and when I was right, I was very proud of my work. Never—never—in my life have I ever or will ever throw the people of my State under a bus to save my reputation or my job.

I know who I am inside. I don't need anyone to remind me of the goodness I have inside. My parents do that. My husband does that. My children do that for me every day. I most certainly don't need anyone—and I don't need this job badly enough; maybe some people do, I don't—to throw the people of my State under a bus to protect myself politically.

I wish to show everyone a letter dated May 4, and I am going to read every single signature because I am actually proud to lead this delegation. I only have one Democrat besides myself, but other than about one member of this delegation, we have some pretty extraordinary leaders. I am proud of them. Some are very conservative and some are very liberal and some are in the middle. We have a very diverse delegation.

I signed this letter; RODNEY ALEXANDER signed this letter, a member of the Appropriations Committee; CHARLIE MELANCON signed this letter, a Member of Congress; BILL CASSIDY is a Member from Baton Rouge; DAVID VITTER, the Senator; CHARLES BOUSTANY from Lafayette; STEVE SCALISE from Jefferson Parish; and JOHN FLEMING from Shreveport and JOSEPH CAO, a Vietnamese-American Member of Congress from the New Orleans area signed this letter.

This was made public. Actually, some Members put out their own press releases. The letter is to Secretary Sebelius, who was finally sworn in after being held up for months:

> We write to you today to follow up on an April 9 letter your office received from Louisiana Secretary Alan Levine.

That is our Secretary.

> While many states will face challenges to their Medicaid programs in the coming years, we believe that Louisiana's case is unique.

We believe Louisiana's case is unique.

> As you may be aware, our state is still rebuilding from Hurricanes Katrina and Rita in 2005 as well as Hurricanes Gustav and Ike in 2008, including the rehabilitation of the health care system in the New Orleans area. These extensive recovery efforts have inflated Louisiana's per capita income, but they were only temporary and do not accurately reflect the increases to incomes in industries not related to the hurricane recovery.
>
> Since the FMAP formula per capita to calculate how much each state will receive, we are greatly concerned that the post hurricane per capita income increase would significantly impact our State's FMAP allocation. We ask that you meet with Secretary Levine to develop a solution to the unique problem that our state is facing.

This is an example of one letter—I have many others—signed by our entire delegation asking the officials here, from the White House to Kathleen Sebelius to other powerful Members, to please look at Louisiana's situation because ours alone among the 50 States was unique, and I will explain why in a minute.

So the fact that this was a secret is a lie. The fact that it wasn't supported by our delegation is a lie.

Now I wish to explain what our problem is, and this map explains it—or chart—better than I can. As anyone knows how this Federal formula works for Medicaid, Medicaid is a voluntary program to a certain extent that States can enter into to cover their very poor. The Federal Government says: If you want to do that, if you are a wealthy State, we will pick up 50 percent of your effort. If you are a moderately wealthy State, we will pick up 60 percent of your effort. And if you are one of the poorest States in the Union—not that Louisiana isn't an extraordinary State, but we have high poverty relative to other States, just like Mississippi and Alabama, West Virginia. We know who our cohorts are. We have been at this a long time.

For us, the Federal Government says: If you try to cover your poor, we will pick up 70 percent for you, which is the right thing to do. The Federal Government should help the poorest States a little bit more than the wealthier States. It is actually what is taught in the Bible. I wish we would follow it a little bit more around here.

So for years, this is what has occurred. In 1999, the Federal Government paid 70 cents of every dollar. You can see, basically, that it is done by an income calculation. Because our income—we have gotten a little bit richer here, you can see, a little bit richer, a little bit poorer, a little bit richer. But all of a sudden, because of a unique set of circumstances that happened because of Katrina and Rita and Ike and Gustav—not because of any politics here but because of hurricanes and levee breaks and a catastrophic flood and an influx of Federal dollars that came to help, which we are grateful for—our calculations were terribly distorted and skewed when the new calculation was made. As a result, the Federal Government's portion would have fallen to 63 percent. So from an average of about 70, we would have fallen to 63 percent. That doesn't sound

like a lot, but it would have meant about a $400 million to $600 million—very roughly, $400 million to $600 million difference.

Either the people of my State would have had to cut $400 million to $600 million out of programs today or they would have had to raise $400 million to $600 million in taxes. That is a lot of money even in Washington where we throw around $1 billion and $1 trillion like it is nothing.

I can promise you, there are people sitting around their kitchen tables in Louisiana way down in Tibido and way up in Mansfield, LA, thinking: Where are we going to come up with $500 million? This is terrible, Senator. We didn't do anything. We are not that much richer. We are actually still struggling from the recovery. Does anyone in Washington understand that we did not get—we are not 40 percent richer than we were 2 years ago? Does anybody know up there that we are still struggling with this recovery?

I assured them I knew, and our delegation knew, and that I knew some people who might be understanding. I mentioned to them actually that I would bring this to HARRY REID, I said, because he is a good man. He has a good heart. I thought if I explained this to him and to Kathleen Sebelius, who is a very good Secretary, and got their staffs to look at it, perhaps they would agree with us that we needed some special assistance. I thought there might be one person—one person with a heart on the other side of the aisle. I still think there may be. But, I said, let's just try.

So our delegation went to work and, lo and behold, then we have a health care bill coming along. It is a bill that some people like and some people don't, but it is most certainly germane to my subject. It is most certainly germane to my subject.

So I say: This is nice. I know we are going to be on health care. Let's see what we can do to get this in this health care bill. I don't know what the bill is going to look like. I don't know if I can vote for it when it finally comes. I don't even know if I am going to be for it. But it is a health care bill. This is a health care amendment.

Some people have actually criticized me and said: You know, the Senator put it on the wrong bill. The Senator discussed this at the wrong time. The Senator has ruined the efforts of the State to get help because she asked for this amendment.

Was I supposed to ask for it on a transportation bill? Was I supposed to ask for a Medicaid fix on a jobs bill? Was I supposed to ask for it on a lands bill? Forgive me for asking for a health care amendment on a health care bill.

So I did. We pursued it openly, we pursued it bipartisanly, and we pursued it intelligently and smartly on the health care bill. And I assured my Republicans privately and publicly: I know you are not for the bill. You don't have to vote for the bill. I may not vote for the bill. I didn't know I was going to vote for the bill until the very end. I am going to talk about why I decided to vote for the bill.

I said: But no matter how we vote on this bill, let's really make a case as strong as we can that this should be fixed. We basically agreed to do that, and the record will show that.

So at some point later, as the debate moved over to the Senate, I was asked to present, on any number of occasions, just as every Senator was asked, what are the things that I think are the most important in this health care bill as we begin the debate. I wasn't on the HELP Committee. I am not on Finance. So those of us not on HELP and not on the Finance Committee submitted our documents, which I am going to release today to the leader, and said: These are the things that we think are most important.

This was always on that list. I am proud it was on the list, but what I want people to realize is it wasn't the only thing on the list. It wasn't the first thing on the list. It wasn't on the list in any letter or correspondence that said if this doesn't get on, I am not voting for the bill. In every correspondence, in every public meeting, and in every private meeting, I pressed for this issue, but never did I say at any time that if this wasn't in the bill, I wouldn't vote for it, or if it was in the bill that I would vote for it because I don't believe in that.

As strongly as I feel about this provision and the merits of it, I would never have asked my colleagues—I did ask my colleagues to understand a few other things, and they can tell you that I said this in any number of meetings and, unfortunately, some of them were locked up with me for days. So they actually got to hear this over and over again.

I said: I cannot vote for this bill unless it drives down costs. I cannot vote for this bill if there is a government-run, public delivery system. I will not vote for this bill if there is an employer mandate. I can only vote for this bill if it extends coverage to people who don't have it in a way they can afford it where they have choices in the private sector.

