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Senate

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

PRAYER

The PRESIDING OFFICER. Today's opening prayer will be offered by Reverend Dr. Joel Hunter, senior pastor of Northland Church, Longwood, FL.

The guest Chaplain offered the following prayer:

Let us pray.

Almighty God, we give You thanks for our democracy that gives each citizen a voice; for our freedom of religion that gives each citizen a choice; and for our goal of e pluribus unum that gives each citizen a responsibility of cooperation.

We ask that You would bridle our tongues toward constructive speech, that You would help all herein to live up to the stature and privilege of leadership, and that You would grant all herein wisdom and courage beyond their natural abilities and their party's limitations.

Bless each of our Senators for their efforts on behalf of us all, and make them servants of the people of the United States of America and of Your intentions for this great country.

In Your Name we pray. Amen.

PLEDGE OF ALLEGIANCE

The Honorable KIRSTEN GILLIBRAND led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 23, 2010.

To the Senate:

Under the provisions of Rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KIRSTEN GILLIBRAND, a Senator from the State of New York, to perform the duties of the Chair.

DANIEL K. INOUYE,
President pro tempore.

Mrs. GILLIBRAND thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

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

MEASURE PLACED ON THE CALENDAR—S. 3827

Mr. REID. Madam President, it is my understanding that S. 3827 is at the desk and is due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (S. 3827) to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to permit States to determine State residency for higher education purposes and to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children, and for other purposes.

Mr. REID. Madam President, I object to any further proceedings with respect to the bill.

The ACTING PRESIDENT pro tempore. Objection is heard. The bill will be placed on the calendar.

SCHEDULE

Mr. REID. Madam President, following leader remarks, the Senate will proceed to a period of morning business until 10:30 this morning, with Senators permitted to speak for up to 10 minutes each, with the Republicans controlling the first half and the majority controlling the second half.

At 10:30 a.m., the Senate will consider the motion to proceed to S.J. Res. 30, which is a joint resolution of disapproval regarding the National Mediation Board. Under the time agreement previously reached, there is 2 hours of debate equally divided, so the vote on the motion to proceed to the joint resolution is expected to occur around 12:30 p.m. today.

Upon disposition of the joint resolution of disapproval, the Senate will turn to the consideration of the motion to proceed to S. 3628, the DISCLOSE Act. A cloture vote on the motion to proceed will occur at 2:15 p.m.

RECOGNITION OF THE MINORITY LEADER

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

THE DISCLOSE ACT

Mr. MCCONNELL. Madam President, we are now in day 2 of debate regarding the DISCLOSE Act—2 more days Senate Democrats have chosen to ignore the jobs of the American people in an effort to save their own job.

Americans are speaking out, but Democrats in Congress still aren't listening. At a time when Americans are clamoring for Democrats in Congress to do something about jobs and the economy, Democrats are not only turning a deaf ear, they are spending 2 full days here working to silence the voices of even more people with a bill that picks and chooses who has a right to political speech. This is precisely why Americans are speaking out loudly—loudly—about the excesses of this administration and this Congress. This is why Senate Republicans strongly support the efforts Republicans in the

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

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House will unveil later this morning in Virginia.

The proposals House Republicans will put forward today are clear proof that, unlike Democrats in Washington, Republicans have been listening intently to Americans over the past year and a half. Americans have been telling us they want us to focus on jobs first, fight wasteful Washington spending, repeal and replace the health spending bill, and shrink an exploding deficit. They have been telling us they want a smaller, less costly, and more accountable government.

The House Republican plan is a clear and forceful response to these concerns, and, working together, House and Senate Republicans will continue to fight for the principles upon which it is based. Together, we will focus our efforts on making America more competitive, reducing the size and cost of government, keeping our Nation strong and secure, and reining in the massive health care costs and mandates imposed by the Democrats' health spending bill.

This is an appropriate statement to make on the sixth-month anniversary of the passage of the Democratic health spending bill, which—both in its contents and in the process used to enact it—so clearly undermined the principles House Republicans will discuss this morning.

Americans never wanted this massive government-driven intrusion into their health care, and virtually every day it seems we see that the concerns Americans had about this bill are being vindicated. Throughout the day, administration officials will tell people the things it wants Americans to believe about this bill. Based on the promises the administration made to pass it, Americans should be deeply skeptical.

They said: ''If you like your plan, you will be able to keep it.'' Now we know that wasn't true. As the Associated Press recently put it: ''This is a promise that is beyond the President's power to keep.''

They said it wouldn't raise taxes—not by one penny. Yet even the administration's own lawyers now acknowledge that it does. One report, from the Joint Committee on Taxation, says that 40 million individuals and families will get hit with a tax hike as a result of this health care bill.

They said it would slow the growth of health care costs and that it was essential for that reason. Yet now the government itself says costs will go up as a result of the bill.

What about premiums? Well, the administration now says it knew all along that insurance premiums would go up as a result of this bill. Less than a year after the President said Democrats had agreed to ''reforms'' that would enable families to save on their premiums, the Secretary of Health and Human Services now says rates will increase substantially as a result of the bill—exactly the opposite of what was said during the debate.

And in what may turn out to be the most thoroughly discredited pledge about this bill, the President and other Democratic leaders assured their colleagues that Americans would come to like the health spending bill once it passed—they would come to like it. As for that claim, well, I think Politico put it best this morning:

> Rarely have so many strategists been so wrong about something so big.

Rarely—rarely—have so many strategists been so wrong about something so big.

So Democrats were eager to listen to the strategists and the administration officials who told them what this bill would do and how it would be received, when what they should have been doing is listening to the American people, who never liked this bill—never liked it—and who knew it wouldn't deliver on the promises Democrats made. So this is no anniversary Democrats should be celebrating.

Americans have had it. The American people have had it. They have had it with Democrats focusing on their own pet issues at the exclusion of America's top priorities, and they are tired of being told that if only the Democrats pass their agenda these priorities will somehow be met. Well, the results are in. The results are in. The Democratic agenda has been a failure for the economy and for jobs. It is time to move on. It is time to start listening instead of dictating. Americans are speaking out. It is time Democrats in Congress start listening.

Madam President, I suggest the absence of a quorum.

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

Mr. McCONNELL. Madam President, I withhold the suggestion.

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

THE GUEST CHAPLAIN

Mr. NELSON of Florida. Madam President, in the midst of all the strife and partisanship and ideological rigidity that makes it so difficult these days for us to bring about consensus in the world's most deliberative body, there is the occasion at the first of each of these meetings in the Senate that we do come together—when the chaplain mounts the rostrum, prays for the Senate and for the Nation, and then we all join together in the Pledge.

I think it is worthy noting the way that the great master of the Senate, Senator Robert Byrd, taught all of us freshmen 10 years ago to mount the rostrum and to call the Senate together. As the Presiding Officer calls the Senate to order, he or she then announces the chaplain for the day and descends from the rostrum as the chaplain comes to the rostrum to offer the prayer. It is a recognition of the Deity, it is an expression of humility, it is a little symbolic act, but it is important.

I think it is important to note that in July, when the entire Senate filed through that center door under that arch inscribed with ''In God We Trust,'' we all stood silently at our seats as our Chaplain, Admiral Black, gave a prayer over the flag-draped coffin of our departed colleague, Senator Byrd. Each of us stood silently in reverence and recognition not only of a fallen colleague but in recognition of a supreme Deity. And so it is that that tradition continues. And it continues with my friend, the Reverend Dr. Joe Hunter from Florida, who has shared with us his message this morning in the opening of the Senate with a prayer.

The prayer started in the early days of the Continental Congress. It was in 1774, in that Congress, that a chaplain was called to open those sessions. Under the new government that came about as a result of the Articles of Confederation—which had not worked to keep a new spirited nation together because it didn't have a central government—they met together in that steamy room in Philadelphia to hammer out the Constitution, and the Constitutional Convention prayer was offered during those deliberations.

As a matter of fact, it was Benjamin Franklin who made the comment—when the delegates wondered whether this Nation could stand, a Nation that was seeking freedom, a Nation that was seeking democracy—Benjamin Franklin said something to the effect that if the Supreme Being knows even when a sparrow falls, will that Supreme Being not be involved in the affairs of a young and struggling nation?

In the beginning of that Nation under a constitutional government, in lower Manhattan, the chaplain of the nearby church was proclaimed the Chaplain of the Senate. When the government moved to Philadelphia, the second Chaplain of the Senate was appointed. When the government moved to this present location on the banks of the Potomac, the third Chaplain of the Senate was appointed. In that long succession of Chaplains, we are so pleased to have as our Chaplain now, after so many distinguished ones, Admiral Barry Black, whom we all love and appreciate.

So today continues a tradition with great selectivity of certain ministers being invited to come and pray for the Nation. Joel Hunter is the pastor of one of those mega-churches. It is a big church north of Orlando. But it is a church that has about five churches all spread out, with an incredible outreach to the community. Joel Hunter is a man who has reached out and ministered to Presidents, and Joel Hunter is a man who has done so much good for our community and our State and our country. He has suffered tragedy with the loss of a granddaughter just recently. Yet out of that suffering, all the more his compassion comes forth.

Indeed, we are very privileged to have Dr. Joel Hunter as our Chaplain for the day.

I yield the floor.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period of morning business until 10:30 a.m., with Senators permitted to speak therein for up to 10 minutes each, with Republicans controlling the first half and the majority controlling the second half.

The Senator from Wyoming.

A SECOND OPINION

Mr. BARRASSO. Madam President, I come to the floor today, on the 6-month anniversary of the signing into law of what has commonly across the country come to be called ObamaCare. I come as a physician, someone who has practiced medicine in Wyoming since the early 1980s, taking care of thousands and thousands of patients across the cowboy State—families. I bring that experience to the Senate floor. I have a doctor's second opinion, now that here we are, 6 months out. It is akin to looking at an x ray after something has happened, going 6 months later and taking a look at the x ray to see what has occurred to the patient.

Six months ago when Obama signed his new health care bill into law, he said: ''All of the overheated rhetoric over reform will finally confront the reality of reform.''

Here we are 6 months later. The American people have been confronted with the reality of the President's reform, and they do not like it. The American people who listened to Speaker PELOSI say: First, we must pass the bill before you get to find out what is in it, now have learned more and more what is in it, and they don't like it. The American people watched as this body came together, cobbled together legislation with things such as the ''Cornhusker kickback'' and special treats for different Senators so we would agree to vote for the bill, and the American people don't like it.

As a matter of fact, there was a Rasmussen poll that just came out Monday, and as of Monday this week, 6 months after the bill was signed into law, 61 percent of the American people want Washington to repeal this new health care law—61 percent want it repealed. Once again, instead of listening to the American people, the President continues to try to sell his law. He tried it again yesterday in a back yard. He continues to make promises he knows he cannot keep and that have not been kept with this new law.

Now that we are 6 months into the new law, I wish to walk you through some of the President's promises and the reality that the people of this great country are living with as they look at what has been crammed down their throats. Promise No. 1 by the President: If you like your current health care coverage, you can keep it. According to a new Obama administration regulation—this is the President's own administration, writing the regulation—a majority of Americans who get their insurance through work will not be able to keep the current health care plan they have. Even the White House admits it. The President keeps saying it, but the White House admits it is not true.

Promise No. 2: The law will bring the cost of medical care down and reduce the deficit. The Congressional Budget Office disagrees, saying it erases savings. The Actuary at the Center for Medicare and Medicaid Services says the new law will increase health care spending.

Let's look at promise No. 3. This says the law will strengthen Medicare. It actually cuts Medicare by $½ trillion—$500 billion cut from Medicare. The seniors of this country are furious.

To make matters worse, this money is not being used to save Medicare or to strengthen Medicare. The money is being used to start a whole new government program for other people. There is a rebellion among the seniors of this country.

Let's look at another promise the President made. He said: The law will create jobs. We have 9.6 percent unemployment in this country. We continue to learn about companies that want to employ people, that want to create jobs, but instead those companies are cutting their payrolls in order to deal with the massive new tax increases included in the law. If you look at the incentives that are given to small companies, in terms of helping them with health care costs, the incentives are the ones that say: If you want to get something, you want to cut the number of employees you have and cut the salaries of the people you are still going to employ. That does not create jobs. This law does not create jobs.

Then, of course, President Obama also promised that the Federal Government would not ration care. Then I would say why did the President make a recess appointment of a man to run the Centers for Medicare and Medicaid who has repeatedly acknowledged and said the government must ration care? He has a long history, but he did not come to the Senate to explain a number of statements he has made about redistributing wealth, rationing care. He does not need to explain it to the Senate. He needs to explain it to the people of this country. That is Donald Berwick, a physician from Massachusetts, still refusing to testify before Congress and the American people. He has been invited again to come today. There will be people waiting in a room to which he has been invited. We will see if he does arrive, but I doubt it.

You wonder why Americans are sick and tired of Washington. It is no surprise; yesterday, when speaking at the event in Virginia, the President focused on provisions of the new law that go into effect today. As Paul Harvey used to say: ''Now the rest of the story.'' Some of the changes the President touted yesterday actually don't start right away. Many Americans will not see how these changes will impact them until after January 1 of 2011. But yesterday, USA Today, the newspaper, actually ran a big story—a full-page story almost—on the new provisions. The thing that was so interesting about the story is, the story outlined the basics of each provision—a little thing there. Then underneath each one of the basics it had several paragraphs of things they called be aware: The basics are this, but be aware that this may happen to you, and this may happen to you and this may not apply or this may apply.

All those things are to alert the American people that there is a lot more to it when you look at this over 2,000-page bill and the so many agencies that are being brought forth to write rules and regulations—so many things the American people will still learn about this bill, and as they learn those things they will like it even less.

The story outlined the basics and then the ''be awares'' of each provision. I think it is very important for the Americans who are listening and who are focused on this to be aware of these ''be awares,'' that they are so much longer than the provisions. What I would like to do is walk through some of them with you.

The law does allow young adults to stay on and be added to their parents' health insurance plan until age 26. That is what we hear. Make sure to read the fine print.

One of the things the Obama administration published was the so-called grandfather regulation—not when the bill was signed into law but in June. This Washington White House regulation defines the rules that employers must follow if they want the health coverage they currently offer their employees to be exempt from the new law's mandates. It says be aware that children are not eligible to be added to their parents' grandfathered employer group plan if the child can access coverage in other ways, if they have a job—another very complicated situation of rules and regulations.

Second, the law now requires insurers to cover more preventive services—immunizations, mammograms, colonoscopies. It is important for people to take responsibility for their health and things such as screening mammograms and immunizations; those help people in the long run. It says insurers cannot charge copayments or deductibles for these added benefits. Then let's get to the ''be aware'' section. Be aware these cost savings only apply to new health insurance plans, not the so-called grandfathered plans, so you have them describing the grandfathered plans and who can be a part of it and who cannot.

There is more to this than meets the eye. Also, be aware—don't be surprised if you see your insurance premiums go up.

The President wants to sell Americans on the good things in the law, what he considers the good things in the law, but he has failed to mention that mandating insurers to cover these extra benefits is going to cause premiums to go up.

Another: Insurance companies can no longer cap the amount they will pay over a person's lifetime. Americans need to be aware, however, that insurance plans that had lower premium costs because—they say, how do you get premiums down? They did it by limiting lifetime amounts. It says those people now may be forced to pay higher insurance premiums.

Another: The law designed new rules preventing insurers from denying coverage to any child under the age of 19 who has a preexisting medical condition. So what did the Washington Post say about that? What did the Los Angeles Times report? They both printed articles this Tuesday, 2 days ago, warning consumers that major health insurance companies—what are they going to do about this? They are going to plan to stop selling new child-only covered products completely. Is this going to help kids with preexisting conditions, this law? As these insurance companies plan to stop selling new child-only coverage products, that is not going to help. It is because of this law.

The health care law allows parents to wait until their child is sick before buying a policy. When only sick people buy health insurance, premiums have to go up. As the rate increases, more people drop their coverage. This certainly is going to hit lower income families hard. Some uninsured parents, while they can't afford family insurance, often decide to buy a child-only policy to ensure their kids have coverage. But according to these new reports, families all across America will have fewer health insurance options because of the new law—fewer options for families, fewer options for patients, not more.

This Congress had a historic opportunity to make patient-centered health care reforms to bring down the cost of medical care in this country. We had a historic opportunity, and this Congress missed it. The one thing the American people wanted out of health care reform was lower costs. But increased Washington mandates passed by this Senate only serve to produce fewer insurance choices, increased costs, and insert the Federal Government between patients and their doctors.

It is time that we start talking honestly about how this law—even the things on which Republicans and Democrats agree—affected patients and their families. That is why I believe this health care law needs to be repealed. It should be repealed and replaced with better ideas. And there are better ideas—better ideas that were rejected by the majority in this Senate, who refused to listen, who refused to listen to the American people who were bringing forth better ideas, changes such as allowing people to buy insurance across State lines—that is going to bring down the cost of care, and it is going to help about 12 million people who did not have insurance get insurance; offering premium breaks to folks who make healthy lifestyle changes—absolutely critical; dealing with lawsuit abuse to help eliminate some of this defensive medicine and the increased cost of that practice. We need to allow small businesses to join together, to pool together in order to offer affordable health insurance to their workers, get better deals with insurance costs. These are changes that put patients in control of their medical decisions, not the government.

People ask me, as a doctor, what I think about this, what I think about this law. I will tell you, having practiced medicine for over 25 years, we need to do something. This wasn't it. This law is bad for people. It is bad for people who are patients. It is bad for people who are providers, the nurses and the doctors who take care of the patients. It is bad for payers, the taxpayers of this country who will foot a significant amount of the bill. The people who get their insurance through work—what is the impact going to be on those jobs and those businesses? This is a bill that is bad for people.

We can and we must fix a broken health care system, but we can do it without undermining choice, which is what this health care law has done; without undermining competition, which is what this health care law has done; and without undermining innovation, which is what this health care law has done. And we need to do it without raiding Medicare to start a whole new government entitlement program. We can do it without raising taxes that kill jobs in a bad economy.

That is why, as we are here today, 6 months after the enactment of this bill becoming law, the Obamacare law, 6 months later, 61 percent of the American people want it repealed. It is now time to repeal and replace this health care legislation and replace it with something that will work for the American people because that is what this country wants, that is what this country needs, that is what this country and the people of this country have been asking for all along, but the members of the majority and the White House refused to listen.

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

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

The bill clerk proceeded to call the roll.

Mr. HARKIN. Madam 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.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

The Senator from Georgia.

CONGRESSIONAL DISAPPROVAL OF THE RULE SUBMITTED BY THE NATIONAL MEDIATION BOARD RELATING TO REPRESENTATION ELECTION PROCEDURES—MOTION TO PROCEED

Mr. ISAKSON. Madam President, I move to proceed to the consideration of S.J. Res. 30.

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be 2 hours for debate on the motion to proceed, with the time equally divided and controlled between the Senator from Iowa, Mr. HARKIN, and the Senator from Georgia, Mr. ISAKSON, or their designees.

The Senator from Georgia.

Mr. ISAKSON. Madam President, I yield myself up to 15 minutes of the time.

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

Mr. ISAKSON. Madam President, on May 11, 2010, the National Mediation Board, the board that oversees labor relations in transportation—in the railroad and airlines industries—finalized a regulation repealing the 75-year-old majority rule. Under the majority rule, a majority of the organizing unit was required to affirmatively vote yes to unionize. The repeal of this rule means that now a minority in the bargaining unit can organize, essentially permanently, the entire organization of the unit.

Today, I am asking this body to pass S.J. Res. 30 to undo this rule change under the procedures created by the Congressional Review Act of 1996. This law allows Congress to disapprove regulatory rules issued by Federal agencies by enacting a joint resolution of disapproval. This resolution will revoke a recent regulation promulgated by the National Mediation Board eliminating the old majority rule that had been in place for 75 years under 12 Presidential administrations.

Under the old rules, a majority of the workers in the organizing unit were required to affirmatively vote yes in order to organize. Under the new rules, however, only a majority of those voting are required to vote yes to organize a union.

Let me give you an example. If an organizing unit had 10,000 employees, under the 75-year-old rule, 5,001 would have had to vote affirmatively for a union. Under the new rule, if only 4,000 turned out to vote, only 2,001 would have had to vote affirmatively to be able to unionize. In fact, in large measure, it seems to me, it is kind of ''card check lite.''

There is no sound legal or policy basis for hastily changing a rule that has been in

place and upheld repeatedly for 75 years. Throughout this time, the majority rule has furthered the primary purpose of the Railway Labor Act, which is ''to avoid any interruption to commerce or to the operation of any carrier engaged therein.''

The Supreme Court of the United States has upheld the rule not once but twice. The National Mediation Board, under both Democratic and Republican administrations, previously rejected changes to the majority rule on four separate occasions. In fact, the National Mediation Board, under former President Jimmy Carter of Georgia, concluded that only Congress could make such a decision.

Even the Obama administration's own Labor Department defended the soundness of the majority rule, writing on October 8, 2009:

For 70 years, the Board has required, when there is no representative and just one organization is seeking to be representative, a majority of the workers in the craft or class to vote for that organization.

In so doing, President Obama's own Labor Department argued that all past boards ''reasonably construed'' the Railway Labor Act.

As former National Mediation Board Chairman Elizabeth Dougherty wrote in her strong dissent of the repeal of the majority rule, making this change ''would be an unprecedented event in the history of the National Mediation Board.''

She continued:

Regardless of the composition of the board or the inhabitant of the White House, this independent agency has never been in the business of making controversial, one-sided rule changes at the behest of only labor or management.

The majority rule is not unfair to organizing efforts, as over two-thirds of the 1,850 reported elections since 1935 have resulted in a union. Moreover, an average of 72 percent of airline and railroad employees are represented by unions, while only 8 percent of private-sector workers are union represented.

One of the reasons the majority rule was approved is because recognition of a union under the Railway Labor Act is essentially permanent, and I reiterate that. The decision is essentially permanent and irrevocable. Thus, to reference my example earlier, the minority of 2,001 in an employee group of 10,000 could irrevocably unionize an organization and make it permanent.

Quoting the Obama administration's Labor Department again:

Unlike the National Labor Relations Act, the Railway Labor Act does not provide for a decertification process.

''Does not provide for a decertification process.''

Therefore, the union's certification continues until another union makes a showing of interest to represent the respective class or craft. . . . Consequently, it is of utmost importance that a certified union has the support of the workers it is certified to represent.

While existing practice allows for a cumbersome and slow ''straw man'' union disillusion process, the Railway Labor Act has no decertification process as there is under the National Labor Relations Act.

The current ''straw man'' union disillusion process is Byzantine and nearly impossible for workers to use. This is how National Mediation Board Chairman Dougherty described the process:

Employees who no longer wish to be represented by a union must select an individual to stand for election (the so-called ''straw man''), convince a majority of the eligible voters in the craft or class to sign authorization cards for that individual (while attempting to explain that this individual is not actually going to represent them), and then file an application with the Board. If the requisite showing of interest is met, an election is authorized, and the employees must either vote for the ''straw man,'' with the hope that he will later disclaim interest in representing the craft or class, or abstain from voting.

What a ridiculous process that is.

Unfortunately, the new rule allows no corollary process by which employees can choose to opt out of unionization. Thus, the Obama administration greatly lowers the bar for unionization, while continuing to ensure that it is nearly impossible to decertify a union.

In Teamsters v. BRAC, the DC Circuit Court wrote:

It is inconceivable that the right to reject collective representation vanishes entirely if the employees of a unit once choose collective representation. On its face, that is a most unlikely rule, especially taking into account the inevitability of substantial turnover of personnel within the unit.

If the Obama administration truly sought to ''more accurately measure employee choice,'' they would have provided a parallel process by which employees could vote out a union in an election conducted in the same manner as the election which resulted in certification of the union in the first place. Of course, they did not do that.

Quoting Chairman Dougherty again:

Apparently, employee choice only matters to the Majority when it relates to changing the status quo from no representation to representation and not the other way around.

The impact of this is dramatic in my State, and it has a dramatic impact on Delta Air Lines, which is headquartered in my State.

On April 14, 2008, Delta and Northwest Airlines announced a merger. Before the merger, Delta was a predominantly nonunion organization. Its pilots were unionized, but flight attendants and ground personnel were nonunion. Delta employees—many of whom reside in Georgia—were and still are some of the most dedicated employees of any company in the United States, and some of the best paid employees in the airline industry, which explains why Delta employees have voted down six unionization drives since 2000 alone.

Some of the former employees of Northwest, which was a much smaller operation than Delta, wish the new Delta to adopt their old labor agreements. Those old labor agreements at Northwest led to a long history of labor strife, lower pay, and burdensome work rules.

I say, leave that decision up to the workers. If the benefits of union representation are so great, then why the need to change the rule? This administration simply refuses to obey the will of the majority of the class and has chosen to side with the union in the passing of this rule.

As National Mediation Board Chairman Dougherty has written, the board's actions are targeted at ''40,000 employees at two major airlines—the largest group of elections in the history of the National Mediation Board. I believe it is harmful to the reputation and credibility of the [National Mediation] Board for it to take a position in favor of a change to our election rules during these elections.''

In short, we are here today for one reason and one reason only: The Obama administration has chosen to tilt the outcome of unionization elections at Delta Air Lines in favor of the transit unions.

Let me discuss the integrity of this process that took place at the Board.

Once confirmed by the Senate, revoking the majority rule was clearly job one for Members Puchala and Hoglander. Only 5 weeks after Mr. Hoglander was confirmed on July 24, 2009, the AFL–CIO requested the rule change on September 2, 2009.

Two months later, on November 2, the National Mediation Board issued the proposed rule. Not coincidentally, the transit unions immediately withdrew their applications to organize Delta, giving Hoglander and Puchala more time to stack the deck in their favor. Public remarks of union leaders from the Association of Flight Attendants have since confirmed their insider knowledge of the proposed rule.

On November 6, the Democratic members of the National Mediation Board told Chairman Dougherty they had prepared a ''final'' version of the proposed rule and she had only 1½ hours to consider their proposal.

