

Mr. Udall was also an early supporter of Rachel Carson, the biologist whose book "Silent Spring" brought attention to the environmental hazards of pesticide use.

Mr. Udall stepped onto the national stage in 1954, when he was elected to Congress from Arizona. In the hotly fought Democratic presidential primary of 1960, he urged his fellow Arizona Democrats to support Kennedy. When Kennedy won the White House, he nominated Mr. Udall as interior secretary.

After Kennedy was assassinated in 1963, Mr. Udall was kept on by Lyndon B. Johnson.

"I think probably part of that was Lady Bird," Mr. Udall said, referring to Mr. Johnson's wife, with whom he collaborated on beautifying the nation's capital and similar projects. "She treasured me, and we were wonderful friends," he added.

Roger G. Kennedy, who was director of the National Park Service in the 1990s, said Mr. Udall "escaped the notion that all public land was essentially a cropping opportunity—the idea that if you cannot raise timber on it or take a deer off it, it wasn't valuable." On the other hand, Mr. Kennedy said, Mr. Udall understood that public lands like parks enhanced the economic value of privately held land nearby.

This lesson was sometimes communicated with difficulty. For example, in the 1960s, when the Kennedy administration, with Mr. Udall in the lead, began efforts to establish the nation's first national seashores, people in regions including Cape Cod in Massachusetts, Cape Hatteras in North Carolina, and Point Reyes in California objected that taking coastal land out of private hands would ruinously inhibit economic development.

Instead, the parks have been beacons for lucrative tourism.

On this and other fronts Mr. Udall pushed with a formidable combination of political acumen and political allies—including his younger brother Morris K. Udall, who succeeded him in Congress and in 1976 ran for president in a campaign that his older brother managed. Many of the significant environmental and land-protection statutes that became law in the 1970s and '80s, including the Endangered Species Act, bore their stamp and influence.

"That was a wonderful time, and it carried through into the Nixon administration, into the Ford administration, into the Carter administration," Stewart Udall said. "It lasted for 20 years. I don't remember a big fight between the Republicans and Democrats in the Nixon administration or President Gerald Ford and so on. There was a consensus that the country needed more conservation projects of the kind that we were proposing."

Stewart Lee Udall was born on Jan. 31, 1920, in St. Johns, Ariz., a small community in Apache County in the northeast, into a family with strong ties to the Mormon Church. His mother, Louise Lee Udall, was a granddaughter of John Doyle Lee, who was executed in 1877 for his involvement in the Mountain Meadows Massacre in Utah, in which a wagon train of California-bound migrants were killed in 1857.

Mr. Udall served as a Mormon missionary in Pennsylvania and New York. During World War II, he was a gunner in the 15th Army Air Forces, serving in Europe.

He received bachelor's and law degrees from the University of Arizona. After graduating from law school in 1948, he started his own law practice in Tucson, where he and Morris later became partners.

After leaving Washington, he taught at Yale, practiced law and wrote several books, including "The Myths of August," an account of the effects of uranium mining and nuclear weapons work in the Western desert.

That grew out of his representation of thousands of uranium miners, nuclear weapons industry workers and citizens exposed to radiation from atomic weapons manufacturing and testing in the West.

Though he won the first case in 1984 in Federal District Court, an appeals court overturned the ruling and the United States Supreme Court declined in 1988 to hear arguments. Mr. Udall then turned to Congress, working with lawmakers of both parties, particularly Senator Orrin Hatch, Republican of Utah, and Senator Edward M. Kennedy, Democrat of Massachusetts, who died in August.

In 1990, President George Bush signed the Radiation Exposure Compensation Act. The law, administered by the Justice Department, provided up to \$100,000 for those sickened by radiation exposure, and issued a formal apology for harm done to those who were "subjected to increased risk of injury and disease to serve the national security interests of the United States."

Throughout his life he relished physical challenges. He was an all-conference guard on the University of Arizona basketball team and he climbed Mount Kilimanjaro, in East Africa, and Mount Fuji, in Japan, while heading American delegations to both regions. When he was 84, at the end of his last rafting trip on the Colorado River, Mr. Udall hiked up the steep Bright Angel Trail from the bottom of the Grand Canyon to the south rim, a 10-hour walk that he celebrated at the end with a martini.

Mr. Udall's wife, the former Irmalee Webb, died in 2001. Besides his son Tom, he is survived by his other sons, Scott, Denis and Jay, and his daughters, Lynn and Lori, as well as eight grandchildren.