I said that speech 100 times in my State. I was on the radio. I was on this floor. My colleagues have heard it any number of times. I said to my colleagues: If you are going to cover children who can stay on their parents' insurance—if the underlying bill, whether it comes from the Senate or the House, is going to cover children up to 26 years old, which is a very good reform—something I think the American people support, and most certainly the people in my State would love to be able to do until they are 26—I said I would be hard-pressed to vote for bills if you left out children who don't have parents. Since I am the cochair of the adoption caucus and cochair of the foster care caucus, with Chairman GRASSLEY, I felt very empowered to speak those words to the leaders here. Part of my job that I have taken on myself is to try to represent children in foster care. I don't do a very good job every day, and sometimes I don't do the job I should do for them. I try my best. When we are in those meetings, when they have no one speaking for them—they most certainly don't have any money to hire a lobbyist. They most certainly have no parents here advocating for them. But I said if you are going to put that in the bill so every child in America gets to stay on their parents' health insurance until they are 26—do you all realize we have 22,000 children who graduate or come out of our foster care system who don't have any parents? I said: What are we going to do for them? They said: We don't know. We think we will leave them out. I said: If you want my support for this bill, that has to be in there.

I said that on the floor and in meetings. This was not in that conversation. This was. We need it. We believe we have a $400 million to $600 million fix. We would love you to fix it all. We would love the full $600 million, but we would appreciate whatever you can do to help us. Frankly, the reason we should fix it is not only will it be good for Louisiana, but by chance if any other State—when the earthquake hits Memphis, and it will some day, or when it hits California, and it will some day—do you know what. If this is in the law, they will not have to pay double for their Medicaid 3 years after that disaster because there will be this adjustment that says, if your rates are arbitrarily or artificially distorted by the fact that you have an increase in public assistance coming into your State, we will not count you as having a 40-percent increase in income. It will help. Contrary to what the Senator from Arizona says, it doesn't just affect Louisiana. For the time being, it does, but in the future it would affect a lot of other States. That is the right thing to do.

Nobody should be punished for having a disaster. Why would you punish that? This money—this $400 million is to protect the poorest children in my State—children who lost their parents in floods, lost grandparents in floods, children who lost siblings in the floods, children who are still not back in their houses. Why would we punish these children, these disabled people, the poor people on Medicaid because the Federal Government's levees broke? Why would we do that? I don't think we want to.

I am not going to stand by silently while the people of Louisiana are criticized for asking for something in a public way, describing our situation, expressing that we are unique among the States in this, and asking for assistance. I think the White House understands this. I know that Kathleen Sebelius understands this. I am most certainly confident the leadership on the Democratic side understands it. I

am very interested in what the Republican leadership has to say about this. They have been very quiet.

If this isn't the place to ask for it, where is the place? I would like to go there. If this isn't the time to ask for it, what is the time? This budget is being crafted right now by my legislators—not 2 years from now but right now. They are either going to know they have $350 million to work with or they are not. They are either going to raise $350 million on the backs of my people who can hardly pay the taxes they are paying now or they are going to cut off more from the elderly, the poor or the disabled who rely on Medicaid. So if this isn't the time, when would I come?

To close, because I have a few more minutes, I am going to leave with the one statement my Governor made publicly on this for the record. Being in public office takes more than being intelligent, more than a fancy resume—it takes guts. Some people have more of those than others. This is what my Governor said on November 20 to CNN:

> The bill is awful, but it is unfair to criticize Senator Landrieu or the rest of our delegation for fighting to correct this injustice to Louisiana. Our entire delegation is working together across party lines to correct this flawed formula.

This is the one statement he made. I see my colleague from Missouri here to speak about other matters. I am going to rest for a moment. I will be on this floor until 6 o'clock today. I am not leaving. If any Senator from the Democratic side or the Republican side wants to debate me on any aspect of this, I kindly ask them to let's get this over with today. I look forward to seeing them. I will be here until 6 o'clock. If they don't come, then I hope they will keep their mouths shut about something they know nothing about.

Thank you.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, I rise to shed some light on the situation going on at the General Services Administration, the GSA, a tangled mess of bureaucracy I have been fighting for the last 5 years. In the past, I worked very cooperatively with GSA, but for some reason, somehow, they have gotten themselves and us into a situation that is untenable.

Yesterday, the President accused me of holding hostage the nominee to be Administrator, Martha Johnson. I feel no joy in holding up this nominee, but the hostage I am concerned about is not the one looking for this distinguished position in Washington. Instead, the hostages I am worried about are the 1,000 people working in a Federal office building dump in Kansas City at the mercy of an agency that refuses to act to remedy a problem they acknowledge exists. Again, the hostage, with due respect, is not Martha Johnson; the hostages are the 1,000 Kansas City workers at the Bannister Federal Complex.

As Senators, we have a few tools at our disposal to carry out our responsibilities. One of these important responsibilities is oversight of the Federal Government. One of those tools is to force the Senate to debate and actually vote on an issue rather than be just a rubberstamp to the administration.

While he has criticized me for using this oversight tool, the President wielded it himself when he was a Senator in this very Chamber.

Senator REID, our distinguished leader, shares some responsibility in delaying Martha Johnson's confirmation. You see, the Johnson nomination actually passed out of committee in May. Was she ever called up for a vote? No, because until July—when I formally placed a hold on the nominee—the Senator from Nevada, according to Congress Daily, delayed her confirmation to ensure that taxpayer dollars were still being used to send Federal employees to Las Vegas.

Senator REID has his priorities regarding the delay on this nomination, and I have mine. He wants more Federal employees able to come to Las Vegas, and I certainly understand his reason; it is very important for his State. I want Federal employees in Kansas City to work in a building with a roof that doesn't leak and doesn't have other risks of contamination.

Some are complaining about the delay of this nominee. The truth is, the majority leader could have confirmed Martha Johnson in May, June or July. In addition, he waited until Thursday to file cloture, and he could have picked any date in the last 7 months to do so, but he waited until last Thursday. We had thought we made progress, and every time we thought we made progress, somebody in the administration pulled back that small step of progress.

There are many reasons why a Senator might wish to place a hold on a nominee that are related to our oversight responsibilities. I think it is important to have debates such as this not only when the qualifications of the nominee are at stake but when a Federal bureaucracy stops being responsive and serving of the people in the communities in which they work. That is the real issue.

Martha Johnson's qualifications are not in doubt. But as you will hear, the GSA is not being responsible to the people of Kansas City and, most specifically, to the Federal workers there.

The history goes back about 5 years. It is part of a larger plan to move all tenants out of the dilapidated Bannister Federal Complex. GSA initiated a plan to construct a new building in downtown Kansas City in order to move the jobs out of the complex. That was a long time ago, and at the time they were looking for a lease-to-own process.

The community of Kansas City—the leadership, elected officials, the employees, and Kansas City's financial community—had worked with the GSA to get a building—a new building to replace the Bannister Federal Complex.

The existing building, by any stretch of the imagination, is extremely expensive to operate, will be sparsely occupied, is not conducive as a good workplace, and must be replaced.

After 3 years, the plan brought together, with GSA's participation, the leadership of the Kansas City community at all levels, from the mayor to the council, to the business community, the Finance Committee that was going to put up the money. They came together, and they got a commitment that financing would be available to construct on a lease-construction basis.

What happened? With no warning, GSA called up the Environment and Public Works Committee the week of the markup, when it was supposed to be approved, and effectively put their own hold on the project they developed and approved, citing GSA's shift away from proceeding on a lease-construction basis.

For anyone following the project, this latest move by GSA was very difficult to understand. After all, 3 months earlier, in June of 2008, GSA was holding roundtables with real estate developers on the value of lease-construction plans and telling them how they could seek and pursue such projects.

In scrapping their own plan, GSA ensured that after all other tenants vacated the inefficient, 5.2-million-square-foot complex, more than 1,000 Federal employees would be stuck working there.

That is about 5,000 square feet per employee. This nonsensical plan would cost taxpayers $13 million to $15 million annually just to mothball unused space and operate shared heating and cooling equipment. That is $13,000 to $15,000 a year per employee for the unused space.

GSA was so convinced this was the best path forward that for 9 months, they even went so far as to conduct an analysis to justify the continued use of the Bannister Complex. But then, in a 60-day analysis, ''GSA concludes that the Bannister Complex should be a mid-term hold (approximately 15 years).'' This translates into nearly 10 years of continuing to run a complex at 20-percent capacity. Does that make sense? I cannot figure any building manager, any responsible party in the private sector or in government who thinks that works out. It does not take a mathematician to figure out the numbers. They are not good for the taxpayers. Put pencil to paper on that. Pencil it out. Anybody can do that. However, yet again, GSA decided to change its mind in September of 2009. This time, GSA agreed to their original position that a new building in Kansas City was GSA's ''preferred option.''