Further, the Democratic majority told her she would not be permitted to publish a dissent in the Federal Register. Of course, publication of a dissent is not prohibited by any agency.

Finally, on May 11, 2010, the Democratic majority issued their final rule, having prevented an honest and forthright debate and comment—all of this from an administration that prides itself on transparency.

Throughout their effort to repeal the majority rule, the Democratic majority and the National Mediation Board intentionally left Chairman Dougherty out of the process. As she wrote in her stinging dissent: ''This rule was drafted without my input or participation.''

I am concerned this course of conduct by two former union leaders plainly reflects a predetermination to proceed with a course of action beneficial to transit unions at the expense of fairness and sound public policy.

Chairman Dougherty is correct when she writes:

Independent agencies have an obligation to avoid even the appearance of impropriety. The Board's failure to do so in this instance has damaged the Board's reputation irreparably.

Clearly, this administration is afraid that the Employee Free Choice Act, which it promotes, will not pass the Senate in the near future. As a result, President Obama has repeatedly assured union bosses in Washington that his administration will use the Federal regulatory agencies and Executive orders to implement their radical agenda on behalf of labor bosses in Washington.

We are just beginning to see the impact that former union boss Craig Becker is having as a member of the NLRB. Mr. Becker was rejected by this body on a bipartisan vote. The President responded by thwarting the will of the Senate and extending to Mr. Becker a recess appointment.

Since assuming his position, Mr. Becker has been anything but impartial to the unions. He has refused to recuse himself in cases involving his old employer, the SEIU, and is doggedly attempting to foster card check campaigns at businesses throughout the country.

Last week, President Obama said:

What we've done instead [of getting EFCA passed in the Senate] is try to do as much as we can administratively to make sure that it's easier for unions to operate.

The repeal of the majority rule fits into this pattern. It is yet another attempt by the Obama administration to circumvent the Congress of the United States and vilify American businesses.

As the Supreme Court wrote in Russell v. National Mediation Board in 1985:

Employees were given the right under the (Railway Labor) Act not only to vote for collective bargaining, but to reject it as well.

Unfortunately, the Obama administration's two Democratic nominees to the National Mediation Board, in repealing a 75-year-old rule without congressional approval or adequate reasoning, have recklessly tossed aside fairness and impartiality to benefit their former labor bosses in the labor movement. In so doing, they have eviscerated the right the Supreme Court articulated.

The Congressional Review Act is the appropriate legislative vehicle for Congress to undo this assault on workers' rights. I urge my colleagues to support this resolution of disapproval.

I ask unanimous consent that letters supporting this resolution from the U.S. Chamber of Commerce, the National Association of Manufacturers, the Alliance for Worker Freedom, Americans for Limited Government, and Associated Builders and Contractors be printed in the RECORD.

I also ask unanimous consent to have printed in the RECORD a document entitled ''Letters from Workers.''

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

U.S. CHAMBER OF COMMERCE,
Washington, DC, September 22, 2010.

To the Members of the United States Senate:

The U.S. Chamber of Commerce, the world's largest business federation representing the interests of more than three million businesses and organizations of every size, sector, and region, urges you to support S.J. Res. 30, a resolution of disapproval that would repeal revisions the National Mediation Board made to its regulations concerning union organizing under the Railway Labor Act.

The Board's revisions, which were finalized on May 11, 2010, overturn more than 70 years of precedent and make it possible for a union to be organized without the support of a majority of employees in the craft or class. Strong policy arguments favor the time-tested rule the Board has jettisoned, including the fact that the Board has no rule permitting decertification of a union should the employees later decide they do not want to maintain representation.

In addition, the regulatory process that led to the adoption of the rule was little more than a sham. The Board majority not only excluded the single minority member from deliberations over the rule, but it censored her dissent. Furthermore, while the rule was contentious enough to draw thousands of comments, the Board did not change a single word of the proposed rule when it was finalized, further evidencing that the regulatory process adhered to was egregiously flawed. Policy differences aside, Congress should not permit an agency to set policy in such a manner.

Due to the critical importance of this issue to the business community, the Chamber strongly urges you to support S.J. Res. 30. The Chamber may consider votes on, or in relation to, this issue in our annual How They Voted scorecard.

Sincerely,

R. BRUCE JOSTEN.

NATIONAL ASSOCIATION OF MANUFACTURERS,
September 20, 2010.

DEAR SENATOR: The National Association of Manufacturers (NAM)—the nation's largest industrial trade association—urges you to support S.J. Res. 30, a ''resolution of disapproval'' to prevent the National Mediation Board (NMB) from changing union election rules under the Railway Labor Act.

Manufacturers are increasingly concerned with efforts to implement major changes to our nation's labor laws outside of Congress through executive branch actions. The NMB's recent decision to promulgate a new rule goes contrary to the intent of the Railway Labor Act and is an attempt to circumvent the legislative process.

The Railway Labor Act requires a majority of all eligible employees to affirmatively choose to allow a labor union to collectively bargain on their behalf with their employer. However, in 2009 members of the NMB finalized a proposed rule which allows union organizers to unionize workplaces if only a simple majority of employees who participated in a union representation election chose to certify the labor union instead of requiring an affirmative vote for union representation from a majority of all employees that would be covered by the labor union seeking to be certified. This approach goes counter to decades of labor law precedent and skews the careful balance inherent in federal labor law.

The NMB failed to demonstrate sound policy justification needed to implement such a sweeping change to our labor law system. The final rule that has been issued is beyond the legal authority of the Board and is arbitrary and capricious. The NAM responded to the NMB's proposed rulemaking and submitted comments highlighting these concerns. Unfortunately the Board finalized the rule in May 2010 without addressing our concerns—and those of many other employers.

The failure of a union to receive a true majority support among the employees it seeks to represent is disruptive to employee-employer relations and puts the stability of interstate commerce in question. Labor unions covered by the RLA must be able to have the support of the majority of employees to provide effective representation in labor negotiations.

In order to promote fair and equitable labor relations that protect the rights of the majority of workers, an affirmative change—from a non-union to union workplace—should require an affirmative majority vote from those eligible to vote. Employees who choose not participate in elections are in effect choosing to maintain the status quo and should not be required to directly participate in representation elections in order to maintain their status.

The Senate should disapprove this rule by supporting S.J. Res. 30, as it would harm positive employee relations and sets a disturbing precedent for other federal labor boards like the National Labor Relations Board. More importantly, we believe the NMB is circumventing the proper role of Congress in setting our nation's labor laws on a level playing field to protect the rights of those who wish to be represented by a labor union and those who do not.

As manufacturers face tremendous amounts of uncertainty in these challenging economic times, Congress should not allow a federal agency to issue regulations that harm manufacturers' ability to create and retain jobs.

On behalf of manufacturers, we urge your support for S.J. Res. 30. We look forward to continue working with you on our shared goals for a strong economy, job creation and promoting fair and balanced labor laws.

Sincerely,

JOE TRAUGER,
Vice President.

ALLIANCE FOR WORKER FREEDOM,
Washington, DC, September 17, 2010.

DEAR SENATOR: On behalf of the Alliance for Worker Freedom (AWF), I urge you to support Senator Isakson's S.J. Res 30, which condemns the National Mediation Board's (NMB) decision to ease unionization standards for airline and railway employees.

Since the creation of the National Mediation Board in 1934, a majority of transport workers' votes has been required to form a union. Last year, the AFL-CIO viewed this traditional voting practice as an impediment to their unionization efforts and lobbied the NMB to amend this practice. The NMB complied with the AFL-CIO's request and in May ruled that union elections for workers subject to the Railway Labor Act should be decided by only a majority of workers who cast ballots, not total company workers. This move would make it substantially easier for unions to win elections and could encourage deceptive election practices.

Overturning seventy-five years of precedent and two Supreme Court rulings, the National Mediation Board has overstepped its understood authority. Although frequently challenged, numerous institutions, under both Democrat and Republican Administrations, upheld the ''majority rule'' practice. The Supreme Court twice ruled in favor of ''majority rule'' unionization election standards.

Furthermore, the National Mediation Board has upheld challenges to majority rule four times, on grounds that: ''Certification based upon majority participation promotes

harmonious labor relations. A union without majority support cannot be as effective in negotiations as a union selected by a process which assures that a majority of employee's desire representation.''

AFL-CIO's complaints that transport companies have made it too difficult to unionize workers, thus necessitating the NMB's change, is largely unfounded: majority rule has been used in more than 1,850 elections, and unions have won more than 65 percent of the time.

The merits of majority rule can be thoroughly weighed, debated, and voted on by our legislators, not the three members of the National Mediation Board.

Sincerely,

CHRISTOPHER PRANDONI,
Executive Director.

[From ALG News, Sept. 21, 2010]

ALG URGES SENATE TO SUPPORT ISAKSON RESOLUTION AGAINST UNION ORGANIZATION BY PLURALITY RULE

FAIRFAX, VA.—Americans for Limited Government (ALG) President Bill Wilson today urged the Senate to support a resolution of disapproval against a National Mediation Board rule that allows for union organization at railways and airlines with less than a majority of employees voting ''yes.''

The resolution of disapproval is being proposed by Senator Johnny Isakson, who in The Hill wrote ''The Obama administration's decision to repeal this rule means that now a minority of the bargaining unit can organize—permanently—the entire organizing unit.''

''The National Mediation Board simply does not have the legal authority to make such a radical change without Congressional authorization,'' Isakson stated in a press release. ''With this rule change, a union could be permanently recognized without a majority of employees having ever supported representation.''

That is because on May 11th, 2010, the National Mediation Board repealed the so-called ''Majority Rule.'' Under the old rule, it took a majority of an organizing unit voting ''yes'' to permanently organize a union. Now, it only takes a majority of those voting, a considerably lower threshold.

lsakson wrote in The Hill, ''[U]nder the Majority Rule, if a bargaining unit had 6,000 employees, 3,001 must have voted for a union to organize the unit. However, under the new rule, if only 1,000 of 6,000 vote, and 501 of those 1,000 vote yes, all 6,000 are permanently unionized, even if a majority of them become disenchanted with the union leadership.''

Isakson's resolution is expected to have an up-or-down vote on Thursday under expedited rules.

Wilson said the rule change most likely had been made to accommodate the merger of Delta Airlines and Northwest. ''The new company is 40 percent union, and most of that is from the Northwest employees. Since they didn't already have a majority, the only way to get a union for the whole company was to change the rules to accommodate a decades-long effort by Big Labor to unionize Delta.''

According to CNN Money, ''Unlike its competitors, Delta employees have declined to join labor unions in the past, priding themselves on having great relationships with the company and enjoying the freedom to negotiate contracts with managers one on one.''

Wilson said that the National Mediation Board had violated their authority under the Railway Labor Act, urging the Senate to ''uphold the original intent of the law, which never included allowing a minority of workers at a company to unionize. The National Mediation Board has clearly stepped out of its statutory role as a neutral arbiter, and into being an advocate on behalf of union organizers.''

Wilson's sentiments echoed those of the Chair of the National Mediation Board, Elizabeth Dougherty, who in her dissent wrote, ''Regardless of the composition of the board or the inhabitant of the White House, this independent agency has never been in the business of making controversial, one-sided rule changes at the behest of only labor or management.''

Wilson said this was ''just the latest example of an agency seizing the power to legislate from Congress,'' concluding, ''First it was the EPA with the carbon endangerment finding. Then the National Labor Relations Board opening the door for card check. And now the National MedianBoard allowing for unionization with less than majority support.''

ASSOCIATED BUILDERS AND CONTRACTORS, INC.,
Arlington, VA, September 23, 2010.

U.S. SENATE,
Washington, DC.

DEAR SENATOR: On behalf of Associated Builders and Contractors (ABC), a national association with 77 chapters representing 25,000 merit shop construction and construction-related firms with 2 million employees, I write to express strong support for S.J. Res. 30, offered by Senator Isakson and urge you to vote in favor of this resolution. The resolution disapproves the rule submitted by the National Mediation Board relating to representation election procedures (published at 95 Fed. Reg. 26062 (May 11, 2010)), and would resolve that such rule shall have no force or effect.

The May 11 National Mediation Board rule requires employers governed under the Railway Labor Act to recognize and bargain with a union, even where a majority of affected employees have not voted to do so. This rule overturns 75 years of precedent and promotes union organizing at the expense of employees that do not favor union representation. Moreover, this radical change injects further uncertainty into our economy at a time when we can afford it least.

ABC believes the National Mediation Board's ruling reflects a disturbing trend by the federal government to promote unionization at the expense of free and open competition, economic growth and employees that do not favor union representation. ABC urges you to support S.J. Res. 30 and vote in favor of this resolution.

Sincerely,

GEOFF BURR,
Vice President, Federal Affairs.

LETTERS FROM WORKERS

On Monday, when this vote was scheduled, we launched an email address, airlines@isakson.senate.gov, and we asked the real experts—the workers affected by this rule change—to write us and offer their thoughts.

The response has been overwhelming. As of this morning, we've received over 100 individual letters in three days, not form letters or postcards, but carefully crafted letters decrying the unfairness of the NMB's rule change.

One of my constituents, a proud Delta flight attendant named Debi Shaw from Gainesville, Georgia contacted dozens of her friends and colleagues. Ms. Shaw collected over three dozen letters by herself.

I wish I could read all these letters into the record, but I wanted to share just a sample with my colleagues in the time I have.

One such letter came from Susan Powell of Buford, Georgia. She writes, ''I have invested 31 years into a fabulous career at Delta and I feel so blessed to have been able to work for such a wonderful company all these years. The intentions of the NMB are totally transparent and should not be tolerated by Congress—or any other body or individual (including President Obama) who claims to embrace honesty, fairness and ethics. It is abundantly clear to me that motivation of the newest Obama appointees to the NMB is to pave the way for the AFA to gain entry into Delta Air Lines—I see no other justification for imposing voting rules on Delta flight attendants contrary to the voting rules applied to union elections at all other carriers. I have loved my career at Delta and I am so proud of the monumental efforts my company and my fellow employees have made to emerge from bankruptcy and return to profitability. I watched in horror years ago as the unions at Eastern Airlines single-handedly brought their own company to its knees—and I was forever grateful that I had chosen to work for Delta, as opposed to Eastern. It is my belief that an election in favor of the AFA will be the ruination of my company and the end of the blissful career I have enjoyed at Delta.''

Another eloquent letter came from Karla Kelsey. ''I am a 32 year Delta flight attendant. I do not understand why the NMB would change a rule that has been in place for 75 years. It is, obviously, a decision partial to the unions, not the employees. . . . I am not interested in union representation and I resent how this situation has been handled. The impact on my life would be hugely negative if the AFA is voted in. What is fair about a union being able to come into my company with only a majority of those who vote as opposed to a majority of all flight attendants who would be represented?''

I didn't just hear from pre-merger Delta employees. I heard from Avery C. Parker, who had been with Northwest Airlines for 31 years. She writes, ''The NMB's decision to change the 75 plus year's old law concerning labor elections is very disturbing to me to say the least. . . . Is this how a government agency that has thousands of employees, counting on them to have an un-bias opinion, should act?''

Several workers contacted me complaining about the harassment they experience by union organizers. A flight attendant from Greensboro, Georgia, Toni Holman complains that ''pro-union activists are spreading really nasty and un-true rumors; are using intimidation tactics; and are also sabotaging the luggage, hotel rooms, etc of many flight attendants who are vocal anti-union or have ''No Way AFA'' bag tags on their suitcases. We are being targeted and persecuted. I also feel harassed by the bombardment of un-requested mail/e-mail/and telephone calls.''

Again, I received dozens of letters from across the country. I will be including a sampling in the record of this debate, so these workers know they have a voice in their Congress.

Mr. ISAKSON. Madam President, I reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator from Iowa.

Mr. HARKIN. Madam President, I strongly oppose the resolution of disapproval offered by my good friend, the Senator from Georgia. I tried to listen to all my friend said, but let's just keep in mind what this is all about. The resolution we have before us would keep in place outdated and undemocratic election procedures that undermine workers' fundamental rights.

Hard-working Americans deserve better, and I encourage my colleagues to vote down this resolution.

By way of background, the Railway Labor Act governs labor-management relations for the rail and air industries. As the Supreme Court has noted, the Railway Labor Act was expressly passed to ''encourage collective bargaining.'' Under the act, a majority of employees have the right to decide if they wish to be represented by a union, and they use elections to make that choice. Unfortunately, for many years, the National Mediation Board, which implements the Railway Labor Act, has had antiquated elections procedures that place huge obstacles in the way of workers who are trying to exercise their basic right.

Under these archaic rules, a union did not win an election if it won a majority of the votes cast. Let me repeat that. Under these archaic rules, a union did not win an election even though they may have won a majority of the votes cast. How can that be? Well, because, instead, a majority of all eligible voters, or all those who voted, a majority—instead of just counting all of those who voted, it said it had to be all eligible voters had to cast a vote for the union. What that meant was that anyone who didn't vote was automatically counted as a ''no'' vote. So all nonvoters were automatically and arbitrarily treated as a ''no'' vote or a vote against unionization. So if you didn't vote, that equaled a ''no'' vote. Doesn't that strike you as kind of odd?

This procedure is not only contrary to the election rules governing workers under the National Labor Relations Act, but it is contrary to basic principles of democracy underlying elections held throughout the United States, from student council elections to elections for United States Senators. Think about this. In virtually every election in this country, except those involving rail and aviation workers, a voter has a right to vote one way or the other or not to vote at all. However, under the archaic rules of the National Mediation Board, there is no right not to vote because if you don't vote you are counted as a ''no'' vote, whether you wanted to be a ''no'' vote or not. Maybe a lot of people don't vote for one reason or another.

As Senators, it would be apparent to all of us that this current rule makes no sense. For example, in the Senate, we cast hundreds of votes in each Congress. Inevitably, with one or two exceptions, most of us miss a vote or two, whether there is something going on in our State that we have to attend to or a family illness or whatever. We would be outraged if we missed a vote because of those circumstances and our vote was counted as a ''no'' vote when maybe we didn't want to vote no, but it would be automatically counted as a ''no'' vote if we didn't vote. We would be outraged at that.

In addition, in our contests for reelection, we would be outraged if every eligible voter who chooses not to vote is presumed to be a vote for our opponent; in other words, a ''no'' vote on us. That is pretty interesting, isn't it?

If you choose not to vote, you are counted as no. Well, it is no less outrageous to arbitrarily assign a position to nonvoters in a union election.

Again, there are many reasons a person might not vote. As I mentioned, they might be ill, forgot, or maybe they are just disinterested in the result, don't care one way or the other. That is why a basic principle of elections is that a voter's decision not to vote has no impact on an election's outcome. Again, I will repeat: A basic principle of elections in our country is that a voter's decision not to vote has no impact on the outcome of that election.

Indeed, in 1937, the Supreme Court, in Virginian Railway Company v. Systems Federation No. 40, in interpreting the very statute at issue—the Railway Labor Act—expressly said:

> Election laws providing for approval of a proposal by a specified majority of an electorate have been generally construed as requiring only the consent of the specified majority of those participating in the election. Those who do not participate are presumed to assent to the expressed will of those who vote.

It makes sense. If you don't vote, what you are saying is, for one reason or another, whichever side wins, they win. Whatever the expressed will is of the yes or the no, I give my assent to that by not voting. That is what the Supreme Court said.

This basic system of conducting elections works for school boards. It works for State legislatures. It works for Congress. It works for all businesses governed by the National Labor Relations Act, and it certainly will work for rail and aviation workers.

Now, given the antidemocratic nature of its union election procedures, in May the National Mediation Board issued a long overdue rule change. Under the new rules, a majority of those who actually vote in the election is required for the union to prevail. Under this procedure, an employee, a worker, can choose to vote for a union, they can choose to vote against unionization, or they can choose not to vote at all. The rule, very simply, recognizes that in an election, the side with the most votes wins.

Well, I think the National Mediation Board should be commended for its new, more democratic rule. It is consistent with the procedure used in other elections in our country and will ensure fairness and equal treatment for rail and aviation workers.

Nevertheless, my friend from Georgia and others wish to overturn the application of these basic democratic principles to air and rail workers. First, as I understand it, they argue that because the National Mediation Board's old rules are 75 years old, they should remain unchanged. Well, just because something is old doesn't mean it should remain forever. A rule's age is irrelevant in evaluating its fairness. Our country has rightly eliminated many flawed election rules when circumstances changed. It is time to discard this one too.

The justification for the original rule is long outdated. Rail and aviation workers, like workers at many other businesses, are spread throughout the country. Seventy-five years ago, with often poor communications, there was a legitimate concern that many employees would not learn that a union campaign was taking place or that a vote was scheduled. The National Mediation Board feared that a small but informed minority of workers could dominate the election process and dictate a result for a majority of employees, many of whom may not even have known an election was occurring. That is not true today. Given today's modern technology—the Internet, e-mail, cell phones—these concerns are simply no longer relevant and should not dictate the Board's current election procedures.

Secondly, I believe the Senator from Georgia is wrong when he claims that the National Mediation Board has exceeded or does not have authority to implement this rule change. On June 25, a Federal court rejected this argument, finding that the change was well within the agency's authority. The Railway Labor Act does not specify any particular election procedures and leaves the means of conducting elections up to the Board.

The process the Board used to adopt their new rule was fair, open, and allowed all parties an opportunity to comment, using the same notice and comment process under the Administrative Procedures Act as used by other Federal agencies.

The National Mediation Board published a notice of proposed rulemaking in the Federal Register on November 3, 2009, that included a detailed explanation of why the Board was considering this change. It allowed parties 60 days to comment and provided a detailed rationale for the proposal. The Board considered nearly 25,000 public comments and held a public meeting where over 34 members of the public testified. Federal agencies issue new regulations every day following the same notice and comment procedures employed by the Board in this procedure, and nothing untoward happened here. It was fully open, fully aboveboard, and in compliance, as I said, with the Administrative Procedures Act.

My friend from Georgia and others have argued that one of the National Mediation Board members, Linda Puchala, may have somehow misled Congress during her confirmation hearings and failed to consider the new rule with a fair and open mind. There is simply no evidence to support this claim. On May 12, 2009, Ms. Puchala answered a written question from the Senator from Georgia. He asked:

Please state your views regarding the importance of honoring the Board's 60-year history of precedents in matters involving representation and mediation.

That was the question. Ms. Puchala responded:

The board has a long history of precedents in matters involving representation and mediation. I think it is important to review each case on its merits and to consider all applicable precedents when making decisions.

Sounds logical to me. It is important to review each case on its merits. I would hope all individuals who have appointed positions in the Federal Government would take cases on their individual merits. Consider precedents, of course, if they are applicable, but to consider it on its merits.

As I understand it, that is precisely what Ms. Puchala did in this instance. In the almost 6 months between her confirmation and the publication of the notice of proposed rulemaking on November 3, 2009, she had ample time to carefully consider all points of view about the proposed change and implemented what she considered to be a fair rule. As a Federal judge wrote in rejecting these challenges:

The level of detail with which the agency considered and discussed negative comments in the Final Rule belies allegations that the Board rushed its consideration of the new rule. . . .

That is a Federal judge.

Opponents have also argued—and I just heard this—that the Republican National Mediation Board member Elizabeth Dougherty was unfairly excluded from the consideration of the new rule. While I believe the internal deliberative processes of agencies should appropriately be kept confidential, I am reassured by the district court's finding on this point that there was no evidence that the majority board members violated any procedural rule or acted in bad faith. That was the finding of the district court.

Finally, throughout the course of the public debate over this rule change, opponents of the new rule have claimed that the National Mediation Board is trying to ''do card check by running around the backdoor.''

This is just pure nonsense. The National Mediation Board rule has nothing to do with the Employee Free Choice Act or card check. It does not modify in any way the way rail and aviation workers vote. Rather, it simply makes clear that a decision not to vote will not arbitrarily be treated as a ''no'' vote.

While this debate has nothing substantive to do with the Employee Free Choice Act or card check, there is one common thread. At the heart of opposition to this rule, and also at the heart of opposition to the Employee Free Choice Act, is a fear on the part of some people that, yes, workers will exercise their fundamental right to organize.

I want to make it very clear. I happen to be a supporter of the Employee Free Choice Act. I keep asking: Why is it that workers are compelled to walk across broken glass, to go through some kind of a boot camp harassment to exercise what is their legal right in this country: to join a legal organization? Why should they have to go through all that? That is why I have supported the Employee Free Choice Act.

Let's be clear what we are talking about today. Let's be clear what this means with this new rule. It means that rail and aviation workers have a voice in the workplace. Some people may consider that awful. I do not. It means fair wages and benefits. It means better and safer working conditions. It means workers have the right to be heard. They have the right to organize. They have the right to be heard in collective bargaining.

Indeed—I repeat—the Railway Labor Act, as the Supreme Court noted, was expressly passed to ''encourage collective bargaining.'' Maybe there are some who do not want to encourage collective bargaining. I think we are better off when we do have collective bargaining and we respect the rights of workers in this country.

These are the goals I hope every Member of the body could support. I applaud the National Mediation Board's decision to discard an outdated, antidemocratic rule, and to ensure fundamental fairness to rail and aviation workers in this country. Why should they be the only ones, among all the workers in this country, all those covered by the National Labor Relations Act, why should these two be the only ones where if they do not vote, it is counted as a ''no'' vote. It does not happen anywhere else. It is an arcane, outdated rule. It should be brought into the spirit of democracy we have in this country. You can vote yes, you can vote no, or you do not have to vote. If you do not want to vote, you should not be assigned a ''yes'' vote or ''no'' vote to the fact you did not vote. It should not be counted at all in the outcome of the election.

I strongly encourage my colleagues to oppose this resolution of disapproval.

Madam President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Georgia.

Mr. ISAKSON. Madam President, let me take a moment to share a few alternative ideas to the distinguished Senator's representation.