At his death, Mr. Udall was a senior member of one of the nation's last and largest political dynasties—in the West it was often said there were "oodles of Udalls" in politics. His grandfather David King Udall served in the Arizona Territorial legislature; his father, Levi Udall, was for decades an elected judge in the Arizona Superior Court and later a justice and chief justice of the Arizona Supreme Court; Morris Udall was followed to Washington by his son Mark Udall, elected in 2008 as a senator from Colorado, the same year that Tom Udall was elected.

But Tom Udall said that in recent years his father had become greatly concerned over the state of politics in the country, worrying "we were losing the bipartisanship in the environmental area."

He added that Mr. Udall had recently written a letter to his grandchildren, urging them to focus on "trying to transform our society to a clean energy and clean job society."

RECONCILIATION

Mr. ENZI. Mr. President, I rise in opposition to the reconciliation legislation the Senate will be considering later this week. Similar to many of my colleagues, I first read this legislation when it was hot filed in the House last week. One of my first thoughts was, what a difference 15 months makes. This week the Senate will debate legislation that will increase health care costs for working Americans and wipe out a successful bipartisan 45-year-old student loan program without a single committee hearing or even a markup.

This bill is an attempt to fix what is perceived to be the problem with health reform legislation that the Sen-

ate passed on Christmas Eve of last year. These fixes are being considered because the American people overwhelmingly opposed that legislation. Unfortunately, this bill, the reconciliation bill, does nothing to fix the problem that prompted this opposition. Nothing in the bill we are going to be considering will prevent \$½ trillion from being cut from the Medicare Program to create a brandnew entitlement program for the uninsured. If this bill is passed, millions of Medicare beneficiaries will lose the extra benefits they currently receive. In fact, this bill will actually make matters worse, cutting even more money than the provisions in the Senate bill. One out of every four Medicare beneficiaries is already enrolled in a Medicare Advantage plan, and every one of them will see their benefits reduced.

If this bill is passed, the care of Medicare beneficiaries across the country will still be put at risk because of the unsustainable payment cuts to hospitals and nursing homes. The President's own Chief Medicare Actuary said these costs could jeopardize Medicare's beneficiaries' access to care. He said, as a result of these cuts, roughly 20 percent of all hospitals and nursing homes in the country would become unprofitable which, of course, could lead them to end their participation in the Medicare Program. It is either end it or go broke.

If you can't go to a hospital or get a doctor to treat you, you do not have health care. But this bill does nothing to fix the Medicare payment cuts in the Senate health reform bill passed on Christmas Eve. This bill will still cause health insurance premiums to increase. The Congressional Budget Office said the Senate bill would increase premiums by 10 percent to 13 percent for individuals. They said that 10 percent to 13 percent increase is above what would happen if we do absolutely nothing. Yes, escalating health care costs are a problem, but this bill passed by the House last night, with these supposed fixes that are in here, will increase premiums 10 percent to 13 percent for individuals over what would have been done if nothing would have happened. It does not sound like a solution to me. There are solutions out there.

The bill also contains provisions that will increase premiums for 85 percent of Americans who already have health insurance. This bill does nothing to stop health care costs from increasing our national debt. The CBO estimates of the bill are required to ignore the issue of Medicare payments to physicians. Let's see, how many times have we ignored the Medicare payments to physicians? That is right, never. How do we fix it? We just need to come up with 300 billion more dollars. We had a chance to do that through the bill, keeping Medicare money for Medicare. But no, we took the Medicare money, and we decided to put that into new programs, new programs for the uninsured.

There are solutions out there for making sure the uninsured are covered, too, and it did not have to come out of Medicare.

The CBO estimates of the bill are required to ignore the issue of Medicare payments to physicians. The bill also does nothing to fix the scheduled Medicare payments to the other health providers. Does the majority believe the Medicare payments to doctors will be cut 21 percent later this year? Not if history keeps itself up. But let me tell you, that \$132 billion that it is supposed to reduce the deficit in the first 10 years in the Senate-passed bill is ignoring the need for \$300 billion to fix the doctors. If we fix the doctors, we are \$170 billion in the hole. The President did not visit China and Secretary Geithner, on a separate trip, didn't visit China to go see the Great Wall. They were told to come over there by China so they could explain how we were ever going to pay for our bonds. Last month, they dropped about \$38 billion in our bonds, and I noticed today we have this clamor that we want them to adjust their yuan, the value of their money compared to our money, and they said: You have to be kidding me, we own you. They didn't say it in quite those words, but that is what they meant.