Bear with me. I know this is getting confusing because we have been confused.

Imagine how the Kansas City community feels after being jerked around for 5 years, where we sat down and worked with the staff, and a very helpful staff decided—laid out the path forward. That sounds like a good idea. Everybody at home was on board. The Kansas City community was on board, the officials, and we said, fine. Then somebody in the administration, whether GSA or above, put a halt to every one of those steps forward—every single one of them. Every time they laid out something, nothing happened. We are beginning, quite honestly, to feel like Charlie Brown. Every time we get ready to kick the football, somebody in the administration moves it.

Where are we now, now that the GSA went back to their original objective that they earlier rejected? Unfortunately, we are not one step closer to a new building for these workers. GSA has still taken no action, still has put nothing on paper, has made no commitments.

Is there a way forward? What is their way forward? Let the people of Kansas City know what you are going to do, how you are going to do it, and when you are going to do it. We cannot even find that out from them. There is no official plan out of GSA. GSA clearly agrees that the new Federal building is needed, so it should not be asking too much for somebody who represents them and the community to be told their plan. Yet they have stubbornly refused to produce one.

I met with Ms. Martha Johnson. I have worked with the PBS Commissioner. They are fine people, wonderful people. I think they are very qualified. But I have asked repeatedly that GSA come up with an official plan to move Kansas City forward. They refused. Bureaucracy has broken its word once again, and I want a chance to tell my colleagues what they have done.

My bottom line, the reason I am on the floor today opposing this nomination is quite simple: As Missouri's senior Senator, my job is to fight on behalf of the people who sent me here. My job is to make sure bureaucrats in Washington do their job and serve the people across the Nation and in Kansas City.

GSA continues to ignore the Kansas City community. My efforts have always been about keeping 1,000 jobs in Kansas City, not blocking one position in Washington.

But my colleagues should be aware that there is more bad news at this very same Bannister Federal Complex. At the same time GSA has been unwilling to move forward on a new building, they have also apparently been unresponsive to the ongoing health concerns of their employees and tenants at the Bannister Federal Complex. In the next day or so, tests will come back on the levels of trichloroethylene, or TCE, a dangerous carcinogen, at the Bannister Complex. These tests were called for after a local TV station reported unexplained illnesses afflicting Bannister workers and a possible link to toxins, such as TCE and beryllium, at the complex. While the pending results of these tests are of great concern—they are of great concern to the employees and their families, but most of all, we are hearing from parents whose children were in a daycare center at the complex. They want to know to what their children might have been exposed.

These scares and reports are coming more and more frequently to us from the Bannister Complex. It is alarming that I learned about this information not from GSA but from the media. Based on media reports, the implications for the health of these workers could be very serious, so I have called for an investigation. I even asked the inspector general of GSA to get to the bottom of these alarming health allegations.

I will work with the proper authorities on all levels of government—the Environmental Protection Agency, the Missouri Department of Natural Resources, the Missouri Department of Health, the Agency for Toxic Substances and Disease Registry—to uncover any additional information. It goes without saying that I will demand more transparent and comprehensive testing throughout the Bannister Complex. For the safety of the workers, we need to know what is going on, what is happening at Bannister, what has gone on in the past, who knew about it, why they did nothing about it, and how to move immediately to protect those potentially at risk.

The bottom line is that these workers deserve answers. The situation at GSA tells the American people that all they can expect out of Washington right now is business as usual, keep going forward, don't listen to the people we are supposed to serve, a government that is out of touch with their concerns and slow to act. I do not support business as usual. For these reasons, I will vote against the nomination and ask my colleagues to do the same.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

DEPARTMENT OF DEFENSE NOMINATIONS

Mr. LEVIN. Mr. President, I wish to take a few minutes to express my frustration and my dismay at the roadblocks which have been placed in the way of Senate nominations for key positions at the Department of Defense. These obstructions take place at a time when these nominees—there are four of them—are critically needed by the Department of Defense. We are a nation at war. Our national security interests require us to end these obstruction tactics and immediately fill these four positions with highly qualified patriots.

Each of these nominees has been favorably reported to the Senate by unanimous vote from the Committee on Armed Services. They responded to extensive advance policy questions. They appeared at a hearing of our committee. Nobody has informed me of any concern about the qualifications of any one of these four nominees. Yet there is an objection here on the floor of the Senate every time these nominations are considered for confirmation. If any Senator has a concern about any of these four Defense Department nominees, I wish they would let me know about those concerns so we can address those concerns. We have heard from nobody. We have unanimous approval by the Armed Services Committee of four Defense nominees. They have been sitting on our calendar since December 2—over 2 months—while these positions go unfilled and we are in the middle of two wars.

One of these nominees is retired Marine Major General Clifford Stanley. He was nominated to be Under Secretary of Defense for Personnel and Readiness. This position is critically important. It is responsible for our military readiness. It is responsible for our total force management. It is responsible for military and civilian personnel requirements that need to be filled. This position is responsible for pay and benefits. Let me repeat this. The pay and benefits of our military personnel is the responsibility of the person who has been nominated for this position, and he has been sitting waiting for confirmation for 2 months. What kind of a message is this to the men and women who put on the uniform of this country? Military and civilian personnel training is the responsibility of this office, military and civilian family matters, exchange, commissary, nonappropriated fund activities, personnel requirements for weapons support, National Guard and Reserve personnel matters, and health care for the military and their families.

General Stanley was the first African-American regimental commander in the Marine Corps. He has served with honor and distinction. He is now retired. We are lucky we can get someone such as General Stanley to come back into public service to fill this position. Yet there has been a hold on his nomination since December 2.

The Secretary of Defense and the Chairman of the Joint Chiefs of Staff have both made personal appeals to me and to other Members, including, I think, the leadership of this body, to confirm General Stanley so he can perform those essential duties which I have outlined. His nomination, again, was unanimously supported by our committee. Our distinguished Presiding Officer is a wonderful member of our committee. No one, again, has brought any problem with this nomination to my attention. No one has said he is not qualified. I think there is unanimous consensus that he is extraordinarily well qualified.

While we have servicemembers, who have volunteered to serve, and their families under great stress, they are fighting for our interests in two wars, we have a critically important person

who is awaiting confirmation for a position which affects every one of their lives. It is unconscionable that these roadblocks were placed in the way of these nominees.

Another critical nomination is that of Frank Kendall III, who was nominated to be Deputy Under Secretary of Defense for Acquisition and Technology. The individual confirmed to this position is responsible for assisting the Under Secretary of Defense for Acquisition Technology and Logistics in supervising Department of Defense acquisition, establishing policies for acquisition, including the procurement of goods and services, research and development, developmental testing, and contract administration.

We have all these problems with contracts, with testing, with development, with cost overruns. We reformed our law now so that we have much better acquisition rules in place to try to see if we can't get rid of some of these cost overruns.

We have a nominee to fill the position of Deputy Under Secretary of Defense for Acquisition and Technology, and our friends on the other side of the aisle—someone over there—have a hold on his nomination for, I know, no reason related to his qualifications. There has been no issue about his qualifications, about any of the four of these nominees. Again, we have a critical position. As I indicated, particularly we have acquisition reform which we just adopted. It is so essential to control the cost of our national defense. Mr. Kendall's nomination, like General Stanley's nomination, has been before this Senate since December 2, over 2 months.

Another nomination is that of Erin Conaton to be the Under Secretary of the Air Force. We all know her. She is on the staff of the House Armed Services Committee. Nobody has raised an issue about her. We are lucky to have her. Yet there is a hold from the other side of the aisle for some unspecified reason, nothing to do with her. But here she is in a position which is so important to the Air Force.

If designated by the Secretary, the Under Secretary of the Air Force serves as the Department of Defense Executive Agent for Space. She also serves as the chief management officer of the Air Force—we have all these problems, and our Presiding Officer knows about the problems of auditing and knows about the management and the business problems we have in our defense units. He knows it from experience in the Senate. He knows from his own personal life experience how important this is. And we cannot get the woman—who probably is as knowledgeable about this subject as anyone, based on all of her years over at the House Armed Services Committee—we cannot get her off the Senate calendar.