First of all, with regard to Ms. Puchala's response to my question in the confirmation hearing that all rules ought to be judged on their merit, I think that is a very good response. But it is coincidental or ironic that in one of the largest union votes in the history of America—the vote that will take place between Delta and Northwest employees on whether to unionize flight attendants—that when they were sworn in as board members, the previous application by the union for an election was postponed to give enough time for the rule change to take place in the first place.

I do not know if that was judgment on merit or whether it happened to be just coincidental timing. I will say it was probably not based solely on the merit of the decision.

Secondly—and I love the Senator from Iowa. He and I are dear friends—if you follow his thought process on not counting ''no'' votes, you have to look at this. Past practice at the National Mediation Board dictated that an absolute majority of workers in the class be required to vote to unionize, and once that union takes place it is a permanent decision. Yes, there is an archaic straw-man alternative. However, if you follow the thought of the Senator from Iowa in its entirety, once we are elected to the Senate, we would not have to run for reelection again. That is because the National Mediation Board has no decertification process. This is essentially a permanent decision by the workers. I do not think it should be a permanent decision when one of us is elected to Congress. That is why we have elections in Congress every 2 years or in the Senate every 6 years.

Let's remember this is a decision. When we change this rule, we are allowing a minority to make a permanent decision for a class of workers. That is a very high threshold. I think requiring a majority vote of all those affected not only makes sense, but the reason it was done was to protect the National Mediation Board's intent in the first place in terms of interstate commerce in the United States of America. Another point Congress had no say in this process, even though Article 1 of the Constitution of the United States allows only us to regulate commerce.

I wanted to add those two points. On the case of merit, I think it is obvious there were some considerations specifically because of one vote, i.e, the vote of the AFA and IAM. That is why the unions withdrew their applications and postponed the vote, to give the National Mediation Board an opportunity to pass the rule and affect a pending vote to organize.

I wanted to make a point with regard to current policy not allowing people to be represented. Under the Railway Labor Act, 72 percent of the employees are unionized versus the 8 percent for all American workers. Nobody is talking about a rule preventing organization. We are only talking about requiring a threshold because of the permanency of the decision. That is very important.

We are not trying to skew the balance between labor and management. We are trying to equalize that balance. To change this rule, given the threshold that has been in place for 75 years, is to skew the process in favor of union bosses over workers' rights. That should not be the intent of the Congress of the United States. That is why the National Mediation Board rules are what they are, and that is why the Supreme Court of the United States has twice upheld it.

Madam President, I am happy to yield 10 minutes of my time to the distinguished Senator from Utah, Mr. HATCH.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

Mr. HATCH. Madam President, I thank both my colleagues.

It has become customary to expect pendulum swings in labor law each time the White House changes hands and appoints new government officials to lead the Federal executive branch and independent agencies. Sometimes the law changes every 4 years, depending on who is sitting at the NLRB, Department of Labor, OSHA, EEOC, and so on. One year a particular issue might favor labor, and 4 years later the very same issue might favor management.

By analogy, at the NLRB, for example, 1 year graduate school teaching assistants are students not covered by the National Labor Relations Act. The next year they are deemed to be employees covered by the act. Then shortly thereafter, they are once again deemed to be students. Soon we may learn they will once again be employees.

The same is true with regard to the definition of ''supervisors'' excluded from the National Labor Relations Act. One would think that after 75 years, the NLRB would be able to define who is and who is not a supervisor. Instead, the law changes as the political pendulum swings.

What has actually changed other than the people confirmed by the Senate to make the decisions, to call the shots? Without any evidence of changed circumstances in the workplace or relieving the agency's own administrative burden—in fact, without any evident rationale—the only apparent reason for the changes in the NMB's representation election process is in the people who call the shots.

Obviously, this is not the way to promote stability in labor relations and employment law. It makes it difficult for employers, employees, unions, and the lawyers counseling them to ever be assured what the law is in any given area or any given time.

Mercifully, for some issues and at some agencies, it does not work that way. Until recently, that could be said for the National Mediation Board and the process by which it conducted union representation elections.

For 75 years, the procedure which has been applied consistently by the NMB for conducting union representation elections has been the same.

Boards appointed by Democratic Presidents Roosevelt, Truman, Johnson, Carter, and Clinton have agreed that the process through which labor organizations obtain certification as the representative of a majority of the craft or class is the cornerstone of stable labor relations in the air and rail industries. That has been the law for 75 years.

In fact, the NMB appointed by President Carter unanimously ruled that it did not have authority to administratively change the form of the NMB's ballot used in representation elections and that such a change, if appropriate, could only be made by Congress. That is until now.

The new members of the NMB, after assuring this Senate under oath at their confirmation hearings that they had no plans to reverse precedent, after only months on the job, reversed the NMB's longest standing precedent.

By rule, the NMB now certifies representatives elected by a minority of the craft or class so long as they constitute a majority of those voting. This is not just a minor change, this change destabilizes the cornerstone of stable labor relations under the Railway Labor Act and 75 years of NMB precedent which was consistent with the plain statutory language and congressional intent.

Here is how it is destabilizing. First, the former law which required election of a representative by a majority of the craft or class quelled any doubts about the authority of the selected representative. The new procedure will do nothing but foment dissent.

Second, the former certification procedure facilitated the process for employees and their representative to work cohesively toward negotiating and maintaining agreements with an air or rail carrier. The carrier knew the majority of the entire craft or class supported the union, not simply a majority of those voting. This gave the representative more standing. The new procedure will undermine the representative's authority.

Third, the former certification procedure discouraged raids by rival unions and interunion conflicts. The new procedure will encourage such raids.

Fourth, the former certification process recognized the reality in the air and rail industries that, unlike the National Labor Relations Act, negotiations for collective bargaining agreements cover a broad craft or class of employees spread over multiple, geographic locations. Therefore, there is a strong need to demonstrate majority support across those geographic locations, not as the current procedure, smaller units of employees.

So, if anything, the new rules are destabilizing rather than promoting greater stability. The result ignores the clear congressional statutory mandate to maintain stability in the air and rail industries.

I repeat, after assuring us they would not do so, the new NMB members overruled 75 years of precedent which had been consistent through both Democratic and Republican administrations. And how did they do it? It certainly speaks volumes that the rule was developed without the input or participation of the sole Republican member of the three-member NMB, former Chair Elizabeth Dougherty, who was notified of the existence of a proposed rule late one morning and given 24 hours to review the rule and draft a dissent—24 hours to comment on a rule that scraps a precedent which had existed for 75 years and which is likely to discombobulate two great industries. I thought this form of arrogant, rushed, exclusionary rulemaking only exists in Congress when the majority wants to steamroll legislation.

Finally, while changing the rules for certification of a labor representative, the NMB flatly refused to even consider the democratic procedure of decertifying the labor representative should the employees so freely and independently choose. Now, I have heard of ''one man, one vote,'' but ignoring the right of the employees to decertify a union is more like ''one man, one vote, one time.'' How can you have a democratic process where a minority of employees can vote a union in without having a mirror process allowing the majority of employees to be able to vote the union out if a majority of employees become dissatisfied with their representation?

Today, we should stand up and say no—no, you cannot tell us one thing in confirmation hearings and courtesy visits and then do exactly the opposite on the job. We should exercise our voting rights in the Senate under the Congressional Review Act to review this outrageous NMB rule which benefits only one group—labor unions—not employees, certainly not employers, and not the public.

Madam President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Georgia.

Mr. ISAKSON. Madam President, I suggest the absence of a quorum, and I ask unanimous consent that the time during the quorum be equally divided between the majority and the minority.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ISAKSON. Madam 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. ISAKSON. Madam President, I yield up to 6 minutes to the distinguished Senator from Nevada, Mr. ENSIGN.

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

Mr. ENSIGN. Madam President, I rise today to discuss the resolution before us—a resolution of disapproval to prevent the implementation of the recent National Mediation Board regulations. Many Americans are likely unaware of the vote we are about to have today, let alone the controversial rule it concerns.

Last May, the National Mediation Board finalized a new regulation that would turn 75 years of union voting precedent on its head. I believe a vote to support this resolution of disapproval is a vote to protect our Nation's workers. Specifically, the National Mediation Board has changed

the voting rules under the Railway Labor Act. The Railway Labor Act is the law that sets labor union rules for railways and airline employees. For the past 75 years, under this act, a majority of employees in an ''organizing unit'' have had to vote yes to form a union. Under this new change, only a majority of employees who actually vote are needed to form a union.

How does this new rule work in practice? For example, if an airline has 1,000 employees who are nonunion today, currently 501 must vote yes to unionize. But under this new union rule, if only 300 of those employees vote, then it would require only 151 of those employees to unionize and speak for the entire 1,000 employees. Since there is no procedure to deunionize under the Railway Labor Act, once this union is formed, these 1,000 employees would be permanently unionized. There is simply no way to vote out a certified union in this part of the law even if a majority is unhappy with the union leadership. This doesn't make sense given that the National Labor Relations Act—the law that governs most labor unions in this country—does allow workers to deunionize.

It is also concerning that the National Mediation Board effectively blocked out the input of its sole Republican member, Chairman Elizabeth Dougherty, during the rulemaking process. Chairman Dougherty stated:

> The proposal was completed without my input or participation, and I was excluded from any discussions regarding the timing of the proposed rule.

That sounds like what has been going on here lately.

It certainly doesn't sound like the transparency on which the other side of the aisle campaigned.

The American people listening to this debate may be thinking this rule change sounds like nothing more than a political payback to labor, and in my opinion, they are right. The American people listening today may also be thinking this whole debate sounds vaguely familiar, and they would be right again. A proposal called card check may ring a bell. Recall that under the Democrats' card check litigation, American workers would be deprived of the right to a secret ballot when voting on whether to form a union. And while card check and the National Mediation Board rule change may not be one in the same, they both lead to an identical outcome: undermining the fundamental rights of American workers.

You may be asking whether this rule will help workers in the airline and railway industries unionize. Perhaps this rule is needed because the employers have stacked the deck of cards against unionization efforts. But let's look at the facts. An average of 72 percent of airline and railway employees today are unionized, compared to only 8 percent in the rest of the private sector. I repeat: 72 percent in airlines and railways, only 8 percent in the rest of the private sector. So it can't be the case that this new policy is in response to the failure of 75 years of voting precedent or employers blocking the ability for employees to unionize. In fact, workers at Delta have voted down six organizing drives over the past 10 years.

This Nation is facing unprecedented economic difficulties. I speak from experience. The unemployment rate in my State of Nevada is 14.4 percent. We lead the country, unfortunately. The Federal bureaucracy should be working to strengthen our economy, not create an environment for American businesses that leads to an uneven playing field and, at the end of the day, more uncertainty. Uncertainty does not help create jobs.

To conclude, the members of the National Mediation Board have not provided Congress with any substantial evidence that a change in union voting procedures is needed. I believe this rule change is a sign of a dangerous trend—a trend that runs counter to the core principles of American democracy and the ability to choose freely through a fair voting process. As such, I urge my colleagues to support Senator ISAKSON's resolution, S.J. Res. 30, and vote down the National Mediation Board rule.

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

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

The assistant legislative clerk proceeded to call the roll.

Mr. ISAKSON. Madam 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. ISAKSON. Madam President, I yield up to 5 minutes to the distinguished Senator from Georgia, Mr. CHAMBLISS.

The ACTING PRESIDENT pro tempore. The Senator from Georgia.

Mr. CHAMBLISS. Madam President, first of all, I thank my colleague from Georgia for allowing me to come over to speak on this issue, and I rise to concur with the resolution introduced by my friend and my colleague, Senator ISAKSON.

For more than 75 years, our labor laws governing airline and railway employees have been upheld under both Democratic and Republican administrations and in two Supreme Court decisions. Recently, however, the National Mediation Board acted unilaterally to change a longstanding statute without seeking the consent of Congress.

Unfortunately, this change is based more on politics than on the merits of the law. Historically, if you had 100 employees who wanted to vote to form a union, you would need a majority of those employees—or 51—to vote in favor of unionizing. Now, in accordance with the new rule change from the National Mediation Board, if 10 members choose to vote on whether to organize, a majority of 6 members voting yes would bring all 100 members under union control. That is not the way the law was ever intended to operate, and it should not be changed by an arbitrary action on the part of this Board. Not only would a minority of workers have a tremendous influence over other employees in such a workplace, but when a union is formed, employees would not have the same right to decertify the union under the new minority rule.

While the Obama administration is attempting to amend our labor laws in order to facilitate the unionization process, the old majority rule was anything but anti-union because today an average of 72 percent of railway and airline employees are unionized, compared to only 8 percent of all workers in the remainder of the private sector.

Not only is the new rule change flawed, but the procedure by which it came about was dreadfully biased. The National Mediation Board is made up of three members and has existed since 1934 to coordinate labor-management relations within the railroad and airline industries. The two Democratic appointees decided to move forward with this rule change without input or participation from the Republican-appointed Chairman.

What the National Mediation Board has implemented goes beyond the scope of its capacity as well as its jurisdiction, and it is going to result in a rather lengthy court battle if this rule does come about. There is no need for this rule change when 72 percent of the airline and railroad industry is already unionized and has had the opportunity to unionize under this law. The responsibility of a change in labor laws of this magnitude and affecting this many workers should ultimately rest with Congress, not with a small board of political appointees.

I am proud to be an original cosponsor of the resolution of my colleague from Georgia. I urge my colleagues to follow his lead on this issue and to agree to this resolution.

I yield the remainder of my time to Senator ISAKSON.

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

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

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

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

Mr. ISAKSON. I ask unanimous consent to reinstate the quorum call providing the additional time used is equally divided between the majority and minority.

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

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. CARDIN. Madam President, I thank Senator HARKIN for his leadership on this issue in opposing the Senate Joint Resolution 30. I join him in urging my colleagues to oppose the resolution.

The National Mediation Board is an important entity. They have the responsibility to oversee labor-management relations in the rail and aviation industry. On May 11 of this year, they issued a final rule that allowed a majority of voting employees—let me repeat that, a rule that allows a majority of the voting employees—to determine the outcome of union representation elections.

I don't understand the controversy. I thought we all agreed that majority rules, as far as what should happen. The rule is common sense. Let me explain the problem. I know it has been said before on the floor.

Prior to this regulation, if a person did not show up and did not vote, it was counted as a negative. Suppose we conducted our elections that way. Suppose we were to say that if a majority of people do not show up to vote, you do not have an election. It makes sense that we count the votes that are cast. We don't know, from who does not vote, how they would vote, and to say that is a negative defies the democratic system we hold so dear in this country. Not participating voters were counted as ''no'' votes, and this regulation makes it clear that will no longer be the case.

Opponents of this rule change argue the Board does not have the authority to change the rule. That is not true also. The Railway Labor Act gives the NMB discretion on conducting union elections and procedure is not outlined in the statute. U.S. Supreme Court and District Court decisions have confirmed that authority, so they have that authority.

Then the opponents say this rule is about the Employee Free Choice Act, an issue that has some controversy among some of my Members. But that is not true. This rule deals with areas where we already have union representation.

I was proud to join 38 of my Senate colleagues in signing a letter in December of 2009, encouraging the National Mediation Board to change its outdated union election procedures. That is exactly what they have done. The old procedure is not used in any other union elections. It does not follow the democratic norm for elections that all Americans value and respect. The old procedure does not even make any sense.

I urge my colleagues to oppose S.J. Res. 30. To me, this is a matter of basic fairness. It is a matter of what the values of our Nation are all about. Those who participate get the right to decide. You cannot participate by not participating and that is what the rule makes clear. We will count the votes that are cast, but we are not going to count those votes that are not cast. I urge my colleagues to oppose the resolution.

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

Mr. HARKIN. If the Senator will withhold the request for the quorum call.

Mr. CARDIN. I will withhold it.

Mr. HARKIN. Madam President, how much time do we have on our side?

The ACTING PRESIDENT pro tempore. The Senator has 35 minutes.

Mr. HARKIN. On the opposite side?

The ACTING PRESIDENT pro tempore. There is 22 minutes.

Mr. HARKIN. We have 35 minutes left on our side. I yield 10 minutes or however much he needs, up to 10 minutes to my friend, the Senator from Minnesota.

The ACTING PRESIDENT pro tempore. The Senator from Minnesota.

Mr. FRANKEN. Madam President, I rise to discuss my opposition to the resolution before us, the resolution disapproving the National Mediation Board's ruling on election procedures. This ruling finally brings union election rules in the rail and aviation industries in line with union elections in every other industry. It also brings them in line with every other democratic election for public office at the Federal, State, and local levels.

Today, after the NMB rule change, a union election at an airline will be like any other election. Employees who are the voters will have the opportunity to access a ballot. If they want union representation, they will vote yes. If they do not want union representation, they will vote no. If they do not have a strong opinion or if they forget to vote, then they do not count. Election officials count up the cast ballots and the category with the most votes wins.

Does anything about that description raise any flags? Probably not. Because that is how elections work in this country. Prior to the NMB rule change, an airline union election worked very differently. Election officials counted people who did not vote as ''no'' votes. Imagine if Senate elections worked that way for us—if, to elect a Senator, 50 percent of the eligible voters in the State had to vote for a candidate. In the 2000 elections, when every single State except for my home State of Minnesota had less than 60 percent turnout, what would have happened?

Let's say, for the sake of it, that all the races had as high a turnout as Minnesota—60 percent. They did not, but let's say so. In order to capture 50 percent of the entire electorate, a candidate would have to get 84 percent of the votes cast. If no Senator captured 84 percent under the old NMB rules, those States would not get a Senator. There would be no one here or almost no one. It would be a lonely place.

Thankfully, that is not how Senate elections work. Thankfully, airline elections will not work like that going forward. But that is how they worked in the past. In a 2008 Delta flight attendant election, the outcome was 5,306 in favor of union representation out of 5,375. That sounds like a pretty strong victory in favor of the union, right? Wrong. The National Mediation Board was forced to compute the tally by counting nonvoters as ''no'' votes; thus, it ended up with 5,306 votes in favor of the union and 8,074 not in favor. So the vote failed, even though less than 1 percent of those voting against the union represented actual cast ballots.

I should admit I have a special concern in this debate. My home State is home to thousands of Delta employees. Prior to the merger, they were Northwest employees and most were unionized. Now they are facing a scary prospect: losing union representation after enjoying its benefits for decades. Union representation has provided them with living wages, retirement security, and health benefits. Compare this to a flight attendant for a different airline who revealed she was eligible for food stamps, despite working full time.

In professions in which full-time workers get food stamps, union representation is even more vital. The NMB rule change will give Delta workers a meaningful choice, the same meaningful choice voters have in every other democratic election in this country. The claim that this rule change is unfair or undemocratic is simply not true. This change will bring real democracy to elections in the airline and rail industries. I think we can all agree that democracy has served our country well. I think we can agree on that. I urge my colleagues to vote against this resolution.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Georgia.

Mr. ISAKSON. Before I introduce Senator ENZI, the distinguished Senator from Minnesota asked a rhetorical question regarding this election being similar to an election to the Senate. I would note one remarkable difference. National Mediation Board elections are unionized under current law as a permanent decision. Senators are elected every 6 years and then stand before the voters once again, so there is a significant difference between those two standards.

Madam President, I will recognize for up to 10 minutes the distinguished Senator from Wyoming.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming.

Mr. ENZI. Madam President, I rise today to urge my colleagues to join me in supporting this joint resolution disapproving the National Mediation Board rule that will deprive railway and airline employees of a voice in their representation elections.

For 75 years, the Board's procedure for voting on union representation properly reflected the geographically broad workforce of the rail and airline

industries. Under this time-tested procedure, the workforce would become unionized if the majority of all the workers in a class voted to join a union.

The new rule has changed the way employees' votes are counted in order to favor the union. For 75 years, not voting at all has counted as a no vote. Now, employees who do not vote or cannot vote will lose any chance to weigh in on the question of union representation. In fact, a minority of workers in a class could determine the fate of the entire workforce. This new rule conflicts with the plain language of the statute. The method for selecting a union is expressly described in the Railway Labor Act: ''The majority of any craft or class of employees shall have the right to determine who shall be the representatives of the craft or class for the purposes of this Act.'' No matter what the Board's policy justifications for this rule are, the law is clear. Supporting this resolution will send a message to those who want to change this 75-year-old rule to favor unions in an industry that is already majority unionized. The only appropriate manner to create new policy here is to amend the statute.

Proponents of the new rule say the election procedure under the Railway Labor Act should mirror the procedure used under the National Labor Relations Act. While this procedure may work fine with smaller units of workers, typically working within the same workplace, it is not an equitable method for workers in the railway or airline industries. The classes of railway and airline workers were intentionally created to be systemwide in order to allow uniform workplace rules and prevent the shutdown of an entire carrier should there be a strike in one local.

With workers geographically spread out across the country and working on different shifts, it is difficult for transportation industry employees to communicate their views with coworkers and voice their opinions during a union election. For 75 years, abstaining has been a way of saying ''not sure'' or ''need more information,'' as well as ''no.'' In many companies, unions try year after year to gain the backing of a majority of employees through elections. This rule change silences those who do not vote because they don't feel like they have gotten enough information to decide. Instead of requiring a union to convince the workforce to support the union, the Board is seeking to allow unions to force their way in. This is a matter of deep concern because once a union is certified, there is no way to decertify it.

Currently, the Board does not have a specific decertification process. This makes it nearly impossible for employees unhappy with their union to organize their fellow employees and vote the union out of their workplace. It seems logical that since the Board acted to make it easier for employees to join a union, it would have also simplified the process for employees to get rid of their union. But, despite requests to do so during the notice and comment period for the rule, they did not. In fact, employees stuck in unions they do not support because of this rule will also not have the benefit of State right to work laws, which would allow an employee to opt out of full union membership and dues obligations. The Railway Labor Act preempts the 22 States that have adopted right to work laws.

The Board has acknowledged that its primary duty in resolving representative disputes is ''to determine the clear, uncoerced choice of the affected employees.'' I could not agree more. But that important duty needs to apply equally when employees seek to vote a union out of their workplace. The fact that the new rule fails to include a decertification process based on the majority of votes cast, is not only troubling, but evidences the true intent of the Board and this administration to tilt the playing field to favor unions over individual workers' rights.

Last year this body unanimously confirmed two nominees to the National Mediation Board. Several members of the HELP Committee, including my office, specifically asked each of them about their position on changing the way a majority in a unionization election is measured. In reply these nominees stated that they had no preconceived agenda to alter election rules that have been in place for 75 years. Yet, practically before the ink had dried on their confirmations, these two nominees began pushing through this regulation which is a wholesale reversal of those rules to the benefit of labor unions. It is not as uncommon as it should be for nominees to say one thing in their confirmation hearings and act differently once in office, but this example may be one of the most concerning because of the way it was done.

In their haste, the majority NMB members thoroughly disregarded the rights of the single minority member. The minority member was given no notice about the other Board members' plans, including even the fact that there was a rulemaking effort underway. Instead, she was presented with the proposed rule to be published and given 1½ hours to review and determine if she would support it. They even tried to stop her from publishing a dissent to the rule proposal. Silencing dissenting views appears to be an alarming trend at the Board. And unfortunately, it has gone beyond the National Mediations Board.

Over at the National Labor Relations Board, workers' rights and freedoms are similarly at risk. Just recently, at the end of August, the NLRB chose to revisit a 2007 ruling known as Dana Corp. that protected workers' rights to a secret ballot vote. In that 2007 ruling, the Board held that card check was inferior to the use of secret ballot voting in union elections. The Board concluded that when an employer recognized a union in the workplace by card check, employees had the right to request a secret ballot vote to show whether they actually wanted union representation. This was an important ruling to protect workers from union coercion and intimidation that can occur in the card check process. The ruling gave employees a voice in whether they actually wanted union representation, instead of having their employer and a union decide for them.

Now fast forward to August 2010. The NLRB has just decided to revisit that 2007 ruling. Why? There has not been a major shift in management-labor relations that warrants such a change. In fact, the 2007 ruling has served as an important oversight mechanism. According, to the Wall Street Journal, since the 2007 ruling, 1,111 workplaces have become union by the card check process, of which 54 of those have demanded a vote. Only 15 of the 54, voted against the union. So clearly, the 2007 ruling has not led to huge losses for the unions. But it did give employees a say in their workplace.

This Congress should be very concerned about the current state of these administrative boards that were intended to be independent. Concealed agendas cannot become the norm for Senate confirmed positions. If it is then we will have difficulty confirming anyone whose former employer would fall under the nominee's jurisdiction.

I thank the Senator from Georgia, Mr. ISAKSON, for offering this resolution to send a message to the National Mediation Board that when they seek a change in policy, they must do so within their constitutional and legal authority.

I also note that every member of our caucus has cosponsored Senator ISAKSON's resolution and joins him in sending this message. I urge all of my colleagues to vote for this resolution.

Mr. LEVIN. Madam President, I have long supported the rights of workers to form unions, and I support the National Mediation Board's new rule allowing those in the rail and airline industries to form a union based on the votes cast by a simple majority, a basic principle of democracy.

Under the previous rule, a vote not cast was counted as a vote against the union, in spite of the fact that it is impossible to discern the intention of someone not casting a vote. The new rule adopted by the National Mediation Board mirrors the practice of the National Labor Relations Board, which oversees union elections in other sectors, and it mirrors the rules by which we choose our elected officials: the only votes counted are those actually cast.

Discontinuing this unfair and undemocratic practice was the right thing for the National Mediation Board to do. The new rule is fair to all parties, and is consistent with our democratic traditions. For this reason, I do not support the Isakson resolution opposing this new regulation.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Madam President, I do not have any more speakers on our side. I wanted to respond on a couple of issues that have come up here in the remarks in the last several minutes, last hour and a half, I guess, since we have been here.

First, having to deal with the idea that somehow under the National Mediation Board when there is an election for a union that it is permanent. Now, right. I mean, my friend from Georgia is right. You cannot kind of compare it to Senators, because we have to run every 6 years. I understand that.