In addition to assuming massive reductions in Medicare payments to doctors, the health care reform bill also relies on budget gimmicks and other unsustainable payment cuts to allow its sponsors to argue it will not increase the deficit. As Ruth Marcus wrote recently in the Washington Post, claims that the bill will reduce the deficit are "premature at best and delusional at worst."

Rather than creating this new entitlement, we should be using the savings from Medicare to pay to fix Medicare's problems. These payments issues are not going away, and this, or a future Congress, is going to have to pay for them or increase the debt.

We have maxed out our credit cards already. People coming in—in this is the season for it—they come in and ask for increases in the programs they already have or they ask for new programs and the funding to go with that program because, of course, the Federal Government is known as the great piggy bank in Washington, and they know we just print money. They didn't know there could be a limit to how much money we print. I suggest those people kind of save their travel money and use it in their program because we are going to have to tell people that not only is the money not there to expand programs and to add new programs, we are going to actually have to cut programs. We are going to have to cut programs to stay solvent.

They are looking at changing our bond rating. That means it would be less favorable for people to buy U.S. bonds.

The reconciliation bill that will be before us this week, also raises taxes

by \$569 billion. If you can believe it, that is \$50 billion more in new taxes than the original Senate-passed bill. So the "fix-it" bill we will have in front of us, will put even more pressure on small business owners and entrepreneurs who could help lead our Nation's economic recovery.

This bill also does nothing to stop the billions of dollars in new job-killing taxes created by the Senate health reform bill. Unfortunately, the policies in this bill will only make this situation worse for workers and for businesses across America. This bill increases to \$52 billion the new taxes imposed on employers, which will eliminate millions of American jobs and reduce wages for millions of other American workers.

The Nation's unemployment rate is 9.7 percent. Millions of Americans have lost their job and millions more go to work every day worried about keeping the job they have. Businesses of all sizes are struggling to keep their doors open and are finding it harder and harder to make ends meet.

We have shed more than 3.5 million jobs since January of last year and the average work week is now down to 33 hours for the American worker. Yet the bill we will have before us will actually make that situation worse. The Congressional Budget Office has told us that new job-killing taxes in the Senate bill will lower wages across this country.

Rather than addressing the issue and enacting reforms that would lower health insurance costs, the majority's health care bill instead increases the taxes these businesses will have to pay, taking money away from hiring new workers.

When I am home in Wyoming, which is almost every weekend, my constituents are asking me: What does health care reform mean for me?

Unfortunately, I have to tell them when the Senate bill becomes law, their jobs and their paychecks will be in danger. I also found it ironic that on the day the President signed a so-called jobs bill, Speaker PELOSI released a reconciliation bill that contained \$52 billion in job-killing taxes.

These problems are the real reasons the American people oppose the Senate health reform bill. Unfortunately, the bill that will be before us fails to address any of the fundamental problems with that bill. If the legislation we are about to debate is enacted, taxes will still be raised by \$569 billion, \$525 billion will still be cut from the Medicaid Program, wages will still be reduced, and jobs eliminated for millions of Americans. Health insurance premiums will still be driven up—driven up more than if we did nothing at all—and 23 million people will still be left without insurance coverage. We need to do better than that. I believe we can.

While most of the discussion this week will focus on health care, we must not forget that the reconciliation bill drastically alters decades of education and labor policy.

Specifically, I am speaking about eliminating the 45-year-old family friendly bank loans for education program, called FFEL. I put initials on when it has something to do with government. This is one that works through the banks, which has successfully helped millions of Americans realize the dream of a college education, and the shift to a Washington-run direct loan program. This radical change is happening without a single Senate hearing, or a single markup in the HELP Committee, where I serve as ranking member, or any other committee.

The administration and the majority have been promising students since the beginning of this Congress that their Pell grants would be increased dramatically so that college would be affordable. Even with this bill, this promise rings hollow. What does the transfer of \$36 billion to the Pell grant program get for students? Yes, \$36 billion.

First, it kicks the can down the road by only partially filling the unmet Pell obligation for this year which was promised in the so-called stimulus bill. The remainder only modestly increases the maximum Pell grant awarded by \$50 a year. How much do you think tuition is going up?

The Senator from Tennessee explained that every time we add people to Medicaid, that costs the States, and the only place the States have to cut is tuition, college tuition. If college tuition is cut, the board of the college has to raise the tuition. I will have a chart out here one of these times that will show what the difference is between how fast college tuition is rising compared to health care costs, compared to the cost of living.