Terry Yonkers has been nominated to be Assistant Secretary of the Air Force for Installations and Environment. This Assistant Secretary is responsible for overall supervision for all matters relating to Air Force installations, environment, and logistics, including planning, acquisition, sustainment and disposal of Air Force real property and natural resources, environmental program compliance, energy management, safety and occupational health of Air Force personnel.

These are important, vital positions to the well-being of our men and women in uniform. It is unconscionable that one or more people on the other side of the aisle continue to put holds on these nominations. They cannot find any problem with their qualifications because there is none. It is just endless holds, endless filibuster threats, endless roadblocks that stop these and so many other nominations. But these are Defense Department nominations in the middle of two wars, and these roadblocks have to be removed.

I hope we will take up all four of these nominations immediately. We have servicemembers volunteering to risk their lives in defense of the Nation. The least we can do—the least we can do—as a Senate is to confirm nominees for the critical positions to lead the Department of Defense.

Again, finally—and I know my great friend from Illinois is sitting 3 feet away from me and has made the same suggestion, as he has pressed so hard to get these roadblocks removed—if anybody has a problem with these nominees, would they please come to the floor and tell us. They can tell us, hopefully, publicly, but they could tell us privately. We have heard nothing. These nominees—all four of them—were unanimously approved in the Armed Services Committee. So we don't know of any problem. We know their qualifications, and they are extraordinary in every one of their cases.

This filibustering that is going on around here and the threat of filibustering and the constant roadblocks that are thrown up in front of these nominees is unconscionable. It goes beyond anything I have ever seen around here in 32 years. We all know there are people who object to nominees, but, hopefully, usually because they have an objection against something the nominee has done or said. In this case, there is nothing like that. This is some unrelated matter, apparently, which has caused somebody to hold them hostage while they try to extract some concession out of somebody.

It seems to me, as a body, we simply have to find a way where we can get our nominations back on a reasonably decent track. I say that, with greater emphasis, when in the middle of two wars we have four essential nominees.

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

Mr. LEVIN. Yes.

Mr. DURBIN. I would tell the Senator I am not 100 percent pure. I have held up a nomination in the past, but I always state my purpose. The two I can recall immediately were to get agencies to do things they said they would have done long before and, in fact, they did them and I released my hold immediately. It was issuing a report. It wasn't a matter of filling a job or a project or something such as that. So it has been done. But I think if it is done with transparency and in a timely way, we can live with it. In this situation, we are seeing our Executive Calendar stacked with nominations.

There was one in particular, which I spoke about the other morning, that struck me—Dr. Stanley, who is trying to take a position with, if I am not mistaken, manpower and readiness.

Mr. LEVIN. In charge of it; right.

Mr. DURBIN. For the Department of Defense. If I remember correctly, this gentleman has served 33 years in the U.S. Marine Corps, was a major general, and he was the first African-American regimental commander in the history of the U.S. Marine Corps. It is clear he is qualified. There is no question about his patriotism and love of this country. The fact he would go through this process—let them go through every aspect of every corner of his life to prepare him for this nomination—and then be held up on the floor by the Senator from Alabama, I would ask the Senator: When he was considered before your committee, did anyone question this man's ability or his service to our Nation?

Mr. LEVIN. Quite the opposite. His references were superb. Not only was there no objection raised, it was quite the opposite. We were delighted he was willing to come out of retirement and serve. This is a real find. These nominees are performing a real public service, in many cases taking a lot less money in pay than they could get in the private sector.

I agree with my good friend from Illinois too. Many of us—I will not say all of us—including myself, have placed holds on nominations. That is not unusual. But usually there is some reason you have that you are willing to disclose and you want to take up with the nominee or you want some report that has not been filed that was promised. You want something that relates to the nominee. The objections here, the roadblocks here have nothing to do with these nominees. There is no objection to these nominees.

I see my good friend from Vermont has come to the floor. He has to live with this a lot more than I have to with this. This is probably 20 percent of my time. He has roadblocks in front of the Judiciary Committee nominees that take up probably more than half Senator LEAHY's time.

Mr. LEAHY. If my two friends will yield on that point, it has gone way beyond anything I have seen in my 35 years in the Senate, by either Democrats or Republicans. It is ridiculous.

I will give one example—not my committee, but I mentioned it the other day. During the height of the H1N1 flu, every morning you could pick up the

paper or hear of children—little children—dying while there was an anonymous hold by the Republicans on the Surgeon General. You would think, particularly at a time such as that, you would want to have everybody you could have there. This was blocked for months and months and months. Finally, the hold was lifted and she was confirmed unanimously.

We have had judges supported by both parties, and the nominations have come out of the committee. The distinguished deputy majority leader is a member of the committee, and he knows they have come out unanimously. Yet they are held up for months. We finally vote cloture, waste 3 days of the public's time—at a cost of tens of thousands, hundreds of thousands of dollars—only to then have a vote and it be virtually unanimous.

I mean, this is being childish. It goes beyond misusing a parliamentary procedure. It becomes childish.

I thank my two colleagues for letting me speak to this.

Mr. LEVIN. I yield my time.

Mr. DURBIN. Mr. President, I know my colleague from Vermont is going to take the floor, but I would ask for his indulgence.

I ask unanimous consent to be recognized for up to 5 minutes.

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

FAREWELL TO SENATOR KIRK

Mr. DURBIN. Mr. President, in my era in politics, one of the most frightening things you could ever hear when you were about to go into an event was when the host of that event called you to the side and said: You will be speaking following Ted Kennedy. That was the worst news you could receive. No one in the world wanted to follow Ted Kennedy. He was that good and well loved and a man who had given his life to public service and to the State of Massachusetts.

Well, our friend, PAUL KIRK, who is seeing his tenure in the Senate come to an end either today or this week had the unfortunate responsibility to follow that great man. But if there was ever a person who could stand and take the job, it was PAUL KIRK. He came to the Senate not just as a former staffer of Senator Ted Kennedy after Senator Kennedy passed away but as truly a very close friend of Senator Kennedy.

On the day he was sworn in, Senator PAUL KIRK of Massachusetts said he assumed his duties feeling ''the profound absence of a friend'' but a ''full understanding of his devotion and understanding of public service.''

PAUL KIRK promised to be a voice and a vote for the causes which Senator Kennedy believed in, and for 4 months and 10 days he has honored that promise to his old friend and to the people of Massachusetts.

I will tell you that PAUL KIRK, in his short time here, has served with dignity and integrity. We thank him and his wife Gail, who made a personal sacrifice to let her husband come and take up this responsibility for this important chapter in his life and this important chapter in the history of the Senate.

I think it is fair to say PAUL KIRK never dreamed he would be a Senator. He graduated from Harvard Law School in 1964. He worked as an assistant district attorney in Massachusetts. He came to Washington in 1968 and worked on Senator Robert Kennedy's Presidential campaign. He considered quitting politics, as many people did, after Robert Kennedy's political assassination. But Ted Kennedy convinced him to pick up the fallen standard and carry on Bobby's work.

For the next 8 years, PAUL KIRK worked in this Senate as one of Ted Kennedy's closest aides. He was with Senator Kennedy in 1980, when the last of the Kennedy brothers ran for President. I remember that so well as the downstate coordinator of the Ted Kennedy for President campaign in Illinois.

In 1985, PAUL KIRK took on the challenge of chairing the Democratic National Committee in the middle of the Reagan era—quite a political challenge for any Democrat. He served as cochairman of the Commission on Presidential Debates, and he has been chairman of the John F. Kennedy Library Foundation since 1992.

PAUL KIRK is a good fellow, with a great sense of humor. I can tell you what has been said about him. He has never been known for excitement. One friend said of Paul Kirk several years ago: Behind that quiet exterior is a quiet interior. He is that sort of person—soft spoken but effective. He may not speak in a lion's roar, as Ted Kennedy did, but his reverence for America and his belief in this great Nation and his sense of justice is just as strong. On the Saturday before Thanksgiving, during the historic effort to break the filibuster on health care reform, Senator PAUL KIRK came to the floor and told the story of a young woman from Somerville, MA, who had finished college, prepared for graduate school, and who suffered organ failure. In many States, that woman might have quickly found herself in a critical state and in medical debt and surely she wouldn't have been able to find insurance.