I think it is still holds, though, that should someone who does not vote be counted as a no or a yes either way—I would ask my friend from Georgia to think about this in terms of not elections for Senators but how about ballot initiatives? We have school bond issues, and school bond issues get, maybe, what, 30 percent of the vote out. Should all of the people who do not vote be counted no against a bond issue?

I do not know about my friend's State of Georgia, but I know in Iowa we have retention ballot initiatives for our judges. We have a very good nonpartisan, nonpolitical way of getting judges. But then the judges come up on the ballot every so often. Yes or no, should they be retained? They do not have to run against anybody and no one runs for a judgeship. But should they be retained?

Well, obviously not too many people vote on that. Should people who do not vote be counted automatically as a no vote? I do not think people would like that. A lot of people do not vote because they may not have enough information to vote one way or the other, so they leave it go and say, well, maybe other people who know better could have their votes counted yes or no.

We have had ballot initiatives for minimum wages. Should all of those who do not vote be counted as no? I think it is a very fundamental principle of our system of government, as the Supreme Court has said many times in the past, that a ballot not cast should not in any way influence the outcome of the election, of any election.

The outcome of the election is determined by the yes and no votes, not by people who do not vote, a very basic principle. So that is one point I wanted to clarify.

This old rule of the National Mediation Board that people keep talking about, saying it is been the same for 75 years, I could quite frankly argue that it should not have been that way in the first place, although as I said in my opening statement I understand some of the rationale for it, that 75 years ago, where you did not have rapid communications and things such as that, you would not want a small group that maybe had voted a union in, and other people did not even know about it. But that is hardly the case today. Hardly. Everyone knows about it with instant communications and everything else. That is hardly the case today.

It is time to get rid of old, archaic rules that govern certain kinds of elections. Gosh knows, we have had a lot of old archaic rules in elections in this country going back to Jim Crow laws and things such as that. But we have moved beyond that, and those old kinds of rules should not apply any longer. So we move on and we recognize that people ought to have the right to vote, and that if you do not vote, it should not be counted as a no or a yes vote one way or the other.

Regarding the issue of when the union is voted in, it is as though they are forever, it is permanent. I have heard that argument made. Well, that is not necessarily true. But that is under the National Labor Relations Act the same thing. If a union is voted in, it is not voted in for 1 year or 3 years or 5 years. It exists until such time as the union is decertified.

There are two processes. There is a process under the National Labor Relations Act for decertification, and there is a process under the National Mediation Board for decertification. Essentially, with the exception of how they start, they both rely upon an election by secret ballot as to whether the union will continue to represent the workers of that plant or that industry or that association or whatever.

Under the National Mediation Board, if a union was voted in, the employees could at some point say, look, I do not think enough people want to maintain a union here. What they do is they put up a person to run in a union election, a straw man. People know if they vote for that person, they are voting to get rid of the union, because if that person wins, that person will not represent the workers.

This is done. There is nothing wrong with that. It is fine. So workers know if they vote for this person, it ends the union. If they vote against this person, it continues the union. It is all by secret ballot. The National Labor Relations Act is basically the same way. If an employer or employees want to decertify a union, they file a petition with the NLRB, and then there is an election, as to whether the union will continue to represent the workers.

There may be a little bit of difference in structure between the National Labor Relations Act and the National Mediation Board, but, in essence, they are the same thing. You have a secret ballot as to whether the union continues. So it is not that the union is there in perpetuity, it is there as long as the workers want to continue to be represented by a union.

Lastly, I will digress a little bit from the point at hand; that is, the issue at hand on the matter before us on overturning this rule, to say a couple of things about unionization and workers who belong to unions in our country. It is a shame that union workers are somehow almost degraded as not even being worthy of being citizens in this country; that somehow a union has dark overtones, that somehow unions are destructive or not in keeping with American society or who we are as a people.

If we look at the history of the country, it was unions that built the middle class in America. I defy anyone to refute what I just said, that it was unions that built the middle class. It was unions that instituted things such as the minimum wage, such as safe working conditions, such as making sure they had a fair share in terms of wages, that they had an 8-hour workday and a 40-hour workweek and time and a half overtime—all these things were brought by unionization, people collectively bargaining for wages, hours, and conditions of employment. Maybe there are some who would like to undo the Wagner Act. If they do, fine. I suppose some people believe we shouldn't have any unions at all.

China doesn't have any independent unions. Do we want to be like that? Unions built the middle class in America.

Unions today do a very good job of representing workers, both in the public and private sectors. Today, we have too few people in America who actually belong to unions. We should have more, but we have made it more and more difficult for people to freely exercise their right to actually join a union. I just looked at a list of countries in the G8. With the exception of Russia, which I can't get figures for, the United States basically is at the bottom. Canada, 27 percent of their workforce is unionized; Japan, 18 percent; Italy, 33 percent; Germany, 19 percent. Look at the economy of Germany. The United Kingdom is 27 percent, and the United States is 11.9 percent. We are down there at the bottom. One cannot say that somehow if we have unions and we are highly organized, that our economy is going to be bad. Quite frankly, these other economies are doing as well or better than we are, and they have pretty strong unions.

I digress because it seems that time after time we hear people in a subtle way hinting or implying that unions, by their very nature, are somehow destructive of American free enterprise and our capitalist system. I don't think anything could be further from the truth. If it were not for unions, our economy would have gone down the tubes a long time ago.

Quite frankly, I believe one of the reasons we have seen in the last few years a widening gap between the rich and the poor—and it is happening; no one can refute that. The gap between the very wealthy and those at the bottom is growing rapidly and has grown rapidly just over the last 10, 15, 20 years—is coincidental with the fact that fewer and fewer people belong to unions, and more and more unions are being decertified or it is more difficult for people to join unions. Unions are

being busted through by one means or another.

I often tell the story of my brother Frank. He is now deceased. He went to work for a plant in west Des Moines, IA, back in the early 1950s. It was unionized by the United Auto Workers. My brother was disabled, but the owner of the plant—it was privately held—Mr. Delavan, owned the plant and hired a lot of people with disabilities. They had good jobs, good wages and hours. It was a great place to work. He worked there for 23 years. He worked there for 10 years one time, his first 10 years, and they gave him a gold watch because in 10 years he never missed 1 day of work and was not late once. In fact, in 23 years, he only missed 5 days of work because of a blizzard. In all those years, they never had one labor strike, not one labor problem, no strikes, nothing. They would have their bargaining agreement. They would bargain with the owner. They would move on. They never had a work stoppage, never had any problems, until Mr. Delavan got old and sold the plant to a group of investors.

The investors came in and openly bragged—and I have the newspaper to prove it—if you want to see how to get rid of a union, come to Delavan's. That was in the Des Moines Register.

When the contract came up for negotiation, the employer refused to negotiate. They would sit down and talk for a little bit, but nothing could be agreed upon. It went on and on. Finally, the union had to call a strike, the first time ever. The new owners, the investors, brought in what the striking workers called the scabs, the replacement workers, brought them in, kept them there. One year later, they had a vote to decertify the union because the new people there didn't want to lose their jobs. They decertified the union, busted the union.

Why did they want to do that? Because a lot of the people, such as my brother who had worked there for 23 years, had established seniority. They were getting paid a good hourly wage. But the new investors figured out they could get rid of all those people, hire younger people, pay them a lot less, and they would make more profit. That is exactly what happened. Investors made more profit. But they got rid of a lot of people and destroyed a lot of lives. People who had worked there for a long time and had families basically were told they were used up, burned out, out on the trash heap out in back.

I often think about that. I think about what happened. There was no reason to break that union other than to have more profits for the investors and less for the workers.

That has been going on in this country at least for the last 25 to 30 years. So is it any surprise that fewer and fewer people are getting more and more wealth and more and more people are getting less?

I hear people talking about unions and they don't want to strengthen unions, don't want to help unions. I want to make sure the playing field is open and level and that the secret ballot is fairly used, that people should have a better chance at joining a union than what they have in the United States today. That is why I am for the Employee Free Choice Act. It will strengthen the right of people to actually freely and openly join a collective bargaining unit. That would be better for the country. I state that unequivocally. The more and more we denigrate workers in terms of their ability to collectively bargain, we will hurt the economy. When we strengthen unions, when we strengthen people and give them better rights and better chances to organize and bargain collectively, then more and more of our money, our national economy, more of that will go to the workers, maybe less to capital. I think that is the way it should be. Too much of our money is going to capital and not enough to labor. We need a better balance there. About the only way that will happen is through collective bargaining.

Count me as a person who is strongly in favor of collective bargaining and strongly opposed to this effort to overturn a rule made by the National Mediation Board which I believe rights an injustice, rights a wrong, and says that: In the future, if you have an election, if you don't vote, your vote is not counted one way or the other. The outcome of the election will be decided by those who vote yes or no in a secret ballot.

Madam President, I ask unanimous consent that at 12:20 p.m., there be 10 minutes of debate remaining on the joint resolution; that it be equally divided and controlled between Senators ISAKSON and HARKIN; further, that at 12:30 p.m., the Senate immediately proceed to a vote on the motion to proceed to S.J. Res. 30, the joint resolution of disapproval.

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

Mr. HARKIN. How much time is on our side?

The PRESIDING OFFICER. The Senator has 11 minutes.

Mr. HARKIN. And on the other side?

The PRESIDING OFFICER. There is 13 minutes.

Mr. HARKING. I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. ISAKSON. Madam President, I wish to address the remarks of the distinguished chairman which in many ways validate the reason we should all vote for S.J. Res. 30. I wish to tell my colleagues why.

The chairman said unionization is permanent, but it is kind of not permanent if you make a decision under the National Mediation Board. I wish to clear that up.

I ask unanimous consent to print in the RECORD the October 8, 2009, letter from Sandra Polaski, Deputy Under Secretary of Labor for the Obama administration, sent to Cleopatra Doumbia-Henry, Director of International Labor Standards Department, International Labor Office in Geneva, Switzerland, who was asked a number of questions regarding U.S. labor law as it affects aviation and transportation.

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

U.S. DEPARTMENT OF LABOR,
BUREAU OF INT'L. LABOR AFFAIRS,
Washington, DC, October 8, 2009.

MS. CLEOPATRA DOUMBIA-HENRY,
Director, International Labor Standards Department, International Labor Office, Geneva, Switzerland.

DEAR MS. DOUMBIA-HENRY: Enclosed are the observations of the United States Government in Freedom of Association Case No. 2683 concerning the procedures and practices of the National Mediation Board, with particular reference to flight attendants at Delta Airlines. I trust that this information will be brought to the attention of the Governing Body Committee on Freedom of Association.

Per your request, we invited the U.S. Council for International Business to submit their views, and those of Delta, on the complaint. We will transmit these observations as soon as they are available.

Sincerely,

SANDRA POLASKI,
Deputy Undersecretary.

Mr. ISAKSON. I will quote from her answer to question 15.

Unlike the National Labor Relations Act (NLRA), the [Railway Labor Act] does not provide for a decertification process.

This is the Under Secretary of Labor for the Obama administration.

Therefore, the union's certification continues until another union makes a showing of interest to represent the respective class or craft. In this circumstance, as this showing requires authorization from at least a majority of the class or craft, the alleged disadvantage of NMB certifying method works to the advantage of the incumbent union.

I didn't say that; the Under Secretary of Labor said that.

With regard to the examples the distinguished chairman used with regard to bond issues and the Missouri plan and things of that nature, I wish to make a few points.

When you do vote for a bond issue, you vote it up or down. Most government bond issues are 20- to 30-year terms, which means in 20, 30 years, they are over. Organization under the National Mediation Board is in perpetuity. Then the distinguished chairman talked about what I think is called the Missouri plan, which is judges, where you can vote up or down on whether to continue a judge. You do that about every 4 years in the State of Iowa; right? Whatever the judicial term is, it is not in perpetuity. This is in perpetuity, with the narrow exception stated.

Then, the chairman talked about the minimum wage. The minimum wage has risen from $1 to its current level because we periodically had elections to change it. This is permanent.

So when we take the arguments he made about being anti-union or not in favor of unions, the National Mediation Board organization essentially guarantees the organization of a union remain in perpetuity, which is why it ought to require a majority of all people covered.

The chairman talked about an Iowa union that had been decertified. Those employees work under the NLRA. We can't have it both ways. The Railway Labor Act should be like the National Labor Relations Act, under which the decertification process is parallel to the organization process.

I am honored and privileged to represent the State that is home to Delta Airlines. I know what kind of an employer they are, and they do not deserve to be vilified by the Obama Administration. I have a letter I have already asked to be printed in the RECORD, but I would like to read a part of this letter from a Delta employee by the name of Susan Powell of Buford, GA. She writes:

> I have invested 31 years into a fabulous career at Delta [Air Lines] and I feel so blessed to have been able to work for such a wonderful company all these years. The intentions of the National Mediation Board are totally transparent and should not be tolerated by Congress—or any other body or individual (including President Obama) who claims to embrace honesty, fairness and ethics. It is abundantly clear to me that motivation of the newest . . . appointees to the National Mediation Board is to pave the way for an Association of Flight Attendants to gain entry into Delta Air Lines—I see no other justification for imposing voting rules on Delta flight attendants contrary to the voting rules applied to union elections at all other carriers.

That is a key point.

> I have loved my career at Delta and I am so proud of the monumental efforts my company and my fellow employees have made to emerge from bankruptcy and return to profitability. I watched in horror years ago as the unions at Eastern Airlines single-handedly brought their own company to its knees—and I was forever grateful that I had chosen to work for Delta, as opposed to Eastern. It is my belief that an election in favor of the AFA will be the ruination of my company and the end of the blissful career I have enjoyed at Delta.

I have tons of letters from Delta employees—including from many who were employed by NMA before the merger—that are just like the remarks made by Susan Powell. This is a great company, a company where, on one of its anniversaries, its employees raised the money internally to buy the company an anniversary jet for their fleet. Delta Air Lines is a great company that has operated under the National Mediation Board's regulations since it was incorporated as an airline carrier in the United States of America. Those regulations should continue without this pro-union change by the Obama Administration, as they should for everybody else in the 75-year history who has been granted their rights under a National Mediation Board regulation, which has served the industry well, served commerce in the United States of America well, and served transportation well. We should not allow two members of an appointed board to overturn 75 years of history and 75 years of precedent.

I reserve the remainder of my time and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. HARKIN. Madam President, are we at 12:20 p.m., the time where we have 10 minutes divided?

The PRESIDING OFFICER. There is 3 minutes until that appointed time.

Mr. HARKIN. I will take 3 minutes.

First of all, in response to my friend from Georgia—and he is my friend; he is a great guy—this person, Ms. Polaski, Under Secretary of Labor, may have written a letter, but as Under Secretary of Labor she does not work for the National Mediation Board. She does not necessarily have the experience of interpreting its laws or procedures. That is the job of the National Mediation Board itself and of Federal judges, which, I have to remind you, upheld the Board's actions 100 percent in this matter.

Secondly, on the matter of decertification, I strongly disagree with my friend from Georgia. There is a procedure under the National Mediation Board, as under the National Labor Relations Act. If a person wants to get rid of the union under the NMB, they can file a petition, if they can get 50 percent plus one person to show an interest—quite similar to the National Labor Relations Act. If they can get 50 percent, they can file a petition with the NMB. The NMB then has an election. If that person wins, that person is not represented by any union, so the union is gone. There is just a little bit of a difference from the National Labor Relations Act, but the outcome is basically the same.

So there is a way. The Senator is right. I would say my friend is right; it is not a formal decertification. But it is a way of getting rid of the union, one way or the other. It may not be formal decertification, but it is a way that the union can be gotten rid of under the NMB.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Madam President, how much time now is remaining?

The PRESIDING OFFICER. The Senator has 4½ minutes remaining.

Mr. HARKIN. Madam President, as an agreement between the Senator from Georgia and myself, we have agreed that since he is the author of this joint resolution, he will close out the debate. I think that is proper.

I will just take a little bit of the remaining time on this side again to reiterate why this resolution of disapproval should be defeated.

No. 1, as has been adequately stated many times, it is time to get rid of antiquated, outdated rules that say if you do not vote, it is counted as a ''no'' vote. That does not make any sense.

Again, this idea that it is in perpetuity—it is not. There are ways for people to get rid of unions under the NMB, as under the NLRB. So it is not in perpetuity at all. It is just, again: How should ballots be counted? Should a person who does not vote be counted as a ''no''? That should not be so.

Even if you accept the argument that it is in perpetuity, why should someone who does not vote be counted as a ''no'' vote? On the judges, we say that every 4 years they are up. That is true; they are not kind of in for perpetuity. But why should someone who does not vote be counted as a ''no'' vote? It does not make sense in any system. I do not care what the length of time is or whether it is in perpetuity or for 2 months or 2 days; those who do not vote should not be counted no or yes, one way or the other.

Secondly, the National Mediation Board went through proper procedures in giving notice and comment in rulemaking. As I said, they published it on November 3 of last year, a detailed explanation of why they were considering it. They had 60 days of comment, 25,000 public comments, a public hearing. Thirty-four members of the public testified.

Well, this is what Federal agencies do. They follow the Administrative Procedures Act in doing this, and that is exactly what the Board did.

So no one was misled. No one was kept out of it. There was no evidence to support any claims that one member somehow was excluded or did not have an opportunity to have input into this process.

Again, I understand why this resolution has come up. I understand that for whatever reason, Delta Air Lines does not wish to be unionized. Well, that is fine. That is their right. But there ought to be a process whereby the workers have a fair, open chance to organize, if they want to. It is not illegal in this country to belong to a union—perfectly legal. The National Mediation Board has set up rules and procedures under which workers who work for Delta or for Northwest—the combined group now—can decide whether they want to have a union. To me, that is the American way.

So why should we now say: Well, no, we want that old rule that if you do not vote, it is counted as a ''no'' vote? That is what this is all about. Stripped to its essence, if you vote for the resolution introduced by my friend from Georgia, what you are saying is, if a person does not vote, it is counted as a ''no'' vote. You are also voting to override the National Mediation Board's decision, which has already been upheld by Federal courts.

But, in essence, that is what it is. If you believe a person who does not vote

should have their vote counted as a ''no'' vote, you probably ought to vote for my friend's resolution. I do not think we should.

I think we should uphold good democratic principles, principles by which, I say, bond issues or other ballot initiatives are always done. You do not count someone if they do not vote. We do not do it here. We do not do it anywhere in this country, and it should not apply here any longer. So I ask for a ''no'' vote on the resolution of disapproval so we can have free, fair, and open elections.

The PRESIDING OFFICER. The Senator has used his time.

The Senator from Georgia.

Mr. ISAKSON. Madam President, I keep hearing the argument that you should not count a ''no'' vote; it is undemocratic. Today, at 2:15, the Senate will vote on a cloture motion, and everyone who does not vote is counted as a ''no'' vote as it requires 60 votes out of 100 to get cloture. So we have to make that point from the outset, No. 1.

No. 2, this is not about being antiunion or against unions or promanagement. This is about a 75-year-old history in the United States of America for the essential service of commerce in terms of railroads and airlines. We have historically had the National Mediation Board rule that required a majority of the people who would be affected in the class rather than just a simple majority of those voting for a very precise reason: because it is a permanent decision, as referenced by the quotes in letters from the Under Secretary of Labor.

While I understand the chairman's remark that the Under Secretary of Labor is just the Under Secretary of Labor, she is the Under Secretary of Labor appointed by the President of the United States.

While the chairman says the courts have ruled in favor of this particular ruling of the National Mediation Board, the Supreme Court has twice said they are wrong. Granted, those were in other cases. But twice the National Mediation Board authority has gone to the U.S. Supreme Court, and twice the U.S. Supreme Court has upheld it.

Even all the way back to 1976, President Jimmy Carter, from the State of Georgia, spoke eloquently about the importance of National Mediation Board rules and what it takes to unionize under that versus the NLRB.

So I appreciate very much the arguments the Senator has made, but the facts are quite clear that it is better for the United States of America, it is better for workers in the transportation industry, and it has been historically upheld by the highest Court in the land that the rules of the National Mediation Board serve the people of the United States of America better than any other alternative that was presented.

So with all due respect, I would quote that letter, once again, from the Delta flight attendant who talked about their 31-year experience. Why would you, in the cause of a merger, have a union request for an election pulled out to give a board enough time to change the rules under which that election would take place? It is not fair.

I wish to also say the 1996 Congressional Review Act is very important. Congress ought to have a say-so in the action of boards of the executive branch. We do have a system of three branches of government. We do have a system of checks and balances. But it has obviously been, apparently—as in this case and in others—that this administration has attempted, where it can, to go around the authority of the Senate in advice and consent, by appointing czars or, in this case, to go around the Senate of the United States by using the National Mediation Board.

I would respectfully submit this is a legitimate question—not of whether you are for a union or against one or prefer management and do not prefer a union—this is a debate about extending a 75-year-old precedent which has served the United States of America well and has been upheld in 12 administrations and by the Supreme Court twice. It has been argued favorably by those 12 administrations every time it has been challenged and by the current administration's documentation, which I submitted, which has shown this is a permanent decision at the National Mediation Board.

I would submit, the right thing for us to do is to join together today and vote yes in favor of the motion to proceed to S.J. Res. 30. I respectfully urge my colleagues to do that.

I yield back the remainder of the time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the motion to proceed to S.J. Res. 30.

Mr. ISAKSON. 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 legislative clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Alaska (Ms. MURKOWSKI).

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

The result was announced—yeas 43, nays 56, as follows:

[Rollcall Vote No. 239 Leg.]

YEAS—43

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

NAYS—56

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

NOT VOTING—1

Murkowski

The motion was rejected.

DISCLOSE ACT—MOTION TO PROCEED—Resumed

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of the motion to reconsider the vote by which cloture was not invoked on the motion to proceed to S. 3628, which the clerk will report.

The legislative clerk read as follows:

Motion to proceed to Calendar No. 476, S. 3628, a bill to amend the Federal Election Campaign Act of 1971 to prohibit foreign influence in Federal elections, to prohibit government contractors from making expenditures with respect to such elections, and to establish additional disclosure requirements with respect to spending in such elections, and for other purposes.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is agreed to, and the time until 2:15 p.m. will be equally divided and controlled between the two leaders or their designees.

The PRESIDING OFFICER. The Senator from Washington.

TAXPAYER ASSISTANCE ACT OF 2010

Mrs. MURRAY. Madam President, I ask unanimous consent that the Finance Committee be discharged from further consideration of H.R. 4994, taxpayer assistance, and the Senate then proceed to its immediate consideration; that all after the enacting clause be stricken and the text of the Baucus substitute amendment, the text of Calendar No. 572, S. 3793, be inserted in lieu thereof; that the substitute amendment be agreed to, the bill, as amended, be read a third time and passed, and the motion to reconsider be laid upon the table; that the title amendment, which is at the desk, be considered and agreed to.

The PRESIDING OFFICER. Is there objection?

The Senator from South Dakota.

Mr. THUNE. Madam President, reserving the right to object, will the Senator from Washington modify her request to substitute a Thune amendment regarding extenders, the text of which is at the desk?

The PRESIDING OFFICER. Will the Senator from Washington modify her request?

The Senator from Montana.

Mr. BAUCUS. Madam President, I am sorry. I was distracted. Is there a UC request pending before the Senate at this moment?

The PRESIDING OFFICER. There is.

Mr. BAUCUS. Might I ask, who is propounding the unanimous consent request?

The PRESIDING OFFICER. It is offered by the Senator from Washington. The Senator from South Dakota has asked for her to modify this request.

Mr. BAUCUS. I object to the modification.

The PRESIDING OFFICER. Is there objection to the original request?

Mr. THUNE. Madam President, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Washington.

Mrs. MURRAY. Madam President, I ask to speak as in morning business for 10 minutes.

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

Mrs. MURRAY. Madam President, I thank the chairman of the Finance Committee, Senator BAUCUS, who has been a true champion in helping us get some critical tax extenders passed. I am deeply disappointed that the Republicans have again objected to us moving forward.

Middle-class families in my home State of Washington are struggling. I have heard from so many of them who have lost their jobs, who have seen their life savings disappear, who told me they were doing everything they can to pay their bills and keep their homes and get their lives back on track. And they are asking for just a little bit of help. So it is for these families and many others across Washington State that I come to the floor today.

Over the last few months, we have tried to pass legislation that would extend critical tax cuts for our middle-class families across the country who are struggling today and need some support. But every time we try to pass this bill, as we just tried to do, Senate Republicans block it. They said no to a commonsense proposal that will cut taxes for innovative companies that expand and create jobs. They just said no to a bill that will help our clean energy companies compete and expand. They said no to our plan to extend the critical sales tax deduction that would put more money into the pockets of families in States such as Washington. They said no despite the fact that these tax cuts are fully paid for.

So, Madam President, I want to focus on a few pieces of this legislation that middle-class families and small businesses in my home State of Washington are counting on us to pass.

First of all, I want to spend a few minutes on one of the tax credits that has just been blocked that is truly a matter of fundamental fairness for families in my home State of Washington. As all of my colleagues know, State and local governments across the country use a number of different tools to raise revenue. Some have income taxes, some use the sales tax, others use a combination of both. Families who pay State and local income taxes have long been able to offset some of what they pay for by receiving a deduction on their Federal taxes. But until 2004, taxpayers didn't have the ability to deduct their State sales tax, which meant families and small businesses in States where that was their main revenue source were paying more than their fair share. That was wrong. Back in 2004, I fought hard, along with Senator CANTWELL and others, to change that provision and finally level the playing field for Washington State.

I am proud to say that change saved families and small businesses in my State hundreds of millions of dollars every year. Unfortunately, however, the State sales tax deduction is due to expire this year. Unless we act—and we were just blocked from doing so—families across my State are going to suffer. They are going to have less money in their pockets, and they are going to have more uncertainty in the Tax Code.

I have heard from a lot of my constituents who have told me they are now holding off making major purchases simply because they are not sure if that tax deduction will be there for them. They are putting off the purchase of cars, of home appliances, and that is hurting our State's business climate, just as our small businesses are struggling to recover.