So we are going to kick the can down the road and only increase the maximum Pell grant by \$50 a year. In exchange, students are forced into the one-size-fits all, government-run direct loan program while Congress continues to do nothing about the real problem, which is the runaway cost of college education.

Schools have had the choice of switching to the direct loan program for nearly 20 years, but most, just over 4,000 as of March 1, have chosen to remain in the family friendly bank loan program for education. Why? Because the family friendly program provides services that meet individual student needs far better than the cookie-cutter approach of a government-run direct loan program.

We have enough things the government is running, more this last year. This rushed and dramatic shift puts at risk the availability of guaranteed loans for thousands of students this fall. Under the terms of this bill, all 4,000-plus institutions of higher education, the family friendly program will be required to participate in the bureaucratic direct loan program as of July 1, 2010, a few months away, less than 4 months from today.

I do not believe these schools or the Department of Education have the time or capacity to successfully meet that deadline, and the experts at the Department seem to agree. According to a February 20, 2010, Department of Education procurement document, schools need between 4 and 6 months to successfully switch to the direct loan program.

As a result, many schools will not have in place what it takes to get needed aid to students this fall. Yes, it is true that reconciliation has been used to affect student loans in the past. However, in those instances, it was used to level the playing field between the two loan programs and provide greater access by students to loans.

This bill is nothing more than a government takeover that will turn the Department of Education into one of the largest banks in the Nation—probably not under the financial reform requirements either—and transfer billions of dollars from middle-class students and taxpayers to pay for only a modest expansion of the Pell grant program which does nothing to lower the cost of a college education.

I will propose amendments that address out-of-control education costs, that give schools time to thoughtfully switch to the direct loan program, that make transparent the actual costs of the direct loan program, that fund an authorized and proven access and completion program, and put real money toward debt reduction.

The majority will tell you what they are doing is being done at no cost to the taxpayer. Do you think America believes that? I, as the accountant in the Senate, disagree with this assertion. In the family friendly program, private lenders provide the capital necessary to fund billions of dollars to student loans each year. With the direct loan program, the Treasury will provide all the capital for these loans, which amounts to nearly \$100 billion a year. Where does the money come from? It comes from increasing the public debt of the American taxpayers, many of whom do not have a college education. Shifting the financial burden from those who directly benefit from a college education raises concerns about equity, and again does nothing to address the larger problem of rapidly increasing costs for college education.

This bill also removes safeguards against fraud and abuse from the Black Lung Benefits program. The Black Lung Benefits Act provides monthly payments and the cost of medical treatment to coal miners disabled from pneumoconiosis, black lung, arising from their employment in or around the Nation's coal mines, and provides monthly payments to surviving spouses and other dependents. This bill will establish a retroactive presumption of causation and entitle individuals to lifelong benefits which will be paid for by the employers, insurers and, in cases where the employer is al-

ready out of business, by the taxpayers directly.

Taxpayers have already paid more for this program than they expected. The estimated benefits costs when it was enacted in 1975 were \$3 billion. However, by 2004 the Federal Government had paid out over \$42 billion. Last year, the taxpayers kicked in another \$6.5 billion to refinance the program. The changes in this bill will send the program back into a debt spiral by eliminating any need to prove causation. I ask unanimous consent to have printed in the RECORD a letter from three prominent West Virginia doctors who also oppose the provision because it “does not take into account the current state of diagnosis and treatment of Black Lung.”

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

OFFICES OF THE INSURANCE COMMISSIONER, STATE OF WEST VIRGINIA,
Charleston, WV, November 6, 2009.

JANE L. CLINE,
Commissioner, WV Offices of the Insurance Commissioner, Charleston WV.

COMMISSIONER CLINE: We are writing this letter to comment on the changes proposed in the health care reform bill regarding the Federal Black Lung benefits program. We are concerned that the proposed changes to the benefits program do not have sound medical basis and are inconsistent with the stated purpose of the bill. The bill is intended to improve access to health care for all Americans, to improve quality of care and to reduce cost by emphasizing preventive care, management of chronic diseases and utilization of the principles of evidence-based medicine.

The proposed Federal Black Lung changes would reinstate a rebuttable presumption regarding the diagnosis of Black Lung based on tenure in the mines and X-ray criteria. The proposed changes would also restore the rebuttable presumption related to death attributable to Black Lung as it affects surviving spouse benefits.