But because of Massachusetts's first in the Nation, near universal health care program, PAUL KIRK told us that young woman could still obtain affordable health care, even though she now has what is characterized as a preexisting condition that will require her to be on medication for the rest of her life.

Senator Kennedy was proud of what Massachusetts, his home State, had achieved in health care. Ensuring that Americans in every State had decent, affordable health care, PAUL KIRK said, was the ''cause of his life.'' It has been Senator KIRK's consuming goal in the Senate, and I hope it will soon become a reality. We are too close to a solution on health care—and the need is too great—for us to stop now.

In 1968, when Ted Kennedy became majority whip—the position I now hold in the Senate—then-majority leader Mike Mansfield welcomed him to the leadership by saying: ''Of all the Kennedys, the Senator is the only one who was and is a real Senate man.'' Part of what made Ted Kennedy a real Senate man was his personality and his inexhaustible patience and optimism. Part of it was his knowledge of how the Senate works and part was his great staff.

The Kennedy staff has always been known as the A-Team in the Senate. They are smart, they are talented, they are dedicated, and after they leave Ted Kennedy, they go places unimaginable for most staffers because they are so highly regarded. Some have been with Senator Kennedy for decades and continue with Senator KIRK, including the legendary Carey Parker, the Senator's chief speech writer; Michael Myers, whom I know well from his activities on the floor, the Senator's staff director on the HELP Committee, who worked so hard on health care reform. He has been amazing.

I wish to thank all the staffers for Senator KIRK, and previously for Senator Kennedy, for carrying on that standard of justice and fairness. I thank them as a group for their service to Massachusetts and to America. It is because of them, and countless others whom Senator Kennedy touched, myself included, we have been enlisted in the Kennedy causes and the Kirk causes with a great deal of pride.

A special thank-you to the Kennedy family—especially Vicki, Kara, Ted, and Patrick, Caroline and Curran—for sharing so much of the man they loved with the Nation he loved.

Finally, I wish to welcome to the Senate—and in a short time he will come to be sworn in—Senator SCOTT BROWN. As Senator Kennedy would have said, if he were here: failte. He was always eager to reach across the aisle and find solutions to the problems we face. I look forward to an opportunity to do the same with Senator BROWN in the Senate.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I see my friend from Wyoming on the floor, and he has been recognized, but I ask unanimous consent that when he finishes, I be recognized for 10 minutes to speak about Vermonters who have been in Haiti helping with the devastation.

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

The Senator from Wyoming is recognized.

Mr. BARRASSO. Mr. President, I yield myself 10 minutes of Senator BOND's time.

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

NEW CLIMATE CHANGE ALLEGATIONS

Mr. BARRASSO. Mr. President, there has been significant attention given to efforts by the United Nations to establish a global climate change agreement. The effort has been based, in

large part, on information contained in reports prepared by the United Nations Intergovernmental Panel on Climate Change.

Supporters repeatedly cite figures and conclusions in the U.N. reports to justify a complete overhaul of the world economy. Supporters have been steadfast in claiming the report is conclusive, in claiming the scientific data is solid, and in claiming the integrity of the findings are above reproach. Any mistakes identified and pointed out are minimized and ignored.

They have been singing this song for years. The U.N.'s top climate official is Dr. R.K. Pachauri, and the chorus of defenders of the U.N. reports have grown louder in recent months as the house of cards they have built is falling apart.

There have been disclosures of e-mails that show scientists manipulated the sciences; there have been nonscientific materials utilized to reach scientific conclusions; there has been scientific conclusions that are not properly peer reviewed. Each week, the list of errors grows. The excuses from Dr. Pachauri, the man in charge of the U.N. climate change reports, well, they have been wearing thin.

I come to the floor as a Senator who serves on both the Energy Committee and the Environment and Public Works Committee. I come to the floor to tell you and our Nation the United Nations' scientists are manipulating data to further political goals—political goals of passing a climate change accord that will cost the world billions.

This is not my accusation. The person making the charge is the person who verified the false conclusion.

It is better to hear it in the person's own words:

His name is Dr. Murari Lal. Dr. Lal is a retired Indian academic, now a consultant. He was one of the four lead authors of the Asia chapter of the U.N. report.

He is also behind the bogus claim in United Nations climate change reports that Himalayan glaciers will have melted by 2035.

He admitted that this scientific ''fact'' as climate change supporters like to state, was included in the report ''purely to put political pressure on world leaders.''

Let me repeat—he said this so called ''fact'' was included in the United Nations report ''purely to put political pressure on world leaders.''

According to Dr. Lal, ''It related to several countries in this region and their water sources.''

''We thought that if we can highlight it, it will impact policy makers and politicians and encourage them to take some concrete action.''

The so called ''fact'' in the report is just not true.

On January 21, the Economist stated that when informed about the error the United Nations ''did nothing'' and the claims were ''airily dismissed by Rajendra Pachauri.''

The Times of the U.K. reports a second factually inaccurate conclusion. It reports that the United Nations wrongly linked global warming to natural disasters.

In an article written by Jonathan Leake, he stated that: The United Nations climate panel faces new controversy for wrongly linking global warming to an increase in the number and severity of natural disasters such as hurricanes and floods.

The original link between climate change and natural disasters was based on an unpublished report. According to the Times the report ''had not been subjected to routine scientific scrutiny''—and ignored warnings from scientific advisers that the evidence supporting the link was ''too weak.''

Despite the warnings once again, the United Nations Intergovernmental Panel on Climate Change included the fiction in its report.

Today the claim by the U.N. that global warming is already affecting the severity and frequency of natural disasters is a large part of the political debate across this country.

How many politicians made the claim that Hurricane Katrina was the result of climate change? Well now they know the inconvenient truth.

According to the Times of the U.K., the actual authors of the claim on natural disasters withdrew the claim—but the United Nations did not.

Every day new scandals emerge about the so called ''facts'' in the U.N. reports.

Claims that ice is disappearing from the world's mountain tops were apparently based on a student dissertation and an article in a mountaineering magazine.

It was revealed that green activists with little scientific experience were the source for unsubstantiated claims that global warming might wipe out 40 percent of the Amazon rainforest.

These revelations are in addition to the released e-mails by the Climatic Research Unit at East Anglia University. These are the e-mails that first raised serious questions about the conduct of U.N. and even U.S. scientists.

These e-mails demonstrate a coordinated effort by trusted climate scientists to suppress dissenting views and manipulate data and methods to skew the U.N. reports to reach a politically correct view of the impact of climate change.

Scientists at the Climatic Research Unit said that they ''admitted throwing away much of the raw temperature data on which their predictions of global warming are based.''

The lack of any raw data prevents other scientists from checking their work and raises additional questions about the accuracy of the data used in the U.N. reports.

The actions by scientists and others to suppress data that contradicts their conclusions is misleading, unethical and unacceptable.

Their conduct needs to be investigated.

Senator INHOFE and I have written U.N. Secretary Moon to have the U.N. conduct an independent investigation into the original climate gate revelations.

That request has not been acted upon.

Revelations of ongoing scientific fraud at the United Nations Inter-governmental Panel on Climate Change is disturbing.

Concrete action by world leaders is needed.

The integrity of the data and the integrity of the science has been compromised.

Today, I call for government delegations of the U.N.'s general assembly and U.N. Secretary Moon to pressure Dr. Rajendra Pachauri to step down as head of the United Nations Intergovernmental Panel on Climate Change.

It is time to conduct an independent investigation into the conduct of the Intergovernmental Panel on Climate Change.

Dr. Pachauri should be removed from any involvement with the investigation.

Recent reports over the weekend raise questions about whether or not Dr. Pachauri knew of the false information in the U.N. report months prior to the disclosure.

These claims, first reported in the Times of the U.K., stated that:

> Pachauri was told that the Intergovernmental Panel on Climate Change assessment that glaciers would disappear by 2035 was wrong, but he waited two months to correct it.

If proved true, this would mean that Pachauri failed to alert the world to this mistake before the December Copenhagen conference.

Investor's Business Daily in an editorial stated:

> If we're serious about restoring science to its rightful place, the head of the UN's panel on climate change should step down. Evidence shows he quarterbacked a deliberate and premeditated fraud.