So this is not just about removing a bias in the Tax Code that is fundamentally unfair to States such as mine, it is also about encouraging spending and boosting our economy, helping our small business owners, and providing some long-awaited certainty so taxpayers in my State can plan for their financial future. In other words, it is about helping middle-class families and supporting Main Street businesses.

I also want to talk about another tax credit that just got blocked. I recently visited a clean energy company in Seattle, WA, called Propel Fuels. This business has been fighting to market domestically produced—domestically produced, right here—low-carbon biodiesel, but they depend on a critical biofuels tax that expired. The bill I just attempted to pass—blocked by Republicans—would extend that critical provision.

Propel Fuels represents the future of our economy. They are the kind of company that will help make sure our country remains at the forefront of innovation and growth. It is a company working to drive our economy forward and create new 21st-century careers. But they can't do it alone. After years and years of subsidies and tax breaks for the oil industry, companies such as Propel Fuels depend on the clean energy tax credits in this bill to be able to compete on a level playing field. These credits support companies that are working on new, innovative, and renewable energy sources, and they will help them continue their work to unshackle this economy, tap the creative energy of our workers, and create good, high-paying jobs in my home State of Washington and across the entire country.

This is exactly what our economy needs right now—jobs right away and a strong investment for the future. That is why it is so important the biodiesel tax credit be extended, along with the R&D tax credit and other tax cut extensions that are in the bill I just offered to move and which was blocked, once again, by Republicans. These companies want to expand, they want to create jobs, and they were just told no.

This should not be a partisan issue. It is common sense. We put together a bill that would extend tax credits to individuals and to small businesses—tax credits that have been supported in the past by Democrats and Republicans alike. It is a bill that will provide incentives for clean energy companies to expand and create jobs, and we need that badly now. It would allow families in my home State of Washington to deduct their local sales tax from their Federal returns, and that would support companies that are innovative and creative and helping our economy get back on track.

It is fully paid for, as this country has told us we must do. It is responsible, and it is the right thing to do.

In my home State of Washington, families are hurting. Many of them are fighting every day just to stay on their feet. This bill isn't going to solve every problem overnight, but it will put money back in their pockets and help our local businesses expand and create jobs so we have hope for the future. It pays for those tax-cut extensions responsibly by closing corporate loopholes.

So Senate Republicans have again opposed this, as they have in the past, and the question is, Are they going to stand with middle-class families and innovative businesses such as Propel Fuels to cut their taxes; or are they going to continue to stand with large corporations to protect their unfair tax loopholes?

Mr. President, I hope Senate Republicans have a moment to pause and think about the impact they are having on jobs and families—middle-class families and businesses that are trying to create new jobs and expand for the future. I hope they remind themselves before we head home this is good politics. It is good politics to help our families and our small businesses. It is good politics to help our clean energy companies.

Right now, when our economy is trying to recover, we should not go home without extending these tax cuts, and I am going to keep working to stand up for our middle-class families and our

Main Street businesses and keep working to try and pass this bill.

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

The PRESIDING OFFICER (Mr. BURRIS). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. BENNETT. Mr. President, we have had a lot of conversation about the DISCLOSE Act. I am a member, indeed the ranking member, of the Rules Committee where the DISCLOSE Act, if it had been referred to committee, would have come for consideration. Unfortunately, the DISCLOSE Act was not referred to committee. We in the committee have had no opportunity to amend it, no opportunity to hold hearings on it, no opportunity to hear from witnesses who may have differing opinions from the version that passed the House. It has been brought to the floor in such a manner that the committee has simply been bypassed.

For that reason, therefore, any objections we might have with respect to the way the bill is currently worded have to be raised on the floor. Any concerns we have as to the inequities in the bill have to be raised on the floor. It has made the whole thing more contentious than it needs to be.

The DISCLOSE Act, by name, suggests that all it is is disclosure. It doesn't address any other issue than how people who are going to exercise their rights under the first amendment do so, the specifics of how they do that, and the specifics of who is behind the advertising that takes place in accordance with the decision of the Supreme Court. I pointed out in the past and repeat as a reference that prior to the Supreme Court's decision, it was possible for Michael Moore to produce a movie that would attack George W. Bush and be completely acceptable, completely legal. But it was not possible for the people who formed Citizens United to produce a movie that attacks Hillary Clinton and have that be legal. The difference was Michael Moore was acting as an individual. These people were acting collectively. Because they chose the corporate form of organization for their collective action, the previous law said: You cannot do this.

The Supreme Court ruled—I think accurately—that if Michael Moore has a right to make a movie, so does Citizens United. If Michael Moore has a right to attack George W. Bush, Citizens United has the right to attack Hillary Clinton. I frankly think Michael Moore's movie probably had more to do with moving votes than the Citizens United movie did.

But be that as it may, neither one of them seems to have had that much impact on the body politic.

But that is not the point. The point is, the Supreme Court ruled freedom of speech means freedom of speech, and if it is OK for one movie to be made under one set of circumstances, it is equally OK for another movie to be made under a slightly different set of circumstances.

There are those who say: No, no, no; this opens up the world for corporations to fund advertisements to distort and destroy and affect our elections.

I have several reactions to that; the first one being, I have seen political ads that have been funded by rich individuals through the mechanism of a 527. If I were on the other side of the issue—and, indeed, in many cases I was—I would like to keep those ads running because the individuals who put up the money for the ads did not know how to write an effective ad. They were exercising their freedom of speech, but they were doing it in an amateurish kind of way, and under current law—and the Supreme Court decision did not change this—they could not give the money to the political parties that know what they are doing. They had to express themselves on their own, and many of them did not know how to do that very well.

So all of this excitement about the airwaves are going to be flooded with tremendously persuasive advertisements from national corporations that are going to distort our political process is making some assumptions about the voters that I think are not true. They are making assumptions about the ability of a corporation to enter this field and do something very dramatic that I think is not true.

But missing from this discourse about how terrible it is going to be if corporations start doing this—and we are not seeing any signs of how terrible this is happening in the real world—is any mention of another group that received exactly the same kind of green light from the Supreme Court as corporations did, another group that is barred by the same law that says corporations cannot contribute directly to a political party that will benefit enormously, and a group that has demonstrated it has the capacity to create a political advertisement that is effective.

I am talking about unions. Unions have the same kind of freedom that corporations have under this decision from the Supreme Court. Unions can now spend money speaking freely about candidates and using their names in ways that presumably they could not have done before.

Are we going to assume that the Supreme Court decision is going to unleash a flood of millions and millions of dollars of corporate money, but that the unions are going to sit quietly on the sidelines with their hands folded across their chests doing nothing?

If, indeed, there is going to be an avalanche of political spending coming as a result of this decision, I guarantee it is going to come from the unions every bit as much as it is going to come from the corporations. Indeed, it is my expectation it will come far more from the unions than it will come from the corporations.

Think about the big corporations in America. How do most of them make their money? They make their money by selling products to the American people, and they are good at advertisements to sell products. If I were on the board of one of these major corporations, and someone came to me and said: All right, we want to spend corporate money to put together an ad or put together a movie or put together any kind of political speech and put our corporate name on it, I would say: Now, wait a minute. Are you sure you want to run the risk of offending the customers of our product who may not agree with our political position? Let's be a little careful about this.

I think there are going to be some very circumspect conversations in the boardrooms of America's largest corporations before they come rushing in to the political arena in the fashion our friends across the aisle are predicting.

On the other hand, do the unions care? Do the unions feel it will damage their public image if they are seen advertising with tremendous expenditures under the decision the Supreme Court handed down? No. They do not worry about selling products to the American people. They exist in many instances primarily because of favors they received from the government. For those who talk about the DISCLOSE Act, saying this will open the floodgates for corporations and never mentioning unions is to demonstrate they are ignoring what the situation really is.

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

Mr. BENNETT. I would be honored.

Mr. MCCONNELL. If I recall correctly, this is not the first election under which independent groups have been extraordinarily active in advertising in political campaigns. In fact, I recall quite precisely that independent groups aligned with the other side of the aisle, according to those who keep the statistics on this, spent twice as much in 2006 and a similar amount in 2008 as outside groups that might be typically aligned with Senators such as Bennett and McConnell. Where was the outrage a couple cycles ago?

I would ask my friend, did Citizens United in any serious way change the landscape, in any event?

Mr. BENNETT. I thank the leader for his question, and the leader's recollection is entirely correct. I remember when we passed the Campaign Finance Act we were told this will get big money out of politics. I remember the first elections fought after the passage of that bill saw the greatest amount of spending we have ever seen in American history, and the amount of spending has only gone up.

All we did—and I am quoting from the minority leader's own comments at the time in the debate—all we did was

redirect how the money was going to go. In my view, all the Supreme Court did in their decision was to be fair in saying if a group gets together and organizes themselves, as Citizens United, they have exactly the same right to speak as Michael Moore had. If he makes a movie, they could make a movie. The Supreme Court said both movies are legitimate. I do not think we are going to see any kind of the consequences of the sort we have heard.

Mr. President, I recognize the leader is on the Senate floor, and I will yield the floor so he might continue whatever it is he has to say on this issue.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, before the leader speaks, may I pose a question? What is the status of time in terms of the minority and the majority on this issue?

The PRESIDING OFFICER. The majority is out of time, and the minority has retained just under 8 minutes.

Mr. SCHUMER. Mr. President, I would ask unanimous consent that the leader be allowed to speak for as long as he chooses and that I be given 5 minutes after that to conclude for the majority, and the vote be delayed until after that.

Mr. MCCONNELL. Mr. President, if I may, I do not need the Senator from New York to intervene. I am happy to use my leader time, which may be the solution to the time problem.

Mr. SCHUMER. That would be fine with me, if that works. Does that still——

Mr. MCCONNELL. Mr. President, I am going to proceed under my leader time, and then Senator SCHUMER can ask his consent if it is necessary. He may have enough time to close.

Mr. SCHUMER. I thank the Senator.

The PRESIDING OFFICER. The minority leader is recognized.

Mr. MCCONNELL. Mr. President, for the past 2 days, Democratic leaders have demonstrated once again their total lack of interest in the priorities of the American people.

At a time of near double-digit unemployment and skyrocketing debt, Americans would like to see us focus on jobs and the economy. Yet for the past 2 days, Senate Democrats have forced us to return once again to a debate we have already had on a bill the Senate has already rejected—a bill that focuses not on creating jobs for the American people but with saving the jobs of Democratic politicians in Washington.

That is what this debate is about. Our friends on the other side would have the public believe this bill is about transparency. It is not. Here is a bill that was drafted behind closed doors, without hearings, without testimony, and without any markups—a bill that picks and chooses who gets the right to engage in the political process and who does not; a bill that seeks, in other words, to achieve an unlevel playing field; a bill that is back on the floor for no other reason than the fact that our friends on the other side have declared this week ''politics only'' week in the Senate.

The only thing transparent here is the effort this exercise represents to secure an electoral advantage for the Democrats. So this is a completely distasteful exercise.

At a time when Americans are clamoring for us to do something about the economy, Democrats are not only turning a deaf ear, they are spending 2 full days working to silence the voices of even more people with a bill that picks and chooses who has a full right to political speech.

Let's face it, what our friends on the other side want is what they have always seemed to want: more government control. They want the government to pick and choose who gets to speak in elections, and how much they speak. That is why they are also pressing at the same time for taxpayer-funded elections—something the assistant majority leader called for once again just yesterday.

So Democrats have spent the past year and a half taking over banks, car companies, insurance companies, the student loan business—you name it—and now they want the taxpayers to foot the bill for their campaign ads as well.

Earlier today, the House Committee on House Administration marked up a bill that would stick taxpayers with a bill for House elections nationwide. Think of that: taxpayer money for attack ads, for buttons, for balloons and bumper stickers.

Have they no shame? Have they no shame? Our cumulative debt now the size of our economy, and they want to spend tax dollars on political campaigns.

I mean, even if they do not agree with the principled arguments against this kind of an effort, I would submit that in a time of exploding deficits and record debt the last thing the American people want right now is to provide what amounts to welfare for politicians.

Think about it. One recent estimate puts the annual cost to taxpayers of funding every Federal election at about $1.8 billion each year. That is $1.8 billion more that taxpayers would have to shell out than they already are. For what? For what? For politicians to throw campaign events and run ads that taxpayers may not even agree with or which they find downright outrageous.

One of the groups that supports this scheme calls it ''an incredibly good deal for taxpayers.'' Well, I strongly suspect that most taxpayers would not share that view. Americans want us to stop the wasteful spending. Another $1.8 billion on balloons and bunting is not their idea of a step in the right direction.

So why are Democrats doing this? Why are they proposing taxpayer financing of political campaigns and the DISCLOSE Act right now, at a time when Americans want them to focus on jobs and the economy?

I think it is pretty obvious. This is pure politics—pure.

After spending the past year and a half enacting policies Americans do not like, Democrats want to prevent their opponents from being able to criticize what they have done. After spending a year and a half enacting policies the American people do not like, they want to silence the voices of critics of what they have done. They want to prevent their critics from speaking out.

So here we are, 2 days debating this partisan, political, dead end bill that does not do one thing to help the economy, reduce the deficit, or create a single job.

Americans deserve a lot better. Americans are speaking out. But focusing on this bill shows that Democrats in Washington still are not listening. So, once again, I will be voting no on this legislation, and I encourage my colleagues to do the same.

I yield the floor.

Mr. LEVIN. Mr. President, the Senate once again has an opportunity to defend the public's confidence in our democratic system. In July, we missed this opportunity by failing to approve a motion to proceed to the DISCLOSE Act, a vital step in preserving the transparency and integrity of our elections. I urge my colleagues not to repeat that mistake. We should take up, debate, and pass the DISCLOSE Act.

Nearly a year ago, the Supreme Court discarded decades of precedent and concern for the health of our democracy when it decided on a 5–4 vote to eliminate regulations on corporate expenditures on elections. I strongly disagreed with that decision, but it is now the law of the land, and we are left with the task of trying to preserve the ability of individual Americans to be heard in a political process that could be swamped by a flood of corporate money.

The DISCLOSE Act requires corporations, unions, or advocacy organizations to stand by their advertisements and inform their members about their election-related spending. It imposes transparency requirements, requires spending amounts to be posted online, and prevents government contractors, corporations controlled by foreigners, and corporate beneficiaries of TARP funds from spending money on elections. I am an original cosponsor of the act because I believe it is essential to protect public confidence in the integrity of our elections.

By establishing these requirements, we will not prevent corporations from engaging in the activities the Supreme Court has allowed. We are simply giving Americans the ability to see how these companies, unions and other groups are seeking to influence the political process. This should not be an issue of Republicans and Democrats.

We should all agree that our democracy is best served when its election campaigns are conducted transparently.

The American people are depending on us to defend the integrity of the political process. We should not fail to uphold that responsibility. I urge my colleagues to debate and adopt adopt this vital legislation.

Mr. FEINGOLD. Mr. President, I strongly support the DISCLOSE Act and I believe the Senate should be allowed to consider it. I am pleased to see this bill get such strong support from my colleagues on the Democratic side, and I urge my Republican colleagues to think long and hard before again blocking it even from coming to the floor. I have a long history of bipartisan work on campaign finance issues. I am not interested in campaign finance legislation that has a partisan effect. This bill is fair and evenhanded. It deserves the support of Senators from both parties.

As the name suggests, the central goal of this bill is disclosure. It aims to make sure that when faced with a barrage of election-related advertising funded by corporations, which the Supreme Court's decision in the Citizens United case has made possible, the American people have the information they need to understand who is really behind those ads. That information is essential to being able to thoughtfully exercise the most important right in a democracy—the right to vote.

It is no secret that the Senator SCHUMER and I, and all of the original cosponsors of the bill, were deeply disappointed by the Citizens United decision. We don't agree with the Court's theory that the first amendment rights of corporations, which can't vote or hold elected office, are equivalent to those of citizens. And we believe that the decision will harm our democracy. I, for one, very much hope that the Supreme Court will one day realize the mistake it made and overturn it.

But the Supreme Court made the decision and we in the Senate, along with the country, have to live with it. The intent of the DISCLOSE Act is not to try to overturn that decision or challenge it. It is to address the consequences of the decision within the confines of the Court's holdings. Congress has a responsibility to survey the wreckage left or threatened by the Supreme Court's ruling and do whatever it can constitutionally to repair that damage or try to prevent it.

In Citizens United, the Court ruled that corporations could not constitutionally be prohibited from engaging in campaign related speech. But, with only one dissenting Justice, the Court also specifically upheld applying disclosure requirements to corporations. The Court stated:

"[P]rompt disclosure of expenditures can provide shareholders and citizens with the information needed to hold corporations and elected officials accountable for their positions and supporters. Shareholders can determine whether their corporation's political speech advances the corporation's interest in making profits, and citizens can see whether elected officials are ''in the pocket'' of so-called moneyed interests.

The Court also explained that disclosure is very much consistent with free speech:

The First Amendment protects political speech; and disclosure permits citizens and shareholders to react to the speech of corporate entities in a proper way. This transparency enables the electorate to make informed decisions and give proper weight to different speakers and messages.

The Court also made clear that corporate advertisers can be required to include disclaimers to identify themselves in their ads. It specifically reaffirmed the part of the McConnell v. FEC decision that held that such requirements are constitutional.

The DISCLOSE Act simply builds on disclosure and disclaimer requirements that are already in the law and that the Court has said do not violate the first amendment. For years, opponents of campaign finance reform have argued that all that is needed is disclosure. Well, in a very short time we will find out whether they were serious, because that is what this bill is all about.

If the Senate is allowed to proceed to the bill, there will be time to discuss its provisions in more detail, and perhaps to amend them. One amendment that obviously will need to be made is to the effective date. Any bill that passes at this point is not going to apply to the upcoming election, and we should amend the bill to make it applicable only to elections beginning in 2012. But I do want to comment on one provision that has caused controversy, which was added in the House—the exception for large, longstanding groups, including the National Rifle Association.

I am not a fan of exceptions to legislation of this kind. I would prefer a bill, like the one we introduced, that does not contain this exception. But the fact is that the kinds of groups that are covered by the exception are not the kinds of groups that this bill is mostly aimed at. Knowing the identity of individual large donors to the NRA when it runs its ads is not providing much useful information to the public. Everyone knows who the NRA is and what it stands for. You may like or dislike this group's message, but you don't need to know who its donors are to evaluate that message.

The same cannot be said about new organizations that are forming as we speak to collect corporate donations and run attack ads against candidates. One example is a new group called American Crossroads. It has apparently pledged to raise $50 million to run ads in the upcoming election. Can any of my colleagues tell me what this group is and what it stands for? Don't the American people have a right to know that, and wouldn't the identity of the funders provide useful information about the group's agenda and what it hopes to accomplish by pumping so much money into elections? Even Citizens United, the group that brought the case that has led us to this point, is not known to most people. Why shouldn't the American people know who has bankrolled that group, if it is going to run ads and try to convince people to vote a certain way?

Disclosure is the way we make this crucial information available to the public. But if a group is around for 10 years, has members in all 50 States, and receives only a small portion of its budget from corporations or unions, there is less reason for the kind of detailed information that the DISCLOSE Act requires. So while I would prefer that this exception wasn't in the bill, I understand why the House felt it was necessary, and I don't think it undermines the bill's purpose or makes it fundamentally unfair.

Most of the complaints about the DISCLOSE Act are coming from interests that want to take advantage of one part of the Citizens United decision—the part that allows corporate spending on elections for the first time in over 100 years—and at the same time pretend that the other part of the decision—the part upholding disclosure requirements—doesn't exist. But the law doesn't work that way. As the old saying goes, ''you can't have your cake and eat it too.''

Once again, I very much appreciate the leadership of the Senator from New York and look forward to working with him and all my colleagues to pass this bill. I urge my colleagues to support the motion for reconsideration and vote for cloture on the motion to proceed.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, first I would simply note that the bill before us has nothing to do with public financing of campaigns; it simply has to do with disclosure.

I rise today in support of DISCLOSE, the Democracy Is Strengthened by Casting Light on Spending in Elections Act, and I urge my colleagues to support this bill.

This bill is in direct response to Citizens United v. FEC in which the Supreme Court, led by Chief Justice Roberts and its activist majority, overruled almost a century of law and precedent and held that corporations have the same first amendment rights as people. As I have said before, because of this decision, the winner of every upcoming election won't be Democrats or Republicans; it will be special interests. And it will come at the expense of the voice of the ordinary American. The Court's decision lifted well-established restrictions on corporate and union spending in elections. This created a loophole in which these entities can now create anonymous groups to serve as a conduit to anonymously funnel money. The intent is to deceive the public and hide the real motives of those spending on these ads.

We have worked within the contours of the Court's decision in order to draft the DISCLOSE Act.

I ask those who support sunlight in campaign spending to work with us to pass this bill.

You think we are using this bill as a political tool to influence elections? OK. We will change the effective date to January 2011 so it won't apply to this November's election. We will welcome this change and encourage Republican amendments and debate on this bill because it is essential to the health of our democracy. We are also willing to consider paring the bill down, per the suggestion of my colleague, Senator SNOWE, in her statement, and limiting it to the core provisions regarding enhanced disclosures and disclaimers.

Both disclosure and disclaimer were proclaimed to be constitutional and effective ways to regulate corporate and union spending by eight of the nine Justices in Citizens United and were upheld in a later decision, Doe v. Reed. The Court specifically stated that disclosure requirements ''do not prevent anyone from speaking''—do not prevent anyone from speaking—and found that there was strong governmental interest in ''providing the electorate with information about the sources of election-related funding.'' The Court also concluded that ''disclosure permits citizens and shareholders to react to the speech of corporate entities in a proper way'' and to ''give proper weight to different speakers and messages.'' To be clear, disclosure does not chill speech. We do not want to chill speech. We merely want the American public to have details about who is speaking. These disclosure and disclaimer provisions allow the American public to know exactly who is bankrolling campaign advertisements. The American public deserves nothing less.

I would note that a strong majority of the American public—Democrats, Republicans, and Independents—disapproved of the Supreme Court's opinion in Citizens United and support disclosure and disclaimer provisions.

In removing the restrictions on corporate and union campaign spending, the Citizens United decision has opened a door for the creation of shadow groups whose spending is not clearly regulated. Neither the IRS, which has jurisdiction for nonprofits, nor the FEC provides oversight for these groups. That is a scary thought. In fact, one such group, American Crossroads, the leader in campaign spending in the Senate, was created by Karl Rove, who pledged to spend $50 million on just the 2010 election cycle. In fact, since our last vote on this issue, it has been reported that these shadow groups have raised $20 million.

A former Republican FEC Commissioner, Michael Toner, stated on the front page of the New York Times this week that, from his personal experience, ''the money is flowing.'' It is clear to us that the money is flowing; we just aren't permitted to know from whom it is coming. It is clear that this money isn't coming from the average voter. These groups are created, funded with secret donations, and then they disappear just as quickly as they appeared, all with no real disclosure. They are not created to be a voice of the people. It has been reported that the vast majority of American Crossroads funding is from four billionaires. Why are we letting the voice of these four people drown out the rest of America? This is outrageous.

In conclusion, the American people deserve to know what each and every one of us in this Chamber truly believes. Are we for openness, transparency, and giving the voters information they need to make their choices in the voting booth or do we really believe, despite our rhetoric, that it is OK for special interests to spend freely on all kinds of political advertising but keep the voters in the dark about who is paying for it?

The Supreme Court's decision this year has made it imperative for us to act now.

Mr. President, I yield the floor.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order and pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

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 motion to proceed to Calendar No. 476, S. 3628, the DISCLOSE Act.

Harry Reid, Charles E. Schumer, Sherrod Brown, Claire McCaskill, Patrick J. Leahy, John F. Kerry, Byron L. Dorgan, Patty Murray, Barbara Boxer, Roland W. Burris, Robert Menendez, Jack Reed, Joseph I. Lieberman, Tom Udall, Kent Conrad, Mark Begich, Robert P. Casey, Jr.

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

The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 3628, a bill to amend the Federal Election Campaign Act of 1971 to prohibit foreign influence in Federal elections, to prohibit government contractors from making expenditures with respect to such elections, and to establish additional disclosure requirements with respect to spending in such elections, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. KYL. The following Senators are necessarily absent: the Senator from Texas (Mrs. HUTCHISON) and the Senator from Alaska (Ms. MURKOWSKI).

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

The yeas and nays resulted—yeas 59, nays 39, as follows:

[Rollcall Vote No. 240 Leg.]

YEAS—59

Akaka	Gillibrand	Murray
Baucus	Goodwin	Nelson (NE)
Bayh	Hagan	Nelson (FL)
Begich	Harkin	Pryor
Bennet	Inouye	Reed
Bingaman	Johnson	Reid
Boxer	Kaufman	Rockefeller
Brown (OH)	Kerry	Sanders
Burris	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
Franken	Mikulski	

NAYS—39

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

NOT VOTING—2

Hutchison	Murkowski

The PRESIDING OFFICER. On this vote, the yeas are 59, the nays are 39. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion on reconsideration is rejected.

The Senator from North Dakota is recognized.

FEDERAL AVIATION ADMINISTRATION EXTENSION ACT OF 2010

Mr. DORGAN. Mr. President, I am going to propound a unanimous consent request that will extend FAA authority until December 31 of this year. This is another extension. We have had extension after extension of the FAA Reauthorization Act, which expires, so we extend it.

Let me in 1 minute say we have worked on a bill that would reauthorize the FAA. It has many component parts dealing with safety and other issues. It deals with the modernization of our entire air traffic control system. The Europeans are going full steam, and we need to work on this for a wide range of reasons: safety in the skies, better environment, more direct flying routes, less time in the air, and a whole series of things. Yet this piece of legislation that represents the investment in airport infrastructure, modernization of our air traffic control system, and so many other things is continuing to be blocked, and it is a profound disappointment to me.