We have concerns about the proposed amendments because they do not take into consideration the current state of diagnosis and treatment of Black Lung and other diseases. It is very clear that our medical knowledge and expertise in diagnosis and treatment have expanded dramatically in the past 25 years. Our understanding of dust-related disease and other pulmonary conditions has evolved significantly. Today chronic diseases like diabetes, coronary artery disease, chronic obstructive pulmonary disease and renal failure have become a major focus of medical attention because they claim so many lives. One in three individuals develops some type of cancer. While the rebuttable presumption could have been appropriate many years ago, our many advancements in diagnosis and treatment render it unnecessary today and into the future.

The West Virginia rules governing the medical care of workers with occupational pneumoconiosis have increasingly relied on functional parameters (like forced vital capacity, expiratory volumes and diffusion capacity) in determining the need for medical services. We still consider the exposure data and ILO B-reading a critical piece of the picture; but we view function as the issue that matters most to the affected worker. We strive to apply sound medical evidence to assure that all miners who have contracted Black Lung receive prescribed benefits and that the funds are preserved for those claim-

ants. The inclusion of a rebuttable presumption will hinder the achievement of that goal.

In our opinion, changes in the Federal Black Lung benefits program should take into account advances in our understanding of the science and medicine of the disease, Black Lung. We are most interested in seeing strong programs to prevent disease through safety controls and education. Access to medical services is critical for those already affected. Though the diagnosis of Black Lung is statutorily defined, there is an indisputable logic to basing the diagnosis on the medical facts as we currently understand them.

We recommend consideration of significant changes in the wording of this section of the bill to make this document more than just a change in benefits programs. Ideally, it can be a medically sound and forward looking document, consistent with the issues of health care reform in general.

Thank you for considering our comments.

JAMES BECKER, MD,
Medical Director, West Virginia Offices of the Insurance Commissioner.

DOMINIC J. GAZIANO, MD,
Board Certified Pulmonologist,
Chairman of the Permanent Total Disability Board,
State of West Virginia.

JACK L. KINDER, MD,
Chairman of the Occupational Pneumoconiosis Board, West Virginia.

While everyone supports providing these benefits to qualified miners and their families, we should not strip out safeguards against fraud, waste and abuse in this program that were specifically added to the program by Congress with overwhelming bipartisan support.

I have said numerous times during my tenure in public service that the first role of the government is to do no harm. While I know many people are well versed on the intricacies of how these programs operate, I have studied these issues in depth for years, and have a track record of legislative success on both the health and education front, because I first listen to my colleagues and regularly work across party lines. This legislation falls short on many fronts, has not been the subject of Senate hearings, is being jammed through this institution too quickly, and should be rejected by the Senate.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. MCCAIN. I ask unanimous consent to address the Senate as in morning business for approximately 10 minutes, not more than 10 minutes.

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

Mr. MCCAIN. I come to the floor to obviously comment on the events of the last couple of days in the other body. The Nation watched as the process went forward and the votes were

cast. My understanding is, according to the media reports, champagne was poured and the celebration went on inside the beltway.

Outside the beltway, in the homes and offices and all of the residences and places where people gather across the country, there is a sense of outrage, and a sense of betrayal because, for the first time in history, we have enacted a major reform on a strictly partisan basis about which the process has angered the American people as much as the product.

The deals that were made behind closed doors for individuals, the names of which we have all become familiar with—the “Cornhusker kickback,” the “Louisiana purchase,” the “Gator aid,” and also the purchases made of the various entities in the health care industry in America—most egregious probably is that of Pharma, but the list goes on, the AMA, the Hospital Association, it goes on and on.

Americans are disillusioned and are angry and Americans are not going to forget it. There seems to be an inside-the-beltway liberal media view that, well, it is done, the American people will forget about it; they will appreciate it; and what a magnificent victory this is. It may be in the view of some a victory for the President of the United States. What it is is a defeat of the American people, because the overwhelming majority of American people, by 2-to-1 margins, said stop and start over. They said they did not want this and they did not like this process. They do not like the behind-the-closed doors foolishness that went on, that, in many peoples’ minds represented an unsavory sausage-making process.

This morning’s Wall Street Journal opinion is entitled: “Inside the Pelosi Sausage Factory” and “Michigan Rep. Bart Stupak Sold His Anti-abortion Soul For a Toothless Executive Order.”

Never before has the average American been treated to such a live-action view of the sordid politics necessary to push a deeply flawed bill to completion. It was dirty deals, open threats, broken promises and disregard for democracy that pulled ObamaCare to this point, and yesterday the same machinations pushed it across the finish line.