Walter Russell Read, project director for Religion and Foreign Policy at the Pew Forum was quoted in Investor's Business Daily Tuesday February 2 as saying:

> After years in which global warming activists had lectured everyone about the overwhelming nature of the scientific evidence, it turned out that the most prestigious agencies in the global warming movement were breaking laws, hiding data and making inflated, bogus claims resting on, in some cases, no scientific basis at all.

President Obama, Secretary of State Clinton, and U.N. Ambassador Rice need to apply all the necessary pressure to ensure that Dr. Pachauri is removed.

I also call on President Obama to direct his cabinet to stop supporting any policies that relied in whole and in part on the fraudulent United Nations reports.

It is time to have the scientific data behind such policies independently verified.

Administration policies relating to climate change will cost millions of Americans their jobs.

We need to get this right.

To continue to rely on these corrupted U.N. reports is an endorsement of fraudulent behavior.

It is a signal to the American people that ideology is more important than their jobs.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

HAITI

Mr. LEAHY. Mr. President, on January 22 I spoke in this Chamber about the earthquake that struck Haiti on January 12 and the unprecedented devastation it caused. We now know that an estimated 3 million people have been affected, including some 700,000 people displaced from Port-au-Prince and living under plastic or other makeshift shelter. As many as 200,000 more may have died; tens of thousands have suffered injuries, including many whose limbs had to be amputated, some as the only way to save their lives and to extricate them from the rubble. Hundreds of thousands of children have lost one or both of their parents. It is hard to quantify the scale of human suffering.

Think of it. Thousands of commercial buildings, 200,000 homes, the presidential palace, the national cathedral as well as the parliament building, the government ministries, U.N. headquarters were either heavily damaged or destroyed. Roads, ports, and communication infrastructure were extensively damaged.

Ninety percent of the schools in Port-au-Prince have been destroyed. This rebuilding is going to take years, even with the help of the international community, the United States, working side-by-side with the people of Haiti.

The generosity of the American people as well as people from so many other countries has been extraordinary. Hundreds of millions of dollars have been raised from private organizations, foundations, corporations, and individuals, including schoolchildren. There have been countless tons of donations of food, clothing, medicines, and other supplies. It is especially heartening to see the commitment and dedication of volunteers, many of whom after they received word of the earthquake immediately began to pack their bags to travel to Haiti to help any way they could—not sure of where they would stay but knowing they had skills that were needed.

One such group is the Vermont Haiti Relief Team. It includes members of the Vermont Haiti Project and the Vermont Federation of Nurses and Health Professionals. They traveled to Haiti. I talked with some of them who helped with the recovery, I heard and read their stories, I have seen the photographs they sent back. Here is one photograph—the nurses are carrying, obviously, a patient on a stretcher.

As a Vermonter, as an American, I could not be more proud of the lifesaving work they are doing. Our little State of Vermont, as far north from Haiti as it could be—right up there on the Canadian border—answered the call to help a neighbor in the hemisphere.

On January 20, 11 volunteer doctors, nurses, and other health professionals from Vermont arrived in Jimani, Dominican Republic. That is a remote border town where some of the injured from Haiti were taken immediately after the earthquake and where many more have arrived.

The Vermont health workers joined other doctors and nurses to care for hundreds of patients in the hospital. They coordinated helicopter and ambulance transports, they established clinics to evaluate and treat injuries. They cared for over 250 amputees. They worked tirelessly to meet the needs of the victims and their families.

What they did helped immeasurably. I look at this one photograph—at one of the nurses helping this child. Some couldn't speak the language. None of them knew the people before they went there. All they knew was that the Haitians are fellow human beings, suffering, and they felt, as we do in Vermont and in so many other places: If your neighbor is hurting, you are hurting, and so you help your neighbor. They went and helped.

It is life-saving work. But it is also life-changing work. These Vermonters will return home having endured, improvised, and made a difference through the experience of a lifetime. How many of us can say we have done something that made such a difference in someone's life? They have, but their own lives have also been changed.

They were confronted with hundreds of injured people. They had just a handful of medical personnel, no supplies, and they worked around the clock with volunteers from Haiti, the Dominican Republic, and many other countries. Sometimes the electricity worked, sometimes it did not. Death surrounded them. But many of those who would have died survived because of the care of these Vermonters.

The team also traveled to Fond Parisien, Haiti, where a clinic was established. They worked with Haitians and other relief organizations to create a wound clinic, and a hospital for hundreds of displaced persons.

After 2 weeks working in difficult conditions, the first team of Vermonters is coming home. They are exhausted physically and emotionally, but they are proud of the help they provided to their Haitian patients and of being able to represent Vermont in the relief effort. This Vermonter is proud of them and proud of a second team that has now arrived in Haiti and has begun working.

The Vermont Haiti Relief Team hopes to continue to send volunteers for 2-week rotations to support the hospital in Jimani and the clinic in Fond Parisien for the next 3 to 6 months.

I have been to Haiti. I know what a poor country it is. My wife Marcelle is a registered nurse, now retired. She has gone to those hospitals. She has seen how little there is to work with. She knows that somebody coming with the equipment that's needed, the supplies that were lacking, what a difference that makes.

Marcelle and I are very impressed with the commitment of those Vermont volunteers. It is emotionally and physically exhausting, but no less rewarding. I thank them for their hard work and dedication, for their selfless example.

What happened in Haiti was as great a natural disaster as any one of us will ever hear of. But what it has done is spark the generosity of people everywhere. The help has to continue. I will make sure of that as chairman of the State and Foreign Operations Subcommittee.

Thanks to this small group of Vermonters who went down there, lives were saved, lives were changed, children were rescued. We Vermonters are proud.

I yield the floor, and 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. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. LEAHY. Mr. President, I ask unanimous consent that the vote on the motion to invoke cloture on the nomination of Martha Johnson occur at 2:45 p.m., with the time until then divided equally; with the provisions of the order governing this nomination remaining in effect.

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

Mr. LEAHY. I ask further unanimous consent that upon disposition of the nomination of Martha Johnson, and the Senate resuming legislative session, the Senate then proceed to a period of morning business with Senators permitted to speak therein for up to 10 minutes, except when Senator KIRK is recognized, he be recognized for 20 minutes.

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

Mr. LEAHY. I suggest the absence of a quorum and ask unanimous consent that the time in the quorum call be divided equally.

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

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. LEAHY). Without objection, it is so ordered.

The Senator from Illinois is recognized.

Mr. BURRIS. Mr. President, I ask unanimous consent to speak for 6 minutes as in morning business.

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

BLACK HISTORY MONTH

Mr. BURRIS. Mr. President, we remember the giants of American history, those who led troops into battle, or rose to high office, or gave their lives for something greater than themselves; the warriors, the statesmen, the heroes who fought to defend our values and our freedoms.

We quote their words and etch their names into stone. We rightfully honor their place in the annals of history.

But the quiet moments of our history are often overlooked.

There are many unsung heroes whose actions give shape to our national identity. Too frequently, these brave men and women are pushed to the margins or relegated to obscurity.

That is why I am here today to honor one woman who did not fight in wars, give great speeches, or perish on the battlefield.

Make no mistake: those pursuits are noble, and it is right that we honor them.

But our quiet heroes have just as much claim to our national attention, and also deserve our respect and praise.

So today I would ask my colleagues to pause and to think of just such a quiet American hero:

She never wore a uniform, though in a sense she led a great and diverse army. She never rose to high office, although she paved the way for others, including myself to do so.

Rosa Parks began her life in a world that largely considered her to be undeserving of equal rights. She knew the injustice of segregation, and was no stranger to racism and hatred.

She grew up poor in Tuskegee, AL, where she wasn't even allowed to ride the bus to school.

But, thanks to a life of principled activism, and a moment of quiet courage on a city bus in Montgomery, this poor country girl would grow into a strong woman whose name became synonymous with ''freedom'' and ''equality.''

And when she passed away, not on a foreign battlefield, but quietly in her home, at the age of 92, she was mourned by her friends and neighbors from back home in Alabama, but also by an entire nation, in a funeral held at the National Cathedral and lasting a full 7 hours.

Such was the impact that Rosa Parks had on our social and political landscape.

Such was the indelible mark left by her decision, on that first day of December in 1955, to say ''no.''