Senator ROCKEFELLER and I and Senator KAY BAILEY HUTCHISON and others have worked to write this legislation. It is bipartisan. It passed through the Commerce Committee, passed through

the full Senate, and now we are trying to negotiate an agreement with the House. Someone said to me as I came in today, I understand FAA reauthorization is dead for this session. I said: That is not the case. Senator ROCKEFELLER and I remain hopeful that between now and the end of the year we will be able to solve those remaining few points and get this done. It is critically important—very important—that we get this done.

So I make this unanimous consent request with the understanding that I am continuing to work on it, as is Senator ROCKEFELLER and Senator HUTCHISON and many others to try to get the FAA reauthorization bill done through the House and the Senate and get it resolved.

Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 324, H.R. 4853.

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

The bill clerk read as follows:

A bill (H.R. 4853) to amend the Internal Revenue Code of 1986 to extend the funding expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes.

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

Mr. DORGAN. Mr. President, I ask unanimous consent that the amendment at the desk be considered and agreed to; that the bill, as amended, be read a third time, passed, and the motion to reconsider be laid upon the table; that any statements relating to the bill be printed in the RECORD.

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

The amendment (No. 4656) was agreed to, as follows:

(Purpose: To extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes)

Strike all after the enacting clause, and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Airport and Airway Extension Act of 2010, Part III''.

SEC. 2. EXTENSION OF TAXES FUNDING AIRPORT AND AIRWAY TRUST FUND.

(a) FUEL TAXES.—Subparagraph (B) of section 4081(d)(2) of the Internal Revenue Code of 1986 is amended by striking ''September 30, 2010'' and inserting ''December 31, 2010''.

(b) TICKET TAXES.—

(1) PERSONS.—Clause (ii) of section 4261(j)(1)(A) of the Internal Revenue Code of 1986 is amended by striking ''September 30, 2010'' and inserting ''December 31, 2010''.

(2) PROPERTY.—Clause (ii) of section 4271(d)(1)(A) of such Code is amended by striking ''September 30, 2010'' and inserting ''December 31, 2010''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2010.

SEC. 3. EXTENSION OF AIRPORT AND AIRWAY TRUST FUND EXPENDITURE AUTHORITY.

(a) IN GENERAL.—Paragraph (1) of section 9502(d) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''October 1, 2010'' and inserting ''January 1, 2011''; and

(2) by inserting ''or the Airport and Airway Extension Act of 2010, Part III'' before the semicolon at the end of subparagraph (A).

(b) CONFORMING AMENDMENT.—Paragraph (2) of section 9502(e) of such Code is amended by striking ''October 1, 2010'' and inserting ''January 1, 2011''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2010.

SEC. 4. EXTENSION OF AIRPORT IMPROVEMENT PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Section 48103 of title 49, United States Code, is amended—

(A) by striking ''and'' at the end of paragraph (6);

(B) by striking the period at the end of paragraph (7) and inserting ''; and''; and

(C) by inserting after paragraph (7) the following:

''(8) $925,000,000 for the 3-month period beginning on October 1, 2010.''.

(2) OBLIGATION OF AMOUNTS.—Subject to limitations specified in advance in appropriation Acts, sums made available pursuant to the amendment made by paragraph (1) may be obligated at any time through September 30, 2011, and shall remain available until expended.

(b) PROJECT GRANT AUTHORITY.—Section 47104(c) of title 49, United States Code, is amended by striking ''September 30, 2010,'' and inserting ''December 31, 2010,''.

(c) APPORTIONMENT AMOUNTS.—The Secretary shall apportion in fiscal year 2011 to the sponsor of an airport that received scheduled or unscheduled air service from a large certified air carrier (as defined in part 241 of title 14 Code of Federal Regulations, or such other regulations as may be issued by the Secretary under the authority of section 41709) an amount equal to the minimum apportionment specified in 49 U.S.C. 47114(c), if the Secretary determines that airport had more than 10,000 passenger boardings in the preceding calendar year, based on data submitted to the Secretary under part 241 of title 14, Code of Federal Regulations.

SEC. 5. EXTENSION OF EXPIRING AUTHORITIES.

(a) Section 40117(l)(7) of title 49, United States Code, is amended by striking ''October 1, 2010.'' and inserting ''January 1, 2011.''.

(b) Section 41743(e)(2) of such title is amended by striking ''2010'' and inserting ''2011''.

(c) Section 44302(f)(1) of such title is amended—

(1) by striking ''September 30, 2010,'' and inserting ''December 31, 2010,''; and

(2) by striking ''December 31, 2010,'' and inserting ''March 31, 2011,''.

(d) Section 44303(b) of such title is amended by striking ''December 31, 2010,'' and inserting ''March 31, 2011,''.

(e) Section 47107(s)(3) of such title is amended by striking ''October 1, 2010.'' and inserting ''January 1, 2011.''.

(f) Section 47115(j) of such title is amended by inserting ''and for the portion of fiscal year 2011 ending before January 1, 2011,'' after ''2010,''.

(g) Section 47141(f) of such title is amended by striking ''September 30, 2010.'' and inserting ''December 31, 2010.''.

(h) Section 49108 of such title is amended by striking ''September 30, 2010'' and inserting ''December 31, 2010,''.

(i) Section 161 of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 47109 note) is amended by inserting '', or in the portion of fiscal year 2011 ending before January 1, 2011,'' after ''fiscal year 2009 or 2010''.

(j) Section 186(d) of such Act (117 Stat. 2518) is amended by inserting ''and for the portion of fiscal year 2011 ending before January 1, 2011,'' after ''October 1, 2010,''.

(k) Section 409(d) of such Act (49 U.S.C. 41731 note) is amended by striking ''September 30, 2010.'' and inserting ''September 30, 2011.''.

(l) The amendments made by this section shall take effect on October 1, 2010.

SEC. 6. FEDERAL AVIATION ADMINISTRATION OPERATIONS.

Section 106(k)(1) of title 49, United States Code, is amended—

(1) by striking ''and'' at the end of subparagraph (E);

(2) by striking the period at the end of subparagraph (F) and inserting ''; and''; and

(3) by inserting after subparagraph (F) the following:

''(G) $2,451,375,000 for the 3-month period beginning on October 1, 2010.''.

SEC. 7. AIR NAVIGATION FACILITIES AND EQUIPMENT.

Section 48101(a) of title 49, United States Code, is amended—

(1) by striking ''and'' at the end of paragraph (5);

(2) by striking the period at the end of paragraph (6) and inserting ''; and''; and

(3) by adding at the end the following:

''(7) $746,250,000 for the 3-month period beginning on October 1, 2010.''.

SEC. 8. RESEARCH, ENGINEERING, AND DEVELOPMENT.

Section 48102(a) of title 49, United States Code, is amended—

(1) by striking ''and'' at the end of paragraph (13);

(2) by striking the period at the end of paragraph (14) and inserting ''; and''; and

(3) by adding at the end the following:

''(15) $49,593,750 for the 3-month period beginning on October 1, 2010.''.

SEC. 9. TECHNICAL CORRECTIONS.

Effective as of August 1, 2010, and as if included therein as enacted, the Airline Safety and Federal Aviation Administration Extension Act of 2010 (Public Law 111–216) is amended as follows:

(1) In section 202(a) (124 Stat. 2351) by inserting ''of title 49, United States Code,'' before ''is amended''.

(2) In section 202(b) (124 Stat. 2351) by inserting ''of such title'' before ''is amended''.

(3) In section 203(c)(1) (124 Stat.2356) by inserting ''of such title'' before ''(as redesignated''.

(4) In section 203(c)(2) (124 Stat. 2357) by inserting ''of such title'' before ''(as redesignated''.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 4853), as amended, was read the third time, and passed.

MORNING BUSINESS

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

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

The Senator from South Dakota is recognized for 10 minutes.

FAA REAUTHORIZATION AND TAX EXTENDERS

Mr. THUNE. Mr. President, I also want to add my support for the FAA

reauthorization bill which the Senator from North Dakota talked about. It is important that we get this done. We have been operating without an authorization since 2007. We had a bill pass through the Senate by a vote of 93 to 0 back in March, and this is something that needs to be done.

So I hope we can get floor time scheduled for this and that we can get on that bill, get a conference report, and get it through and enacted because there are a number of important improvements that need to occur, and that legislation provides for that to happen. It has been kicking around here for way too long, so I hope we can get to that bill and quit having to do these month-to-month or—in this case, as it ends up being—the end-of-the-year extensions, which keeps us from doing what we need to do, and that is get a long-term reauthorization in place that provides some certainty and predictability for the users of aviation in this country.

Mr. BAUCUS. Mr. President, might I ask, through the Chair, that the Senator yield for a question?

Mr. THUNE. I would be happy to yield to the Senator.

Mr. BAUCUS. I wanted to ask him—because we have to ask questions around here—isn't it a good idea for us to have more permanence and not pass so many short-term extensions in Congress, just as a general principle?

Mr. THUNE. I would say to the Senator, through the Chair, one of the things I think is hurting business and economic development in this country is a lack of certainty.

Mr. BAUCUS. Is the Senator aware, if my calculation is correct, that there are about 130 extenders that we have to extend at the end of every calendar year—approximately 130? Did the Senator know the number is that great?

Mr. THUNE. I didn't know the precise number, Mr. President. I will say to my colleague from Montana if it is not, in fact, 130—and I will take his word for that—I know it is a lot. There are lots of provisions in law that need to be extended and lots of communities in this country that depend on that.

Mr. BAUCUS. One final question: Does the Senator agree it is about time this Congress does something about that; that we pass fewer extenders and more laws that are a little more permanent?

Mr. THUNE. I would say, through the Chair, to my colleague, I think it is important that this Senate act in a way that provides some certainty and predictability for people in this country who depend upon public policy coming out of here that has some permanence to it. Right now, we continue to act on short-term extensions in so many different areas. So I don't dispute at all the statement of the Senator from Montana.

Mr. BAUCUS. I thank my good friend from South Dakota for mentioning that.

Mr. THUNE. If I might continue, Mr. President, let me just say with regard to the observations of the Senator from Montana that I couldn't agree more that we need to get these things done, and we need to provide some long-term certainty for those in this country who rely upon decisions that come out of the Congress. I know the Senator from Montana has offered an extenders bill that would provide at least some near-term relief for many of these provisions of law that expire and that impact so many across this country.

I would say through the Chair to my colleague from Montana that I agree with his premise. I think it comes down to how we go about doing that. The Senator from Montana has offered up a proposal that would extend many of these expiring tax provisions, but he does it in a way that raises taxes. I have a proposal I offered earlier in response to the majority leader's unanimous consent request to move a tax extenders bill that would substitute my bill for that one because my bill does all the same things the Senator from Montana wants to accomplish. But it does it with spending reductions—reducing spending—as opposed to raising taxes.

There are a number of things my bill would do, one of which is to extend the $215 million tax break for teachers to purchase books, supplies, computer equipment, and other materials for the classroom.

It also includes the biodiesel tax credit, which supports our Nation's budding biodiesel industry. It provides $854 million in tax relief for these biodiesel manufacturers to invest in our clean energy future.

The bill reinstates the State and local sales tax deduction, which provides $1.8 billion in tax relief to residents of States such as South Dakota who pay State and local sales taxes but are not allowed to deduct these taxes from their Federal income taxes. It also allows for the deduction of State and local property taxes, which saves taxpayers $1.5 billion as well.

My bill reinstates the research and development tax credit, which the President has supported for 2010. This important tax credit incentivizes important research and development across the country.

It also provides a number of needed tax credits for businesses to invest and create jobs, including refundable AMT credits for corporations, and it provides a generous doc fix. One of the things we talk about around here is the doc fix. On the doc fix, we continue to go month to month or quarter to quarter. Now we are good to the end of November. But at the end of November we are going to be dealing with this issue again. If we do not, physicians across the country are going to experience a significant and dramatic pay reduction, which will impair their ability to serve patients across this country who depend upon Medicare.

My doc fix provides a 2-percent increase for 2011 and another 2-percent increase for 2012. The current doc fix, as I said, is set to expire later this year, on November 30.

The way I do this is I fully offset this by spending cuts, including medical malpractice reform, a freeze on Federal salaries, reductions in wasteful, duplicative, and excessive government spending, rescinding unspent Federal funds including the stimulus, an expansion of the affordability exception to the individual mandate that was included in the recently passed health care reform bill and by disposing of unused and unneeded Federal property.

I also add in my proposal a new deficit reduction trust fund, where rescinded balances and money saved through this amendment will be deposited for the purposes of paying down the Federal debt. It does not include job-killing tax hikes on carried interest income, which would discourage investment and hurt our Nation's productivity, and does not include a 70-cent-per-barrel increase, a tax hike on oil, nor does it double count the revenues from that tax by saying it both offsets the cost to the bill and also adds money to the Oil Spill Liability Trust Fund.

I concur entirely with the premise the Senator from Montana was addressing, that we need to get these things extended. We need to provide some permanence. But there is a difference in the approach on how we deal with that. The Senator from Montana proposed one way, I proposed another. I obviously would love to get a vote on this proposal because I think what we ought to be focused on right now, rather than raising taxes at a time when we have a very fragile economy in an economic downturn and making it more difficult for businesses to create jobs, that we ought to be looking at what we can do to reduce spending in our Federal budget and offset the cost of these extenders and pay for this 2-year extension of the doc fix, which also provides for a modest increase, not the significant reduction they are going to experience otherwise. We do this through spending reductions in the Federal budget. I hope we get an opportunity to vote on this.

I yield my time.

The PRESIDING OFFICER (Mr. FRANKEN). The Senator from Montana.

Mr. BAUCUS. Mr. President, I appreciate the remarks of my good friend from South Dakota. I hope we can find some reasonable accommodation, some compromise. There are 100 Senators here. Each has his or her own view as to what the right solution should be. Without sounding too trite and corny, we are a democracy, we have to live together. I hope we could find a way to get these provisions extended in a way with give and take, back and forth. Clearly, if I bring up a bill and it is my way, it is not going to pass. With all due respect to my friend from South Dakota, if he brings up his bill his way, it is not going to pass. The only way to get something to help the people whom we are here to represent is to find a

compromise, working together in accommodation. I know the Senator looks forward to that. I hope we can achieve that result.

Mr. THUNE. Mr. President, if the Senator will yield, I say in response to that, that is absolutely true. Around here I think, traditionally, tax extenders have been something both sides have worked on. Generally, it tends to be kind of noncontroversial. I think our side is very open to discussions and would welcome an opportunity to sit down with the majority and the Senator from Montana and others, whoever they feel necessary, to work something out. We stand ready and willing to have that discussion and hopefully to get this thing put behind us.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. I would add a final point to these remarks; that is, the approach I take. As chairman of the Finance Committee, I try not to bring up these extenders bills until they have been worked out. With sufficient work on both sides, I believe that leaves at least 60 votes available, and I hope we can achieve a result quickly.

HEALTH CARE REFORM

Mr. BAUCUS. Mr. President, today marks 6 months since Congress enacted the new health care reform law.

Americans have reason to celebrate.

The new law put America on the road to a more sustainable consumer-friendly health care system.

The new law put America on the road to a healthcare system in which all Americans have access to quality, affordable health insurance.

And the new law put America on the road to a health care system in which patients and their doctors—not insurance companies—control patient care.

These transformative changes will not happen overnight. But we heard the distressed cries from American families and businesses for immediate relief from insurer abuses. Congress included in the new health reform law many consumer protection provisions that take effect today, September 23, 2010.

These provisions—a new Patient's Bill of Rights—put an end to some of the worst insurance company abuses. The new law puts consumers in control of their health care decisions. And the new law extends important new coverage benefits under insurance plans.

Starting today plans cannot discriminate against children with preexisting conditions. No longer will insurance companies be able to deny tens of thousands of families insurance each year for their children because of a preexisting condition.

Starting today insurance companies are banned from canceling your coverage due to an unintentional mistake on your application. No longer will insurance companies be allowed to arbitrarily drop your coverage when you get sick and need it the most.

Starting today insurance companies can no longer place lifetime or restrictive annual limits on coverage. No longer will families need to worry that their coverage will run out when they need it the most.

Starting today when you purchase or join a new insurance plan, you have the right to choose your own doctor in your network. No longer will insurance companies be able to arbitrarily decide which doctor you have to see.

Starting today, if you purchase or join a new insurance policy, you will be guaranteed the right to appeal insurance company decisions to an independent third party. No longer will consumers find themselves with nowhere to turn when insurers deny them coverage or restrict their treatment.

Starting today, providers and suppliers—that is doctors and medical equipment manufacturers—who fail a fraud screening will be denied eligibility for payments under government programs like Medicare and Medicaid. No longer will providers and suppliers be able to defraud the government and taxpayers instead of provide quality health care.

There is more. Starting today, young adults will be allowed to remain on their parents' plan until their 26th birthday, unless they are offered coverage at work. No longer will young adults be without affordable coverage options. Now they will have choices to transition them into their adult lives and protect them from financial ruin.

And starting today, if you purchase or join a new insurance plan, you will be able to receive free recommended preventive care. No longer will Americans have to forgo valuable preventive care until it is too late.

All of the benefits that begin today are in addition to the benefits that families and businesses already enjoy as a result of the new health reform law.

Already because of the new law, across the Nation, federally subsidized preexisting condition insurance plans are available for Americans with preexisting conditions who have been denied coverage by insurance companies.

Already because of the new law up to 4,000 small businesses are eligible for tax credits this year if they provide health insurance for their employees.

Already because of the new law, more than 2,000 businesses have qualified to receive reimbursement for the retiree coverage that they provide.

And already because of the new law, more than a million seniors have received rebate checks to reduce their prescription drug out-of-pocket costs in the donut hole.

Today, with this 6-month mark, we pass a key milestone on our road to providing quality, affordable health care to all Americans.

This milestone is just one of many along the road. But this milestone is one that signals an end to the insurance companies' worst abuses. This milestone signals the beginning to patient-controlled health care, and that is something to celebrate.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

LUMBEE RECOGNITION ACT

Mrs. HAGAN. Mr. President, I come to the floor today to discuss an issue that is vitally important to North Carolina's economy, and to the heritage and cultural identity of more than 40,000 Americans. I urge my colleagues to join me in supporting the Lumbee Recognition Act.

The Lumbee Indians are among the earliest North Carolinians. They descended from the coastal tribes of North Carolina and lived along the Lumber River before our Nation was founded.

During that time, the Lumbee have maintained a distinct community in what is now Robeson County, NC, with more than 40,000 current members in and around the county seat of Lumberton.

Tribe members have worked diligently throughout the generations to sustain a strong tribal society.

Each and every Lumbee can trace his or her ancestry to the tribe's base roll, which is comprised of school and church records and early 20th-century census data. This common ancestry has bound the tribe for generations and established the Lumbee as a longstanding, distinct community in southeastern North Carolina.

Nearly two-thirds of the tribe live within 15 miles of the city of Pembroke, where they start families and businesses, run for tribal office, and attend the annual Fourth of July parade.

The Lumbee fought alongside the American Colonists during the Revolutionary War, and helped shape North Carolina's history.

But because the tribe lacked a formal treaty relationship with the new United States, the tribe has worked for over 120 years to win the recognition that they so clearly deserve.

As has been noted by the Senate Indian Affairs Committee, ''The Lumbees have a longstanding history of functioning like an Indian tribe and being recognized as such by State and local authorities. Since 1885, the Lumbees have maintained an active political relationship with the State of North Carolina.''

The State officially recognized the tribe in 1885, and established a separate school system for Lumbee children.

With initial enrollment limited to children who could demonstrate at least four generations of Lumbee descent, this autonomous school system has remained in place for over 100 years.

And in the late 1800s, the State of North Carolina established the Indian Normal School to train Lumbee teachers for the tribe's school system. This school has been in continuous operation since that time and has grown into the University of North Carolina at Pembroke.

The university is obviously now open to enrollment for all Americans, but continues to serve as an anchor of the Lumbee community.

Despite generations of uninterrupted self-governing, the Lumbee still have not received full recognition by the Federal Government.

Instead, Congress in 1956 enacted the Lumbee Act, which simultaneously recognized the tribe, but denied tribal members access to Federal services.

The Lumbee Recognition Act, which I have introduced with my colleague from North Carolina, Senator BURR, would rectify this longstanding inequity, and provide the Lumbee with the full recognition that they so clearly deserve.

Beyond simple fairness, the issue of Lumbee recognition is critically important to the North Carolina economy, and to counties and communities that have been hardest hit by the recent economic downturn.

Because the 1956 Lumbee Act forbade the Lumbee from pursuing the Federal resources available to every other recognized tribe in the country, the tribe does not have access to critical services through the Bureau of Indian Affairs and Indian Health Service.

The Harvard School of Public Health has found that residents of Robeson County have a lower average life expectancy due to persistent poverty and limited access to affordable health care. Our bill will enable the Lumbee to combat these trends through sustained economic development and quality health services.

It will allow members of the Lumbee tribe to access critical programs through Indian Health Services, and will help treat and prevent chronic illnesses that negatively affect the quality of life in the region.

With a healthier population, and access to Federal programs, the tribe can focus on economic development. Robeson County has an unemployment rate above 12 percent, and the surrounding counties of Scotland, Hoke, Cumberland, Bladen, and Columbia continue to experience unemployment rates that are among the highest in North Carolina.

Economic development programs through the Bureau of Indian Affairs will allow the tribe to create jobs where they are needed most, and will support a true economic recovery in this distressed region.

The Lumbee Recognition Act was introduced in the House by my North Carolina colleague, Congressman MIKE MCINTYRE, who has been a tireless champion for the Lumbee since coming to Congress.

Due largely to Congressman MCINTYRE's efforts, the House has passed the Lumbee Recognition Act with a strong bipartisan majority twice in the last 3 years.

Here in the Senate, the bill has been approved by the Indian Affairs Committee, and now awaits consideration on the Senate floor.

Some have also argued that the cost of providing BIA and Indian Health services to the Lumbee will be too high, and that Lumbee recognition will draw down funds that are currently going to other tribes. I certainly understand these concerns.

But, I want to be clear, the Lumbee do not want recognition on the backs of other tribes, and this bill will not increase the Federal deficit. This bill simply ensures that the Lumbee are eligible for the same services as their peers. Funding for these services will be subject to future appropriations, and the Lumbee will not dilute support for tribes that currently receive Federal resources.

I want to stress again that this effort is about one thing, providing the recognition that the Lumbee need to improve their quality of life and create jobs in their community.

The tribe is not seeking Federal gaming rights, and, in fact, this legislation explicitly denies the tribe's ability to operate casinos.

Some have also argued that the Lumbee do not need Federal recognition because they can apply for acknowledgement through the Bureau of Indian Affairs administrative process. But let me be clear about this: the Lumbees have been prohibited from being considered by this process.

This is because the Lumbee were unfortunate enough to win partial recognition during a time when the BIA was actively working to terminate longstanding relationships with tribes and roll back Federal services for Native Americans across the country.

The 1956 Lumbee Act expressly precludes the tribe from pursuing Federal acknowledgment through the Bureau of Indian Affairs administrative process. Thus, while the Lumbee were identified in Federal legislation as a tribe more than 50 years ago, existing law strictly limits the group's ability to access vital services otherwise available to a federally designated tribe.

As the Senate Indian Affairs Committee has noted, Congress placed only one other Indian tribe in a similar position. In 1965, the Tiwa Indians of Texas won recognition in Congress, but were prohibited from pursuing BIA and other Federal services.

Congress recognized this problem, and in 1987 passed legislation granting full recognition to the tribe. This has left the Lumbee as the only tribe in America that is at once recognized by the Federal Government and forbidden from accessing critical programs that are available to every other tribe in the country.

The administration has recognized this basic inequity, and at a House hearing on the bill last year, George Skibine, Deputy Assistant Secretary for Policy and Economic Development for Indian Affairs, testified that, ''There are rare circumstances when Congress should intervene and recognize a tribal group, and the case of the Lumbee Indians is one such rare case.''

I could not agree more. I urge my colleagues to pass this important legislation with no further delay.

Lumbee Chairman Purnell Swett is here in the Senate Gallery, and has been meeting with a number of Senators to discuss this effort. I thank him for joining us, and encourage my colleagues to take time to hear from him how vital this bill is for his community and his people.

Federal recognition is about more than Federal resources and creating economic development opportunities for this community. It is about tribal identity.

The Lumbee have fought for the recognition they deserve for over 100 years. Truly, this recognition is long overdue.

We must ensure the Lumbee are no longer treated as a second-class tribe, and I ask my colleagues to join me in supporting the Lumbee Recognition Act.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

UNANIMOUS-CONSENT REQUEST—S. 510

Mr. DURBIN. Mr. President, I come to the floor this afternoon, in the presence of Senator COBURN of Oklahoma and Senator HARKIN of Iowa, to discuss an issue I have worked on literally for my entire congressional career—food safety. This is an issue which has haunted me since my days in the House of Representatives when I received a letter from a woman in Chicago, far outside of my central Illinois congressional district, who told me the story of her 6-year-old son Alex. She brought home a pound of hamburger from the local grocery store and fed it to her son, and he was dead 3 days later from food contamination that led to a very painful, horrible death which has haunted her to this day. Her name is Nancy Donnelly. She has focused her life on making food safety laws better in America. I have joined her in that effort. I was inspired by her tragedy and by the many people who came to me and explained how they had been through similar circumstances.

For almost 20 years now, I have been taking on this issue. I have tried from the very beginning to bring to the attention of Members of Congress the fact that there are at least 12 different

food safety agencies in our Federal Government. When we look to the origin of these, the U.S. Department of Agriculture got started because Upton Sinclair wrote ''The Jungle,'' which told about the horrible circumstances in the packinghouses of Chicago. That novel led Congress to pass the first food safety law with the U.S. Department of Agriculture as the lead. Over the years, the Food and Drug Administration expanded its role in this area, and many other agencies did as well.