Then this same article goes on to describe how.

For those who needed more persuasion: California Rep. Jim Costa bragged publicly that during his meeting in the Oval Office, he’d demanded the administration increase water to his Central Valley district.

By the way, a move that I strongly favored.

On Tuesday, Interior pushed up its announcement giving the Central Valley farmers 25 percent of water supplies, rather than the expected 5 percent allocation. Mr. Costa, who denies there was a quid pro quo, on Saturday said he’d flip to a yes.

Florida Rep. Suzanne Kosmas (whose district is home to the Kennedy Space Center) admitted that in her own Thursday meeting with the president, she’d brought up the need for more NASA funding. On Friday she flipped to a yes. So watch the NASA budget.

Democrats inserted a new provision providing \$100 million in extra Med-

icaid money for Tennessee. Retiring Tennessee Rep. BART GORDON flipped to a yes vote on Thursday.

The list goes on and on. And those are the ones we know about. Those are the ones that have been publicized. We know about Pharma. We know about the deal they got and about \$100 million or so that they have spent on advertisements and paid ads touting this legislation, which will get them billions of dollars in profits, the same Pharma that changed the administration position on reimportation of drugs from Canada that is in direct contradiction of the position that then-Senator Obama had, that we should be able to reimport drugs from Canada, the same administration that supported competition amongst pharmaceutical companies for Medicare enrollees and now changed that position as well. There will be months, even years, where we will find out what went on behind closed doors, either in the majority leader’s office, the Speaker’s office, or the White House.

There are those who believe the attention span of the American people is rather short. I disagree. I was back in my home State of Arizona on Saturday, two townhall meetings, hundreds of people packed into the townhall meetings.

Every one of them is angry about what this will do, what this will do to companies and corporations such as Caterpillar that announced it would cost them, in only 1 year, \$100 million in additional taxes.

People have figured out the gimmickry of imposing taxes and cutting benefits for 4 years before a single beneficiary receives any help, the myth that we will actually cut 21 percent from doctors’ payments for treating Medicare enrollees that will take place this fall. Is there anyone who believes we are going to cut doctors’ payments by 21 percent? If so, I would like to meet them and hear from them. We are not. The word is out: Don’t worry. We will fix it. And they will fix it because we can’t do that to physicians. But yet they use that \$271 billion reduction in physicians’ payments for treatment of Medicare enrollees as a way to disguise the true deficit. In fact, that alone would show that this legislation would have resulted in an increase in cost rather than a decrease.

I haven’t got that much time except to say that I want to make clear that the people I represent in Arizona are not going to sit still for this. They are going to want this repealed. We will challenge this in the courts. We will challenge this in the towns. We will challenge this in the cities. We will challenge this on the farms. We will challenge this all over America. The will of the people will be heard. They do not like this process, and they do not like this product. We will prevail over time. I am confident of that.

I yield the floor.

(Disturbance in the Visitors’ Galleries)

The ACTING PRESIDENT pro tempore. Expressions of approval or disapproval of statements on the floor are not permitted.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

TAX ON BONUSES RECEIVED FROM CERTAIN TARP RECIPIENTS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 1586, which the clerk will report.

The legislative clerk read as follows: A bill (H.R. 1586) to impose an additional tax on bonuses received from certain TARP recipients.

Pending:

Rockefeller amendment No. 3452, in the nature of a substitute.

McCain amendment No. 3527 (to amendment No. 3452), to require the Administrator of the Federal Aviation Administration to develop a financing proposal for fully funding the development and implementation of technology for the Next Generation Air Transportation System.

McCain amendment No. 3528 (to amendment No. 3452), to provide standards for determining whether the substantial restoration of the natural quiet and experience of the Grand Canyon National Park has been achieved and to clarify regulatory authority with respect to commercial air tours operating over the park.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 4:30 p.m. will be for debate only, with the time equally divided and controlled between the Senator from West Virginia and the Senator from Texas.

The Senator from West Virginia.

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

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

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. KYL. Mr. President, this evening, there is a vote scheduled on the Ensign amendment, which would amend an archaic regulation, called the DCA perimeter rule, that has limited competition and travel options for those who fly in and out of Ronald Reagan Washington National Airport or DCA, as it is called.

More specifically, the DCA perimeter rule restricts the departure or arrival of nonstop flights to or from airports that are beyond 1,250 miles from DCA. This restriction effectively forces passengers who are coming from the Western States or going to the Western