To refuse to accept that she was a second-class citizen.

To claim what was rightfully hers as an American, not by force, and not by attacking or degrading her fellow man, but by insisting, with quiet conviction: I am your equal. I am any man or woman's equal.

On that day, she knew that her cause was just. She had unshakable faith not only in the righteousness of her beliefs but in the heart and soul of this great nation that its people would turn away from bigotry and hate, that unjust laws could be changed, and that the great promise of America lives not in the imperfect here and now, but in our ability to define who we wish to become, to chart our own course, and remake our destiny.

Rosa Parks was not alone in this belief. There were many others, from all backgrounds and walks of life, who shared a similar faith in American ideals.

But, by refusing to give up her seat on that bus in Montgomery, Rosa Parks brought those ideals to life.

She helped give wings to a movement that grew, and gathered steam, and inspired millions to work tirelessly on the side of justice and equality.

Today, Rosa Parks would have celebrated her ninety-seventh birthday. Just this morning, I joined Leader REID and our Congressional colleagues to commemorate this milestone.

And as we observe Black History Month, I can think of no finer way to begin this time of remembrance and celebration than by honoring the legacy of a great American like Rosa Parks.

So I ask my colleagues to join me in remembering this quiet pioneer and millions of others like her, ordinary people who are not afraid to reach for extraordinary things.

Regular folks who see this country and this world as they are, but are not afraid to imagine what they can be.

Few of these unsung heroes will ever see their names in print, or etched into our collective history, but all remind us of the enduring greatness of the United States of America and the fundamental goodness of our fellow human beings.

Mr. President, I yield the floor, and 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. LEAHY. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BURRIS). Without objection, it is so ordered.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Martha N. Johnson, of Maryland, to be Administrator of General Services.

Harry Reid, Joseph I. Lieberman, Jeff Bingaman, Mark Begich, Byron L. Dorgan, Edward E. Kaufman, Barbara Boxer, Benjamin L. Cardin, Robert Menendez, Kay R. Hagan, Sheldon Whitehouse, Barbara A. Mikulski, Jon Tester, Blanche L. Lincoln, Roland W. Burris, Kirsten E. Gillibrand, Bill Nelson, Mary L. Landrieu.

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

The question is, Is it the sense of the Senate that debate on the nomination of Martha N. Johnson, of Maryland, to be Administrator of the General Services Administration, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. KYL. The following Senators are necessarily absent: the Senator from Utah (Mr. BENNETT) and the Senator from Texas (Mrs. HUTCHISON).

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

The yeas and nays resulted—yeas 82, nays 16, as follows:

[Rollcall Vote No. 19 Ex.]

YEAS—82

Akaka	Feingold	Mikulski
Barrasso	Feinstein	Murkowski
Baucus	Franken	Murray
Bayh	Gillibrand	Nelson (NE)
Begich	Graham	Nelson (FL)
Bennet	Hagan	Pryor
Bingaman	Harkin	Reed
Boxer	Inhofe	Reid
Brown	Inouye	Roberts
Brownback	Johanns	Rockefeller
Burr	Johnson	Sanders
Burris	Kaufman	Schumer
Byrd	Kerry	Shaheen
Cantwell	Kirk	Snowe
Cardin	Klobuchar	Specter
Carper	Kohl	Stabenow
Casey	Landrieu	Tester
Coburn	Lautenberg	Thune
Collins	Leahy	Udall (CO)
Conrad	LeMieux	Udall (NM)
Corker	Levin	Vitter
Cornyn	Lieberman	Voinovich
DeMint	Lincoln	Warner
Dodd	Lugar	Webb
Dorgan	McCain	Whitehouse
Durbin	McCaskill	Wyden
Ensign	Menendez	
Enzi	Merkley	

NAYS—16

Alexander	Grassley	Risch
Bond	Gregg	Sessions
Bunning	Hatch	Shelby
Chambliss	Isakson	Wicker
Cochran	Kyl	
Crapo	McConnell	

NOT VOTING—2

Bennett	Hutchison

The PRESIDING OFFICER. On this vote, the yeas are 82, the nays are 16. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The majority leader is recognized.

Mr. REID. Madam President, with the storm fast approaching, I think it is to everyone's advantage we complete our work today. So I am convinced this will be the last vote of the day. Now, I would say this. I have been working

with Senators GRASSLEY and BAUCUS, and, of course, the Republican leader, trying to get something keyed up for Monday, and I think we are making a lot of progress in that regard.

It appears we are going to have a cloture vote on a nominee on Monday. I already talked to the Republican leader about this several days ago. We are also going to move forward on a jobs package Monday. We are either going to do one on a bipartisan basis—I sure hope we can do that; it really would be good for the country and good for us—if not, we will have to do one that will be my amendment rather than an amendment of a bipartisan group of Senators. So I hope we can do that. But we will have that worked out later today more than likely. But this will be the last vote for the day.

Madam President, we also are working on someone to replace Judge Alito in the New Jersey Circuit, and his name is Joseph Greenaway. We hope that can also be done on Monday.

Mr. LEAHY. Madam President, in order to vote on the nomination of Martha Johnson to head the General Services Administration, the Senate was required to overcome the 15th filibuster of President Obama's nominations to fill important posts in the executive branch and the judiciary. That number does not include the many others who have been denied up-or-down votes in the Senate by the anonymous obstruction of Republicans refusing to agree to time agreements to consider even noncontroversial nominees. There have been as many filibusters of nominations as there have been confirmations of Federal judges in President Obama's first 2 years in office.

This 15th filibuster is three times as many as there were in the entire first 2 years of the Bush administration. Was it not just a few years ago that Republicans were demanding up-or-down votes for nominees, and contending that filibusters of nominations were unconstitutional? Again, the 15 filibusters of nominations matches the total number of Federal judges confirmed in President Obama's first 2 years in office.

In the second half of 2001, the Democratic majority in the Senate proceeded to confirm 28 judges. By this date during President Bush's first term, the Senate had confirmed 31 circuit and district court nominations, compared to only 14 during President Obama's first 2 years. In the second year of President Bush's first term, the Democratic majority in the Senate proceeded to confirm 72 judicial nominations, and helped reduce the vacancies left by Republican obstructionism from over 110 to 59 by the end of 2002. Overall, in the 17 months that I chaired the Senate Judiciary Committee during President Bush's first term, the Senate confirmed 100 of his judicial nominees.

The obstruction and delay does not only affect judicial nominees and our Federal courts. Martha Johnson is the second executive branch nominee this week that has been filibustered by Republicans. Her nomination has been stalled on the Senate Executive Calendar since June 8 due to the opposition of a single Republican Senator over a dispute with GSA about plans for a Federal building in his home State. The will of the Senate and the needs of the American people are held hostage by a single Senator.

Overall, as of this morning, there were more than 75 judicial and executive nominees pending on the Senate Executive calendar.

Yesterday, at the Democratic Policy Committee's issue retreat, I asked President Obama if he will continue to work hard to send names to the Senate as quickly as possible and to commit to work with us, both Republicans and Democrats, to get these nominees confirmed. So far since taking office, the President has reached across the aisle working with Republicans and Democrats to identify well-qualified nominations. Yet even these nominations are delayed or obstructed. The President responded by stating:

> Well, this is going to be a priority. Look, it's not just judges, unfortunately, Pat, it's also all our federal appointees. We've got a huge backlog of folks who are unanimously viewed as well qualified; nobody has a specific objection to them, but end up having a hold on them because of some completely unrelated piece of business.
>
> On the judges front, we had a judge for the—coming out of Indiana, Judge Hamilton, who everybody said was outstanding—Evan Bayh, Democrat; Dick Lugar, Republican; all recommended. How long did it take us? Six months, six, seven months for somebody who was supported by the Democratic and Republican senator from that state. And you can multiply that across the board. So we have to start highlighting the fact that this is not how we should be doing business.
>
> Let's have a fight about real stuff. Don't hold this woman hostage. If you have an objection about my health care policies, then let's debate the health care policies. But don't suddenly end up having a GSA administrator who is stuck in limbo somewhere because you don't like something else that we're doing, because that doesn't serve the American people.