I have always argued that we need better coordination. In fact, we need one single food safety agency that uses science and tries to reach new efficiencies by avoiding overlap in deciding what is the safest approach to food in America. I haven't had much luck. Rarely do I find a bipartisan cosponsor, find anybody who will join me in this effort. But I understand the Senator from Oklahoma said yesterday he is interested in it, and I welcome him to be part of this conversation. I want to see the day when we have a single food safety agency that gets the job done in a professional way.

What do we do before then? Knowing that this will take some time, and it has taken time already, what do we do? I think we should clearly look at the weaknesses in the current food safety system and address them directly.

If I said to the Presiding Officer, before he was in the Senate and before he became conversant with most of the laws of the land, if I asked, do you believe there is a Federal law which allows the Federal Government a mandatory recall of contaminated, deadly food products on the shelves of America, he would say, of course, that is why we have food safety agencies. The answer is no, there is no such law. The government has no power to recall deadly and contaminated food products on shelves across America—amazing, but it is a fact. This bill we are trying to call before the Senate will give the government the power to recall deadly food. That is a major step forward. If we did nothing else in this bill, it is a major step forward.

The bill also gives the Food and Drug Administration the authority to expand their inspections, not just here in the United States, where there is plenty to be done—we are seeing an FDA inspector once a year as a novelty—but overseas, where there is literally no inspection. As foods come in from all over the world, we don't know the standards they are using. Unfortunately, our people are vulnerable as a result.

Should we have mandatory recall? Should we have more inspections? Absolutely. I think that is a must to make sure we don't run into the tragedies we have seen repeated over and over again. Hardly a week goes by that there isn't some new food tragedy—peanut butter, spinach, tomatoes, eggs. People get sick—and some die—week after week, month after month. So the question is, Will we do something about it?

I went to Senator HARKIN, chairman of the committee, and asked him to lead, with Senator ENZI, his Republican counterpart, in a reform bill that will make this system better, really fill in some of the gaps, move us forward. He took that challenge and handled it very professionally and very quickly. In fact, we have 19 Senators, Democrats and Republicans, in a bipartisan effort, after hearings in his committee, after markup in his committee, bringing this bill to the floor.

For the first time since I have been engaged in this debate, we have the support not only of consumer groups, which we would expect, we have the support of the industry—the food processors, the grocery manufacturers. Why? Because they understand that once we lose confidence in our food supply, it hurts them as businesspeople.

So here we are, a moment, an opportunity we have worked for for years—literally years—a bill we have been working on for months in a bipartisan fashion, and all we are asking for is a chance to bring it to the floor. That is all. Bring it to the floor, entertain amendments, debate it, deliberate, and vote. People who come and visit Washington think that is what the Senate does, right? An important issue, a life-and-death issue for families, something we all care about when we put food on the table—thank goodness the Senate is finally going to take up something that affects their lives, and it is going to do it in a professional, bipartisan way. Thank goodness all the games are over.

No. Welcome to the U.S. Senate. When we bring the matter to the floor and ask for a chance to debate and deliberate it, 1 Senator, who is on the floor today, says no—not 99 Senators, 1 Senator says no.

We said to the Senator: If you object to the bill, you can vote against it.

He said: Not good enough.

We said to the Senator: If you want to offer an amendment to this bill, offer an amendment.

Not good enough. He says: No, I don't want the Senate to take up this bill and debate it. I don't want them to vote on this bill. I want this bill to die right now. I don't want it to go forward.

From my point of view, we are all entitled to our opinion. We are all entitled to our political position. In the Senate, one is entitled to speak their mind. In the Senate, one is entitled to debate and deliberate, to offer an amendment and have a vote. But at the end of the day, if there is any fairness in this body, the majority will decide what goes forward.

In this case, one Senator has said no. Nineteen Senators, Democrats and Republicans together, are not enough, putting this together after the years of work that have gone into it. It is not enough. That troubles me because I think this issue is a life-or-death issue. This morning's Washington Post talked about what has happened to unsuspecting people across America who ate the contaminated eggs. Think about it. Eggs are supposed to be wholesome and nutritious and good for you, but thousands of these eggs contaminated with salmonella, sold across America, have made people sick, and for some their lives will be compromised forever.

I would think that when we consider the medical problems which will be created if we stop this debate, when we think of the victims across America of food contamination, for goodness' sake, shouldn't we err on the side of moving forward? Who argues against a mandatory recall of contaminated food from shelves across America? Who argues against giving the Food and Drug Administration the power to move forward to make sure there are more inspections done on a scientific basis? That, to me, is basic.

When a customer goes into a store across America, they assume something: They assume the government is involved in this decision, that somebody, somewhere took a look at what they are about to buy and said it is safe to sell it in America. I have to tell you, in most instances, they are mistaken. The inspections are not frequent enough. The inspections, sadly, do not take place in many instances.

Well, the argument on the other side is, come on, Senator, everybody can dream up a new way to spend money. You have dreamed up a new way to spend money. You want to have more inspections. You want to send inspectors out to make sure our food is safe. Well, great. I can think up a way to spend money too. The argument is, if you are going to spend money and add to our deficit, the answer is no, no matter what you say, or you have to come up with some way to pay for it now.

What I have to remind the Senator from Oklahoma—and he and I have had this debate over and over—this is an authorization bill. It does not spend money. In order to spend the money, you have to go through an appropriations bill that actually spends it. In other words, you are given a finite amount of money and you decide: What is a priority? I think this is a priority. Something else may not be funded. This should be funded. It is an authorization bill.

What about the cost of this bill? How do we put the cost of this bill in comparison to some other issues? Modernizing the food safety system of America costs us $280 million a year. That is less than $1 for every American. Providing tax cuts for the wealthiest people in America: $400 billion a year. That is Senator MCCONNELL's plan to extend the Bush tax cuts for the wealthy. So $400 billion unpaid for, adding to the deficit, versus $280 million to protect families from contaminated food.

Let's take a look at what happens when you do not spend the money and

have the inspection. In 2006, an E. coli outbreak cost spinach growers across America $350 million in 1 year. That means that industry lost $70 million more than the entire cost of food safety inspection in the bill for 1 year. Would those growers rather have seen people not be victimized by a contaminated product and not seen their own operations destroyed for an inspection? I think they would have. They are not the only ones. In 2008, the salmonella outbreak linked first to tomatoes and then to peppers cost the Florida tomato industry over $500 million. In a single year, tomato and pepper growers lost nearly twice as much as this food safety bill costs. Doing nothing is not only cruel to the unsuspecting customers and consumers across America, it is devastating to the food industry. That is why they support this bill. They understand they would rather be subject to inspection so the consumers have more confidence in their product and they do not run the risk of having their livelihood devastated by a food contamination outbreak.

The cost of doing nothing can also be measured in lost quality of life. Each year, 76 million Americans suffer from a preventable foodborne illness. For some of them, it is an upset stomach or diarrhea, but for others it is more; 325,000 people are hospitalized, accumulating large medical bills, each year, and 5,000 people pay for food contamination with their lives. That is the reality of what they face.

I know I take this bill personally because of the fact that I have come to know some of the people who are involved in food contamination. I want to show you the photos of just two people before I propound a unanimous consent request and turn this over to my colleague from Iowa.

Marry Ann, shown in this photograph I have in the Chamber—this lovely lady—is an 80-year-old grandmother who contracted E. coli from spinach just before she left to meet with her family at the park for a Labor Day gathering. She is from Mendota, IL, a small town near my hometown. She is alive today, thank God, but the kidney failure, violent vomiting, and uncontrollable diarrhea are constant reminders that her quality of life will never be the same. She is 80 years old, and she struggles now to get by every day because of food contamination. She is standing with us in this fight to improve our food safety system so that no one else has to endure what she has been through.

Now I would like to introduce you to a young man. I hope I do not mispronounce the name of his hometown. Senator COBURN will know it better than I. His name is Richard, and he is from Owasso, OK. At age 15, Richard joined the unfortunate ranks of foodborne illness victims. After he returned home from a camping trip, Richard began experiencing headaches, diarrhea, and his urine turned black. He was later diagnosed with E. coli contamination For 8 years, Richard has endured pain and suffering because of it—migraine headaches, dry heaving, high blood pressure, and, after a series of dialysis treatments, kidney failure—kidney failure. Last year, Richard was having a kidney transplant while the House was debating and passing the food safety bill.

Richard and his mother Christine are following this food safety debate because of their own family experience. They are following it from Richard's hospital room. Days ago, Richard was moved to the intensive care unit due to swelling in his brain and his inability to speak.

On the day the Senator from Oklahoma was informing the press of his objections to the food safety bill, Christine, Richard's mom, was making an airline reservation and making her way back to her son's hospital bed in Oklahoma. When Christine learned that her home State Senator was blocking food safety reform because of the cost, she immediately thought about the hundreds of thousands of dollars her middle-class family has spent on Richard's medical care.

On behalf of her son, Christine stands with 89 percent of the American people who want Senator COBURN to stop blocking this food safety bill. She said she has a simple question:

> As the Senate is debating on S 510, I am taking an emergency flight to the hospital to be with my son. He's been admitted again with complications stemming from his E. coli infection. We can delay this legislation no more.

She writes:

> Something must be done. The time is now. How many more victims must there be?

That is the critical question.

Is this a perfect bill? As I have said before and will say again, the only perfect legislation that I am aware of was tapped out on stone tablets and carried down a mountain by ''Senator Moses.'' We can improve this bill. We can entertain amendments that may improve this bill. But to stop us in our tracks and tell us we cannot even debate it or deliberate it while the Senate sits empty doing nothing is inexcusable while people are suffering and dying across America.

We have a bill that has the support of the industry and the consumers. We have come forward to this point. We cannot turn back.

That is why, Mr. President, I ask unanimous consent that, at a time to be determined by the majority leader, following consultation with the Republican leader, the Senate proceed to the consideration of Calendar No. 247, S. 510, the FDA Food Safety Modernization Act, and that when the bill is considered, it be under the following limitations: that general debate on the bill be limited to 2 hours, equally divided and controlled between Senators HARKIN and ENZI or their designees; that the only amendments in order other than the committee-reported substitute be those listed in this agreement, with debate on each of the listed amendments limited to 30 minutes, with the time equally divided and controlled in the usual form; further, that when any of the listed amendments are offered for consideration, the reading of the amendments be considered waived and the amendments not be subject to division; Harkin-Enzi substitute amendment; Tester amendment regarding small farms and facilities; Harkin-Enzi amendment in reference to technical and conforming changes; and that once offered, the technical amendment be considered and agreed to and the motion to reconsider be laid upon the table; Coburn amendment in reference to offset for the cost of the bill; Feinstein amendment in reference to BPA; Leahy amendment in reference to criminal penalties; that upon disposition of the listed amendments up or down and the use or yielding back of all time, the Harkin-Enzi substitute amendment, as amended, be agreed to, the committee-reported substitute amendment, as amended, be agreed to, the bill, as amended, be read a third time, and the Senate then proceed to vote on passage of the bill.

The PRESIDING OFFICER. Is there objection?

Mr. COBURN. Mr. President, I object and ask unanimous consent to be recognized after the majority whip finishes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

And the objection is heard.

Mr. DURBIN. Mr. President, it is my understanding that Senator COBURN actually sees, as I do, the need for us to coordinate the food safety agencies and is proposing that we ask for a study for that purpose. I wish to join him in that effort. Asking for a study is a good thing, but while a study is underway and we are waiting for the report, people will be dying from food contamination.

I hope we can engage in this study and move toward a single food safety agency. I am with him all the way. Let's save money in the process. And I think we can. We can come up with a professional, good agency in a bipartisan way. But unless and until that is done, we have to make reference to the obvious; that is, the current system is not safe enough for American families. As good as our food supply may be in America, we can do better. To stop now, after all of this work has been put into this effort, with the objection of only one Senator, strikes me as unfair—unfair to the people across America who desperately need our protection.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, what is unfair in this country is the fact that we label bills to fix things and fix a lot of the symptoms, but we do not fix the underlying problem. We are going to spend several hundred million dollars

when the bill ultimately goes through, and much of it will be well applied, but the underlying problem will never be fixed.

The Senator mentioned we have 12 agencies—12 agencies across this government—responsible for food safety. What I would contend to my colleagues is that the same amount of money we spend now, if we spent it wisely, would give us a much safer food supply.

All through the course of this debate, I have had staff at every meeting raising the consistent objections I have raised. At every meeting, one of my staffers has been there. They were ignored. I am not stopping this bill because it was ignored; I am stopping the bill because I do not think we are fixing the true underlying problem.

Let me give you an example. Here is what Dr. Hamburg said. This is on the egg rule.

> We believe that had these rules been in place at an earlier time it would have very likely enabled us to identify the problems on this farm before this kind of outbreak occurred.

How long did it take them to develop the rule? Ten years. It started with President Clinton asking that this be addressed. Robert Reich went and inspected and said it is unbelievable what has happened. And what happened is, he initiated it with the FDA, the start. Somebody ought to ask the question and hold accountable FDA taking 10 years to get a rule so we have safe eggs in this country. We did not ask that question. So the next thing that comes up after we pass a bill like this is that we are going to see another problem because we are not fixing the core problem.

Let me read to you from the oversight hearings the Senate has conducted on food safety. I think I have them here. There was a full committee hearing on October 22, 2009, ''Keeping American Families Safe, Reforming the Food System.'' There was a full committee hearing developing a comprehensive response to food safety on December 4, 2007. And there was a Senate Appropriations Committee oversight hearing on Hallmark/Westland meat recall—a special hearing. There was not one hearing that said: FDA, what are you doing, how are you doing it, and why are you doing it that way? There was not one hearing that said: USDA, why in the world can't you get your act together? We did not do the structural oversight that is necessary to fix these problems.

I am not denying that this bill will have some positive effect. But it will not solve the problem. So we will pass a bill, and then we will still have contaminated food, but we will have answered the questions of late. We can't keep running government that way.

I appreciate sincerely Senator DURBIN's efforts. We come from vastly different backgrounds. I don't question his integrity, his desire, or his goodwill to try to solve the problem. As he told me on the phone, I can't be involved in everything, so, therefore, I shouldn't participate in this. That is the implication. I am not saying the Senator said that, but the implication is, you can't be involved so, therefore, you can't know enough to be involved. Well, having run a $70 million-a-year business in the health care field, having managed hundreds upon hundreds upon hundreds of people, and being trained as a physician in practice for 25 years, I know a heck of a lot about food safety. What I do know is if you don't fix the problems in the underlying agencies that are responsible for food safety, it doesn't matter how many bills we bring up.

There is a prohibition in this bill. Section 403, Jurisdiction Authorities:

> Nothing in this act or an amendment made by this act shall be construed to alter the jurisdiction between the Secretary of Agriculture and the Secretary of Health and Human Services under applicable statutes, regulations, or agreements regarding the products eligible for voluntary inspection under this agreement.

We actually are doing something wrong here—not just right. We are telling them they can't shift stuff around to solve the problem. Not only do we not do the vigorous oversight that is required to actually fix the real problems; we put up a roadblock, a silo back up and say, By the way, you can't do any of this together. That is in the bill.

What has happened? The FDA Commissioner says had we put this rule out, this probably wouldn't have happened on the egg recall, salmonella enteritis. It wouldn't have happened. Where is the answer from the FDA? Where is the oversight hearing of the FDA on why it took them 10, almost 11 years to get a rule out on egg safety? That is my core objection.

I want us to solve the problems. I don't have any problem with the issues about foreign inspection. Mandatory recall I don't have a problem with, although we have never had a food supplier in this country that has not recalled when asked to recall. So having a mandatory authority is a false claim because nobody has ever not recalled when they were asked to, because it is in their best interests to recall.

My problems are characterized by this chart, when you think about the egg recall. The USDA knew what was happening on the farms in Iowa but said nothing to the FDA. The FDA didn't look to see, and Congress didn't want to hear about it. So we have a bill before us that does a lot of good things, but it doesn't fix the real problem. That is my basic complaint. We are treating the symptoms of the disease. My colleagues have heard my analogy before, but I am going to make it again. If you come in to see me, as a practicing physician, and you have fever and chills and cough and body aches and are short of breath, and I give you something to take care of your fever and chills; I give you something to suppress your cough; I actually make you feel better, but I don't diagnosis the fact that there is a pneumonia in your lung, you are going to get better for a little while and then you are going to get really sick. Then you come back. I have treated your symptoms the first time, and then I treat your pneumonia and I get you over that. Then I don't follow up after that to see what the real cause of the pneumonia is, which was a little tumor in your lung that caused blockage which caused the pneumonia. If I continue to treat symptoms, all I do is delay the time in which we get to the final fix for your problem. My analogy is I think that is what we are doing. I believe we have not been thorough enough. The intentions are great, but I don't think we have been thorough enough. I understand foodborne illnesses. I have treated a lot of them. I have had a lot of them. When I was in Iraq for 30 days, I had it for most of the time I was there.

The other question this has raised is we can't keep doing this. We can't afford to keep doing this. We have more than enough money at the USDA and the FDA to do everything you want to do in this bill—more than enough. That is one of the things the American people are asking of us. We are going to make this point on a food safety bill, and I am fine with the heat I will take from the groups and the press on it, because I think the underlying principle is more important. It is easy to pass a bill that looks as if it does something. And even if it does something, if it passed on what we are going to spend when we don't address what we are spending wisely, we will never get out of the jam we put our kids in.

To Senator DURBIN's point: Yes, it is an authorization bill. The Senator from Illinois and Senator HARKIN, as well as every member of my caucus and every member of your caucus, get a letter the first of every Congress saying I would absolutely object to any bill that increases authorizations in this Congress that are not offset with a reduction in less important, less priority items. I offered to do that to the majority leader. I offered to give that to him 2½ weeks ago. He hung up the phone on me; wouldn't even say goodbye. I said, I will give you a list. How about the $500 million the U.S. Department of Agriculture pays out to dead farmers in crop payments—to dead farmers who have been dead 6, 7, 8 years, still paying crop payments. We have plenty of money to pay for it. We don't want to do the hard work of getting rid of the things we should.

What America is screaming for now is they want food safety, but they want security for their kids as well. If we continue this bad habit of ignoring the actual idea that there is a limitation on how much we can spend, we will never solve any of the critical problems, whether we have clean food or not.

I do honor my two colleagues who are in the Chamber. They are men of great

intent, honest intent, caring hearts, but I disagree on how we have gone about this. This isn't the first time I have heard the wonderful eloquence of Senator DURBIN. He is great at what he says and how he says it. He is a very bright man. He makes his case well. But there are important things in this country that we are ignoring, and this bill is an example of it.

Why in the world won't we fix the real problem? Why won't we ask—you know, the one thing that should happen—it amazes me. There is not a hearing scheduled on why it took 10 years to have an egg safety standard. We have allowed this. We have allowed it.

The other point I wish to make is, yes, the money has to get appropriated. I agree with that. But we are going to spend this money. Senator DURBIN, we are going to spend it, aren't we?

Mr. DURBIN. Not unless we appropriate it.

Mr. COBURN. Does the Senator have every intent to make sure it is appropriated?

Mr. DURBIN. If we can find the money.

Mr. COBURN. So wait a minute. If we can find the money.

Mr. DURBIN. If we can find the money.

Mr. COBURN. The earlier statements of this will solve the problem, but yet we are not going to find the money. It should be 100 percent that we are going to find the money to do this.

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

Mr. COBURN. I want to continue my point, if you don't mind. You have always been courteous to me and I will be courteous to you, but I wish to continue for a few minutes and then I will give my colleague the chance to respond.

Mr. DURBIN. I would say to the Senator, I was going to ask him a question.

Mr. COBURN. I will allow that in a few minutes.

If this bill is that important, and the majority whip says we will fund it if we can find the money, rather than saying we are going to fund this because this is a priority—and he has the power to make sure that gets done. Don't let anybody kid you. If he wants this bill funded, he can get it funded. So the point is, either it is going to be funded and it is going to get spent and the argument about authorizations is bogus or there is going to be a real question on whether it is going to get funded. If there is a real question about whether it is going to get funded, then the importance of the issue isn't nearly as great as we have explained it to be, which goes back to an argument we have had for the 6 years I have been here.

I understand you don't agree. I am a hardheaded guy from Oklahoma who actually believes we ought to make hard choices, we ought to downsize the government rather than grow it; and when we have an issue such as food safety, what we ought to do is hold accountable the agencies—let me say it again—we ought to hold accountable the agencies, because I am not sure that we don't have enough rules now. What I think we have is not enough effectiveness of the agencies and the dollars they spend. With the exception of foreign inspections, which I fully support—I fully support—anybody who wants to sell food in this country ought to pay for the inspections and we ought to be able to certify that it is safe. I have no problem with that. There are a lot of components of this bill I agree with. But I refuse to agree to a unanimous consent request until we start looking at the real problems underlying not just the FDA and USDA but the Pentagon, Health and Human Services, the Department of Justice. The waste in this government and our refusal to look at that waste and eliminate it so we can do good things is one of the reasons—not the only reason, one of the reasons—we find ourselves $13.4 trillion in debt.

Ideally, how would we go about this? Because one of the complaints is: COBURN, you stop things in their tracks. How would I have done it differently? So I think I owe you an explanation. First of all, the tomatoes were never contaminated. They were thought to be contaminated. It was the jalapenos. So we, our agencies, identified falsely a food that wasn't contaminated. So the agency is responsible for the $350 million cost for the tomatoes. That is a very important point. The incompetency of the agency cost $350 million, which is a very different story than my colleague from Illinois talked about. It was jalapeno peppers.

So how should we go about this? Before we do one other thing on food safety, every one of those agencies ought to know we are looking over their backs all the time. That is the first thing. We should have routine oversight hearings on the appropriate committees three to four times a year. The second thing we ought to do is we ought to say, GAO, we want to know everybody who has anything to do with the quality of food in this country as far as a Federal agency and we want to know their line responsibilities, we want to know their authorities, we want to know X, Y, and Z, and their effectiveness. Because a GAO study at the Department of Agriculture, as well as the FDA, says they are incompetent at most of this stuff. I will be happy to give my colleagues the quotes. They lack the competency to carry out—how else do you explain that the FDA cost the State of Florida $350 million by falsely claiming that tomatoes weren't any good? That is incompetence. There is no excuse for it. There was no hearing held to hold them accountable. It is ignored in this bill.

So how would we go about it? We would find out everybody who has anything to do with food safety. Then we would do what Senator DURBIN wants to do. We would eliminate the duplication. We would make one line authority: This agency is responsible for all the food safety in this country. That is a marvelous goal, Senator DURBIN. This bill delays that happening. He is on to the right thing.

We need to get there, I agree. But when you go to Piggly Wiggly or Homeland, as we have in Oklahoma, and you go to the freezer section and buy a pizza for Friday night when—in Oklahoma, you are going to play dominos after high school football is over. If you buy a cheese pizza, the Department of Agriculture is responsible for that. But if you buy a pepperoni pizza, it is the FDA. I may have them reversed. I do have them reversed. The FDA is responsible for cheese pizzas. How does that make sense?

It is a symptom of the disease in Washington. First of all, it is stupid. Second of all, it is inefficient. Third of all, it guarantees the two agencies are not going to be talking to each other.

The Food and Drug Administration and the USDA have—I think my number is correct; I may be wrong—187 agreements for how they work across the field. Except you know what happened with regard to the egg situation. Nobody paid attention to the agreements. We have the rules. USDA did not tell the FDA. Then, finally, we have an egg producer—the State of Iowa has done tons of stuff to say this guy's quality is poor. Did USDA do anything about it? No. Did the FDA do anything about it? No.

USDA knew there was a problem. It did not need any more inspections. They knew there was a problem. They did not communicate it to the FDA as per their protocol.

What do we have going on here? We have a mess. As well-intentioned as this bill is and as hard as the Senators have worked on it on both sides of the aisle, it does not fix the cancer in the lung that caused the pneumonia that caused the fever, cough, chills, and malaise of the patient. Until we start drilling down to get to the real problems, the real issues of food safety, we are going to spend a lot of money. We are going to create a whole lot more regulations. We are going to have another 200-plus page bill.

What we ought to say is, time out. Let's do some things. Let's have a one-page bill that can pass by UC today that says we are going to do safety inspections on foreign foods. Done. We can do it. That takes care of our foreign food.

A good portion of our seafood is imported. It is farm raised. It is important. We can do that tomorrow. We can have sanctions and penalties and criminal penalties for Federal bureaucrats who do not follow the rules of their own agencies.

Everything was in place on the egg situation. We did not execute. We did not carry the ball down the field. Here is what we know about the DeCoster Egg Farms. They are a habitual violator. They have had eight known run-

ins or citations from State and Federal regulators. They were designated by the State of Iowa as a ''habitual violator.'' Robert Reich called the state of the farms simply atrocious.

USDA inspections—I have a copy of the inspections—routinely noted unsafe and unsanitary conditions without communicating any of those concerns to the FDA.

What we had was a failure to execute. It was seen. It was known. What we had in place did not work. But this bill does not fix that. It does not fix that.

I have treated a lot of people with toxic e. coli in my life. That is what causes kidney failure. Salmonella hardly ever does that. It is not a fun disease to have. There is nothing in this bill that says we are going to prioritize pathogens. You see, e. coli, compared to all the rest of the pathogens, is much more important in terms of hospitalization, death, morbidity, and mortality. So any food safety bill ought to work on the most ravaging problem first, not treat them all the same. Yersinia pestis, shigella, and salmonella cause enteritis, that is true. Rarely will you have long-term effects from those. But from toxic e. coli, it is a whole different actor.

We ought to prioritize what we do in food safety through the food safety problems that cause the major problems. We do not do that.

I know I have disappointed my colleague from Illinois. I know he has worked hard on this bill. We have some very stark philosophical differences about how to make the government work better. I hope through the next few years to convince him more often than not to go in a different direction.

I know Senator HARKIN's heart is one of the softest and best in our body. If somebody has a problem, I don't care what it is, he is interested in it. For disappointing my colleague, I sincerely apologize. For standing on my principles and what I believe, I do not. I do not see a great future for our country if we do not start changing the way we do things, whether it is drilling down and looking at what the real problems are with the agencies and doing the appropriate oversight and taking priorities and getting rid of things that do not work and making things that do work work better.