I could not agree more with President Obama. This should not be the way the Senate acts. Unfortunately, we have seen the repeated use of filibusters, and delay and obstruction have become the new norm for the Republican in the Senate. We have seen unprecedented obstruction by Senate Republicans on issue after issue—over 100 filibusters last year alone, which has affected 70 percent of all Senate action. Instead of time agreements and the will of the majority, the Senate is faced with a requirement to find 60 Senators to overcome a filibuster on issue after issue. Those who just a short time ago said that a majority vote is all that should be needed to confirm a nomination, and that filibusters of nominations are unconstitutional, have reversed themselves and now employ any delaying tactic they can.

The Republican minority must believe that this partisan playbook of obstruction will reap political benefit for them and damage to the President. But the people who pay the price for this political calculation are the American people who depend on the government being able to do its job. I hope that Republican Senators will rethink their political strategy and return to the Senate's tradition of promptly considering noncontroversial nominations so that we can work together to regain the trust of the American people.

The PRESIDING OFFICER. Under the previous order, all postcloture time is yielded back.

The question is, Will the Senate advise and consent to the nomination of Martha N. Johnson, of Maryland, to be Administrator of General Services?

Mr. DURBIN. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. KYL. The following Senators are necessarily absent: the Senator from Utah (Mr. BENNETT), the Senator from Oklahoma (Mr. COBURN), the Senator from Texas (Mrs. HUTCHISON), and the Senator from Georgia (Mr. ISAKSON).

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

The result was announced—yeas 96, nays 0, as follows:

[Rollcall Vote No. 20 Ex.]

YEAS—96

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

NOT VOTING—4

Bennett	Hutchison
Coburn	Isakson

The nomination was confirmed.

CHANGE OF VOTE

Mr. SESSIONS. Mr. President, on rollcall 20, I voted ''no.'' It was my intention to vote ''aye.'' Therefore, I ask unanimous consent that I be permitted to change my vote as it will not affect the outcome.

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

Mr. BUNNING. Mr. President, on rollcall vote 20, I voted ''no.'' My intention was to vote ''aye.'' Therefore, I ask unanimous consent that I be permitted to change my vote since it will not affect the outcome of the vote.

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

(The foregoing tally has been changed to reflect the above orders.)

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid on the table, and the President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

MORNING BUSINESS

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

The Senator from North Dakota is recognized.

JOHNSON NOMINATION

Mr. DORGAN. Madam President, I will be brief. The vote that just occurred was a vote on the nomination of Martha Johnson, of Maryland, to head the General Services Administration. That vote was reported by the committee unanimously to the U.S. Senate on June 8 of last year—June 8 of last year. It has been blocked since that moment, and now we have a vote. We didn't have a vote in July, August, September, October, November, December, or January; we had it now, 7 or 8 months later. After blocking it for 7 or 8 months, 92 Senators voted yes. Explain to the American people how you block a nomination for 7 months that you support. Try to explain that. In my judgment, it is a shameful disrespect for good government to block nominations for month after month after month.

The same is true with individual issues that are brought to the floor of the Senate. I will give you a couple of examples. An appropriations bill was blocked on the floor of the Senate, and then 80 people voted yes. A credit card holders' bill of rights was blocked in the Senate, and then 90 people voted yes. The Department of Defense appropriations was filibustered in the Senate, and then 88 Senators voted yes on that.

If ever there were a demonstration for all to see how unbelievably broken this process is, it is today, once again, that after 7 or 8 months, a very qualified candidate, reported out unanimously from the committee of jurisdiction to head the GSA now gets 92 people to vote yes, which means we have a lot of people who block things they intend to vote for later. It is an unbelievable example of why this place doesn't work. A minimum amount of cooperation, in my judgment, would go a long way to helping make this place work the way it should. This nomination should have taken 10 minutes on the floor of the Senate last June after it was reported out unanimously by the committee of jurisdiction.

If I sound irritated by what is going on, I think a good many Members of the Senate are irritated by what I believe is a show of disrespect for good government.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

MEDICAID READJUSTMENT RATE

Ms. LANDRIEU. Madam President, I know that under the previous arrangement, the Senator from Massachusetts will be giving his farewell remarks. I would like to speak for the next 4 minutes prior to him coming to the floor.

I spoke on the floor earlier explaining to my colleagues and providing some additional information about the fair resolution the Senate came to to help Louisiana and any other State that would have been similarly impacted through a very difficult Medicaid readjustment rate. I spoke at length this morning about that.

I want to show this chart that clearly outlines our particular and unique and disastrous situation. Since 1999, and before, the State of Louisiana—and the occupant of the chair was a Governor, so she knows—paid approximately 30 percent of our Medicaid dollars and the Federal Government picked up about 70. We are in the lower one-third of States on a per capita basis and have been since the Civil War, and we remain that way to this day.

What happened after Katrina and Rita was, because of the great generosity not only of this body and the Congress and the former President and the current President and private sector dollars—billions and billions of dollars poured into our State, driving our per capita income up an unprecedented 40 percent. That has never happened in the history of the Medicaid Program. The State that comes closest to a per capita increase, I believe—or several States increased by only 14 percent.

The bottom line is, if our delegation had not sought some fix, some arrangement, some workout of this problem, the people of Louisiana, who have been impacted by the largest disaster in recent memory, would have had to pay $472 million more for basically the same program. The formula was flawed.

The point I want to make in my final minute is this: I am proud to lead this effort to fix this. The effort was not a secret effort; it was a public effort—called for by the Republican Governor, Bobby Jindal, in a press conference 2 weeks before Barack Obama was sworn in as President—to talk about this issue in a public forum, not a private forum. It was not a last-minute effort; it started a year ago. It was not a special deal for me; it was a timely and fair resolution for the people of Louisiana—one which they still deserve.

The consequences of failure, in my final 15 seconds, are that the people of Louisiana, if this is not fixed—a health care issue on a health care bill—if it is not fixed, the people of Louisiana will have to either cut $472 million out of our budget this year—and that is a lot of money out of a budget, even by Washington standards—or raise taxes.

I will continue to come to the floor to speak proudly, openly, and forcefully about this issue. I thank the Senator from Massachusetts for allowing me to clarify a few points.

I ask unanimous consent to have a group of documents printed in the RECORD to substantiate what I have said today.

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

STATE OF LOUISIANA, DEPARTMENT OF HEALTH AND HOSPITALS, OFFICE OF THE SECRETARY,
Baton Rouge, LA, April 6, 2009.

Hon. CHARLES E. JOHNSON,
Interim Secretary, U.S. Department of Health and Human Services, Washington, DC.

DEAR SECRETARY JOHNSON: Since Hurricanes Katrina and Rita struck the gulf coast in 2005, several federal agencies, including the Department of Health and Human Services, have contributed significant financial resources in the recovery effort. Many of the initiatives continue, and we are grateful for the ongoing work being done by HHS to assist Louisiana.

I write today to share with you what seems to be an unintended consequence of the bold financial initiatives undertaken since 2005. Billions of dollars have been infused into Louisiana's economy following the damage caused by the failure of the federal levee system—dollars for which we are grateful, but which we also know are temporary by their nature. Unfortunately, as calculations are performed by the federal government to determine federal participation for Medicaid, it has become clear the federal formula for estimation of federal match for Louisiana has become significantly artificially skewed by the infusion of these dollars into the calculation of per-capita income.

Louisiana's federal match for Medicaid typically has been expected to range somewhere between 69.6 percent and 73 percent with very small variations from year-to-year. However, according to forecasts provided by Federal Funds Information to States (FFIS), and our own calculations, it appears our FMAP will decline for FFY 10 from its current nearly 72 percent to 67.6 percent, and then again for FFY 11 to 63.1 percent. Similarly, our enhanced match for CHIP will decline from 80 percent to 74 percent. According to FFIS, these calculations are based on what appears to be a 42 percent increase in Louisiana's per-capita income from 2005–2007—an increase otherwise not typical by any reasonable definition of income without the inclusion of the multitude of one-time recovery dollars included by the BEA in their calculations.

The federal formula for FMAP is deliberately established by Congress to utilize a three-year running average so as to avoid such sudden spikes or decreases. Even with such safeguards, however, Louisiana is facing the largest decrease in FMAP in the nation, and at an alarming rate, based on currently forecast expenditures, which assume