I worry about my grandkids, and I worry about all of our grandkids. With them at $43,702 today per man, woman, and child in this country, we cannot do it anymore. I am not going to do it anymore. I will be as compliant as I can be living within my principles, but I am just not going there. For that, I apologize. I apologize for disappointing my colleagues, but I sincerely regret we could not have solved some of these problems along the way.

I yield the floor and yield to the Senator for a question, if he wishes.

The PRESIDING OFFICER (Mrs. HAGAN). The Senator from Illinois.

Mr. DURBIN. Madam President, I am going to yield to the Senator from Iowa in just a moment.

I would like to offer to the Senator from Oklahoma a compromise and tell him I have spent much of the time he was speaking reading S. 3832, a one-page bill, which calls for a plan within 60 days from USDA and FDA and within 1 year a joint report from Congress, a GAO report. I am going to join him on this issue.

What I would like to suggest is the following: Because I am as committed as he is to food safety, I would like to amend my request and make this a Coburn-Durbin amendment which will be offered, which I guarantee I will work night and day to get passed, so we address the overall issue. In the meantime, while we are spending 6 months or a year moving toward this goal, let's at least make the current system as safe as we can. Let's do everything we can to protect the people of this Nation.

The Senator does not have to apologize to me. I will be here tomorrow. But this poor man in ICU in Oklahoma may not be, and other people like him.

What I suggest to him is, I will join in a compromise. I will add an amendment to the bill and cosponsor his language in S. 3832 and ask my colleagues on this side of the aisle—all of them—to join us in voting for them if the Senator from Oklahoma will remove his objection so we can go forward on this important historic debate.

Mr. COBURN. Madam President, I appreciate the Senator's offer, but I cannot do that. I also want him to know that this bill is not going to solve the problem of that gentleman from Owasso, OK. This bill is not going to solve that situation because we are not fixing the real problem.

Mr. DURBIN. Madam President, I must reclaim my time and say to the Senator from Oklahoma, he cannot tell me how badly he feels for these victims and then stop the bill with which we are trying to protect them.

The Senator cannot tell me he wants reform and then reject it. The bottom line is the description he has given is about the USDA, and this bill is not about that agency. It is about the FDA.

I say to the Senator from Oklahoma, I agree with him. I want to help him. But if he will not allow us to bring to the floor a bill on which we worked for a year and a half, if he will not offer an amendment along the lines suggested, then all he is doing is saying no.

If he is saying we cannot afford safe food in America, I disagree. I think we can afford it, and I am willing to cut other spending to pay for it. That is the only way it can get through the appropriations process.

But to just say no after all the work that has gone into it because he does not happen to like it—if the Senator from Oklahoma does not like it, offer his amendment. If it is a good idea, the Senate will accept it. If he does not have an amendment, then he is like me on Monday night watching football when the Bears play the Packers deciding what Jay Cutler should be doing as quarterback. It is pretty easy from that armchair.

I want the Senator from Oklahoma to come down to the field and offer his amendment, be part of the conversation. Don't just stand there and say no. As he says no, people will suffer and some will die. I think that is fundamentally unfair.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Madam President, again, if I truly felt this bill was going to solve those problems, I would be out here supporting it. I do not think so. We have an inherent disagreement.

The Senator from Illinois can file a cloture motion any time he wants to proceed to this bill. He can file it today, and we can have a cloture vote next week—we are not going to be doing anything next week anyway—and we can go to the bill. File the cloture motion, if that is how he feels about the bill and he thinks I am dead wrong. File the cloture motion, get the votes, and do it.

What we are hearing is we want it to pass in a short period of time so there cannot be the real debate there needs to be on the problems in this country on food safety. That is what we just heard.

We have been talking about this issue. We could have been here tomorrow debating this bill. The fact is, they did not file a cloture motion. They filed cloture motions 179 other times this Congress, more than any other Congress in the history, and the vast majority of them less than 24 hours after the bill was introduced.

If the Senator really wants to have the debate, put the bill on the floor, file cloture, and have the debate. I will debate this for 30 hours.

Washington is great about saying they are fixing things. They are great about passing bills. They are not great about fixing things because they fix the symptoms, not the real disease. That is the problem with this bill. It does not drill down and fix the real disease.

My hope is that we can fix the real disease and that we will have the legitimate, tough hearings on why and how and what is needed to be changed in the agencies, not more regulations, not more money, but holding the agencies accountable, which we have not done. That is how Washington works. If there is a problem, we do not look at what we are doing already, we just create an answer for what we think needs to be done rather than holding people accountable. That is why we have a $3.9 trillion budget. That is why our kids are bankrupt or getting ready to be because we continue to make the same mistakes.

I do not apologize for my principles on this issue. If, in fact, we will ever get to where we fix the real problems in the Congress, my colleague will find me as docile and compliant as any other Member of the body. But do not

tell me to treat pneumonia with an aspirin because that is exactly what we are doing with this bill.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Madam President, first of all, to my friend from Oklahoma before he leaves the floor, I thank him for his kind words. I appreciate that very much. He is a very valuable member of our committee. We have done work together in the past.

I say to my friend from Oklahoma, I agree with a lot of what he said. This bill is not going to solve all our problems. It may not solve a majority of our problems. It will solve some of them.

The Senator is right. We read about these crazy pizza things—Agriculture has one, FDA has the others. It is a crazy quilt work of things.

I say to my friend from Oklahoma, I am about as frustrated as you are. I have been chairman of Ag and I am chairman of HELP. When I am on Ag and they want to get some stuff to have jurisdiction over, then the people at Health and Human Services step in and they say no. Now I am on HELP and we want to get more jurisdiction for FDA and Ag says no. It drives you nuts sometimes. So you have these interlocks that have been built up over the years, and, yes, we have a crazy patchwork quilt.

I would say forthrightly that what we need in this country, I believe, after having been through this for 35 years on the Ag Committee in both the House and Senate and now in the HELP Committee for 22 or 23 years there, we need a single food safety agency in America that would pull from Ag and pull from FDA and set up a food safety agency.

I would say to my friend that agriculture has a lot of things on their plate. They have exports, they have farms, they have a lot of stuff on agriculture. FDA, they have drugs and all the stuff with drugs that they have to do—new drugs and investigational new drugs and all this other stuff and then they have some foodstuff. Foodstuff always gets kind of left behind. I see the same thing in agriculture. They have so many other things on their plate that takes so much money, the foodstuff gets kind of left behind.

So I think what we ought to do, if you want to drill down, is to get rid of all that and put it in one food safety agency. I have proffered this in the past, but I don't find much support for that. The institutional biases against that are tremendous. So I say to my friend: You are right. This bill will not solve all our problems, but I think it is a good step. I think it is a good step forward. It has strong bipartisan support. It has the support of industry and consumers, and that doesn't happen too often around here.

There is that old saying: Don't let the perfect be the enemy of the good. I hear my friend from Oklahoma, and what he is saying is we ought to have a more perfect system than what we have. I agree. We ought to have a more perfect system, but I can't get that done. We can't get that done here. But we can do some good things and we can take some steps to make it better than what it is and that is what this bill does.

Mr. COBURN. Madam President, if the Senator will yield, I would just say that I think we ought to fix the real problems. By fixing the symptoms, we delay the time in which we fix the real problems, and I think that is what we are doing.

I thank the Senator.

Mr. HARKIN. Well, I agree we are not getting to the nub of it, but it is a good step forward. I mean, sometimes you do have to treat the symptoms before you can get to the underlying cause. I am not a doctor. I don't want to practice medicine without a license.

I would just say again—to repeat—this bill is a major step forward. It will not solve all the problems. I can understand that, and I think there is a lot of other things we need to do, but you have to do what is possible around here. Politics is the art of the possible—to try to move the ball forward, to make changes that are more beneficial than detrimental, and I believe that is what this bill does.

We have worked long and hard. I see my colleague, Senator ENZI, is on the floor. I couldn't ask for a better friend and a better ranking member to work with. We reported this bill out last November without one dissenting vote—a voice vote.

I am sorry the Senator from Oklahoma had to leave, but I would just say that he did not object. He is on our committee, and he did not object to reporting out the bill. We had hearings, a markup, and we went through all the right and normal procedures. Then, since last November, our staffs—Senator ENZI's staff, my staff, and others, Senator GREGG's staff, I know, Senator BURR's staff—have been involved, and we have too personally—the Senators have been involved in this since at least the first of the year—working out the problems and trying to get down to a bill that would have widespread support on the floor.

Again, on something such as this, where we want to tackle a problem that is certainly not in any way partisan, you would like to get broad support for it. We kind of like to get something that would have a lot of folks, rather than a few, in order to send a strong signal that the Congress wants to make changes in the way we inspect food in this country.

I would say this bill we have—if this bill were to come to the floor—would get over 90 votes. I bet it would get over 90 votes. Maybe it would get 95, maybe 98, I don't know, but there would certainly be over 90 votes. So we have strong bipartisan support. As I said, we have the industry that supports it and the consumers. That doesn't happen a lot around here.

I can understand why both sides support it. Senator ENZI, Senator GREGG, Senator BURR, myself, Senator DURBIN's staff, Senator DODD, and others on our side have been working together, and I think we have a good bill. Is it perfect? No, it is not perfect. Is it going to solve every single problem the Senator from Oklahoma brought up? No, it is not. I am not Pollyannaish about this. But we do what is the art of the possible. We do what we can to make the system work better, to make sure we have less foodborne illnesses than what we have today. This bill will do that, not 100 percent, but it will sure cut down on the number of foodborne illnesses in this country.

This is long overdue. It is long overdue. My goodness, the last time we addressed this issue on food inspection, under the jurisdiction of the FDA, was 1938. If I am not mistaken, it was in 1938. I wasn't born until 1939, and we haven't even visited this since 1938. Think of the changes that have taken place in our country in the way we process and ship food. My gosh, when these were passed in 1938, my own family had our own garden, we canned our own vegetables, we canned our own meat. Yes, we canned meat, in glass jars, by the way.

We process food differently now. We didn't buy food from other countries or halfway across the country. We ate locally. We grew our own food. But times have changed, and we like it now. I like the fact that I can buy strawberries in the middle of the winter in Washington or I can buy a mango sometimes when I want one or bananas and things such as that. It is a wonderful system of making food available. What is not so wonderful is how that food is inspected as it goes through the growing, the picking, the processing, the shipping, the packaging, and then on to the consumer. That is what is not working well, and that is what this bill does address.

Again, the objection the Senator had in terms of it not being paid for, this is an authorization bill, not a spending bill. I wish to clear up a few things. I know my friend from Wyoming is here, and I want to hurry up to give him the floor, but just a couple of things I wish to cover for the record.

No. 1, on the deficit, there has been some talk about this increasing the deficit. I wish to make this very clear, precisely clear, that according to the CBO there will be no deficit increase for 10 years on this bill. I wish to make that point. In fact, we added language, at Senator COBURN's request, to have Health and Human Services review its own programs to trim any fat to help ensure fiscal responsibility and we have a reporting system and other things the Senator from Oklahoma wanted and we put in the bill.

The next-to-the-last thing I wish to say is this. The food industry wants this bill. Why do they want it? Well, on the one hand, people get sick and people die. On the other hand, the food industry suffers too. First of all, a lot of

times they get sued and they have to pay out big compensations. But, secondly, the disruption costs them a lot of money. When salmonella led to the recall of tomatoes, the entire Florida industry suffered, losing over $500 million in revenue—$500 million. When we had E. coli in spinach, growers lost $350 million. So they have an interest also in making sure we have a good food inspection system, and that is why they are for this bill.

I have letters from the Grocery Manufacturers Association, the U.S. Chamber of Commerce, National Restaurant Association, Consumers Union, PEW Charitable Trust, the Center for Science in the Public Interest, Trust for America's Health.

It is a rare thing when I can say that both the Chamber of Commerce and the Center for Science in the Public Interest are on the same page. You have pretty broad support. So it is a shame we can't move this bill forward. It is needed.

I wish to also pay my respects to Senator DURBIN. He has been working on this issue, literally, I know for the last 10 years. He has been bugging me about it for 10 years, and I didn't even have the power to do anything about it. So I know he has been insistent we work on this for a long time. Our committee has taken it up under Senator ENZI's leadership, then later under Senator Kennedy, and now it falls to me, as chairman, to work together on it in a very good bipartisan way.

Madam President, on November 18, 2009, the Senate Committee on Health, Education, Labor, and Pensions reported out S. 510, the FDA Food Safety Modernization Act, without a single dissenting vote. Since that time, the bipartisan group of cosponsors—Senators DURBIN, DODD, and I on the Democratic side, and Senators ENZI, GREGG, and BURR on the Republican side—have continued to work with Senators on both sides of the aisle to refine and improve this much needed legislation.

Legislation to reform our Nation's outdated food safety system is long overdue. And that is why I am so deeply disappointed that after all of this work, the Senator from Oklahoma has decided he will not allow us to move the bill forward.

I understand that Senator COBURN's primary objection to the legislation is that it is not paid for. I think that objection is misguided, for reasons that I will explain. But I would also like to emphasize that the unanimous consent agreement proposed yesterday by the majority leader, and objected to by Senator COBURN, would have allowed the Senator to have an up or down vote on an amendment to offset the cost of the bill, notwithstanding the fact that the bill contains no mandatory spending.

I know Senator COBURN states that this bill will contribute to the federal deficit. However, I have to respectfully disagree. In fact, as this chart clearly shows, the nonpartisan Congressional Budget Office has indicated that this legislation does not contribute to the Federal deficit.

Our bill has no mandatory spending—only authorized spending. This legislation, like countless others that have passed this year, will be subject to the annual budget and appropriations process.

Furthermore, during the negotiations on the bill, we added language at Senator COBURN's REQUEST to have HHS review its own programs to trim any fat to help ensure fiscal responsibility. The Secretary is required to annually report her findings to Congress on these programs' effectiveness in achieving their goals.

Conservative Republicans like Senators GREGG, ENZI, and BURR all support this bill. I am again disappointed that Senator COBURN won't even let us consider it on the Senate floor, even though we have agreed to give him an opportunity to offer his amendment to the bill.

While I am here on the floor today, I would like to address some other misstatements that I have heard about this legislation as we have worked over these past weeks and months to bring it to the floor. First, there are claims that this bipartisan legislation is harmful and burdensome to the food industry. I find that very hard to believe. This legislation has widespread support amongst industry and consumer groups. The reality is that every time there is an outbreak of foodborne illness, the food industry suffers, as consumers lose confidence in the safety of our food supply.

When salmonella contamination led to the recall of tomatoes, the entire Florida tomato industry suffered, losing over $500 million in revenue.

And during the 2006 spinach e. coli contamination that originated at a single farm, the spinach industry lost $350 million.

The good actors in the food industry already take steps to prevent food borne illness, but the entire industry suffers when FDA does not have sufficient authority to ensure that all processors will sell safe food.

I have received letters from the Grocery Manufacturing Association, U.S. Chamber of Commerce, National Restaurant Association, The PEW Charitable Trust, Consumers Union, Center for Science in the Public Interest, and Trust for America's Health, to name a few. It is a rarity when I can say that both the Chamber of Commerce and CSPI are on the same page. Here are several letters of support by both groups and a joint letter that both industry and consumer groups have signed. Let me read an excerpt from the joint letter:

> Our organizations—representing the food industry, consumers, and the public-health community—urge you to bring S. 510 to the floor, and we will continue to work with Congress for the enactment of food safety legislation that better protects consumers, restores their confidence in the safety of the food they eat, and addresses the challenges posed by our global food supply.
>
> Sincerely,
>
> American Beverage Association, American Frozen Food Institute, American Public Health Association, Center for Foodborne Illness Research & National Restaurant Association, The PEW Charitable Trusts, Trust for America's Health, Snack Food Association, S.T.O.P. Safe Tables Our Priority, U.S. Chamber of Commerce, U.S. Public Interest Research Group.
>
> National Association of Manufacturers, National Coffee Association of the USA, National Confectioners Association, National Consumer League Education, Center for Science in the Public Interest, Consumer Federation of America, Consumers Union, Food Marketing Institute, Grocery Manufacturers Association, International Bottled Water Association, International Dairy Foods Association.

Madam President, Senators often talk about the importance of addressing so-called ''kitchen table'' issues''—the practical, everyday concerns of working Americans. Well, food safety is literally a ''kitchen table'' issue. And it couldn't be more urgent or overdue. It is shocking to think that the last comprehensive overhaul of America's food safety system was in 1938—more than seven decades ago.

On the whole, Americans enjoy safe and wholesome food. The problem is that ''on the whole'' is just not good enough.

As you can see from this chart, recent food-borne outbreaks in America have been wide in scope and have had a devastating impact on public health.

When kids die from eating peanut-butter sandwiches their mothers pack for lunch, we have a problem. When people get sick—and many die—from eating bagged spinach and lettuce, we have a problem. When cookie dough sold in supermarkets contains deadly E. coli, we have a problem. When 1,000 Americans get sick from eggs that have been recalled for possible salmonella contamination, it is undeniable that we have a problem.

As you can see from this chart, the Centers for Disease Control and Prevention estimate that foodborne illnesses cause approximately 76 million illnesses a year, including 325,000 hospitalizations and 5,000 deaths.

According to Georgetown University, these foodborne illnesses costs the United States $152 billion per year in medical expenses, lost productivity, and disability.

Those numbers are just staggering. This is like learning that, each year, nearly 200,000 people in the United States die because of medical errors and hospital-acquired infections—most of them totally preventable.

As this chart shows, the cost of foodborne illnesses in my home State of Iowa alone is nearly $1.5 billion per year.

These aren't just numbers, these are real people. Real people like Kayla from Monroe, IA. On October 22, 2007, Kayla turned 14 and passed her driver's

test. The next day she stayed home with a foodborne illness and was admitted to Pella Community Hospital when her symptoms worsened. She did not respond to antibiotics and within a week her kidneys began to fail. Kayla was transferred to Blank Children's Hospital for dialysis, but her condition continued to deteriorate. She suffered a seizure and began to have heart problems. Just a few days later Kayla's brain activity stopped and her parents made the painful decision to take their beautiful 14-year-old daughter off life support.

These things are totally intolerable. And yet, apparently, we tolerate them.

Well, no more. We can no longer tolerate the unnecessary pain, suffering, and death caused by America's antiquated, inadequate food safety system.

Let's put it plainly: Our current regulatory system is broken. It does not adequately protect Americans from serious, widespread foodborne illnesses.

Bear in mind that, at the beginning of the 20th century, Americans ate a much simpler fare—and, most of the time, they prepared meals from basic ingredients in their own homes, with their own hands.

Today, our meals have grown more complex, with much more varied ingredients and diverse methods of preparation. By the time raw agricultural products find their way to our dinner plates, multiple intermediate steps and processes have taken place. Food ingredients typically travel thousands of miles from farms to factories to fork and they are intermingled and mixed together along the way.

We love today's broader selection of fresh foods available year-round. But this brings with it major new food safety challenges. For instance, we rely more on foods imported from countries with less rigorous inspection rates and different production standards and conditions than our own.

Yet despite dramatic changes in our tastes, as well as in methods of production and distribution, our food safety laws have not changed. The U.S. regulatory system has failed to incorporate the latest scientific research on ways to make and keep food safe. Another shortcoming: Food safety agencies are still encumbered by methods that often allocate disproportionate resources to activities that do little to make our food safer. FDA's own subcommittee on Science and Technology concluded in 2007 that FDA does not currently have the capacity to ensure the safety of our food.

OK, so what do we need to do?

For starters, we need improved processes to prevent the contamination of foods and improved methods to provide safe food to consumers. To achieve this, more testing and better methods of tracking food can be utilized to verify that the processes are working.

Thirty years ago, the Nation had 70,000 food processors and the FDA inspectors made only 35,000 visits a year to cover these processors. Even that level of oversight was inadequate. But today, a full decade into the 21st century, we have 150,000 food processors, twice as many plants, and the problem has grown far worse. Today FDA inspectors make just 6,700 visits each year; only one-fifth as many visits as they made three decades ago. This is absurdly inadequate. It is a wide-open door to an endless series of outbreaks of foodborne illness.

As this chart shows, the FDA Food Safety Modernization Act overhauls our food safety system in four critical ways:

It improves prevention of food safety problems, improves detection of response to foodborne illness outbreaks when they do occur, enhances our Nation's food defense capabilities, and increases FDA resources.

With the most recent recall for possible Salmonella contamination in at least 550 million eggs, we have yet another example of how this food safety bill, had it been in place, could have improved the FDA's ability to prevent and respond to the outbreak. This bill includes the following provisions that would have been beneficial to respond to this contamination and prevent future contamination:

It requires stronger trace back provisions so the contamination source and affected egg products could have been more readily and quickly identified.

It provides the FDA with mandatory recall authority in the event that businesses do not voluntarily recall products.

It requires retailers to notify consumers if they have sold food that has been recalled so consumers may have been aware of the contamination sooner.

It provides stronger disease surveillance so the outbreak may have been discovered earlier. It includes stronger enforcement provisions that would generally deter producers from cutting corners on food safety so the contamination may have been prevented or detected sooner.

It gives the FDA increased access to company records to identify contaminated foods so the likelihood of contamination may have been minimized.

The bill before the Senate today will also dramatically increase FDA inspections at all food facilities. And it does much more. It will give FDA the following new authorities:

It requires all food facilities to have in place preventive plans to address identified hazards and to prevent adulteration; and it gives FDA access to those plans.

It expands FDA's access to records in a food emergency.

It requires importers to verify the safety of imported food.

It strengthens surveillance systems to detect foodborne illnesses.

It requires the Secretary of the Department of Health and Human Services to establish a pilot project to test and evaluate new methods for rapidly tracking foods in the event of a foodborne illness outbreak.

And, as I previously mentioned, this bill gives FDA the authority to order a mandatory recall of food.

I want to say a word about the impact of this legislation on farms and small processors. I have long said that our new regulations should be effective, but not excessively burdensome. I am proud to say that this legislation comprehensively modernizes our food safety system, but does so without injury to farms and small processors. There are requirements throughout this bill to assure that the compliance burdens on farms and small processors are minimized to the extent practicable, and the legislation directs FDA to exempt both small processors and farms from certain provisions of this bill if they are engaged in low-risk activities.

As this chart shows, this bill makes several accommodations to address the concerns of small businesses. We have included language to ensure that state and federal personnel help educate small businesses about the new regulations and help folks comply with these regulations. This approach is tied to risk, grounded in common sense, and set up to help everyone succeed. I am confident we have addressed the legitimate concerns we have heard from small business owners

This food safety bill has been bipartisan from the beginning. It is an important, measured, and necessary effort to modernize our food safety system and protect American consumers across the country from foodborne illness.

I hope we can find a path forward and move this critical legislation as soon as possible.

I have some letters here, Madam President, and I also ask unanimous consent to have these printed in the RECORD at the end of my comments in support of this bill.

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

(See exhibit 1.)

Mr. HARKIN. It is a shame we can't move this forward. Like I said, it would get over 90 votes. I think we could dispose of a couple amendments fairly rapidly. I don't think it would take much time at all to move this legislation. So I am hopeful that even though we can't take it up now, maybe we can work with the Senator from Oklahoma, perhaps work something out to get some kind of agreement to get this moving forward.

As I yield the floor, Madam President, I will recognize and thank my colleague from Wyoming, Senator ENZI, who has also worked diligently for a long time, and his staff. I will tell him we will continue to work on this bill. We will continue to try to see what we can do to overcome some of these bumps in the road and try to get this bill through.

So I thank my friend from Wyoming for his great leadership and his working relationship specifically on this bill but on a lot of other things too.

EXHIBIT 1

SEPTEMBER 15, 2010.

Senator HARRY REID,
Office of the Senate Majority Leader, Capitol Building, Washington, DC.
Senator MITCH MCCONNELL,
Office of the Senate Minority Leader, Capitol Building, Washington, DC.

DEAR MAJORITY LEADER REID AND MINORITY LEADER MCCONNELL: Our organizations are writing to urge you to schedule a vote on S. 510, the FDA Food Safety Modernization Act of 2009, at the soonest possible date. The HELP Committee approved a strong, bipartisan bill in November, and we believe that a vote would keep the momentum going for enactment of landmark food-safety legislation.

Strong food-safety legislation will reduce the risk of contamination and thereby better protect public health and safety, raise the bar for the food industry, and deter bad actors. S. 510 will provide the U.S. Food and Drug Administration (FDA) with the resources and authorities the agency needs to help make prevention the focus of our food safety strategies. Among other things, this legislation requires food companies to develop a food safety plan; it improves the safety of imported food and food ingredients; and it adopts a risk-based approach to inspection.

Our organizations—representing the food industry, consumers, and the public-health community—urge you to bring S. 510 to the floor, and we will continue to work with Congress for the enactment of food safety legislation that better protects consumers, restores their confidence in the safety of the food they eat, and addresses the challenges posed by our global food supply.

Sincerely,

American Beverage Association, American Frozen Food Institute, Center for Foodborne Illness Research & Education, Center for Science in the Public Interest, Consumer Federation of America, Consumers Union, Food Marketing Institute, Grocery Manufacturers Association, International Bottled Water Association, International Dairy Foods Association, National Association of Manufacturers, National Coffee Association of U.S.A., Inc., National Confectioners Association, National Consumers League, National Restaurant Association, The PEW Charitable Trusts, Trust for America's Health, Snack Food Association, S.T.O.P Safe Tables Our Priority, U.S. Chamber of Commerce, U.S. Public Interest Research Group.

CENTER FOR SCIENCE IN THE PUBLIC INTEREST,
Washington, DC, September 8, 2010.

Hon. RICHARD DURBIN,
U.S. Senator, U.S. Senate, Washington, DC.
Hon. JUDD GREGG,
U.S. Senator, U.S. Senate, Washington, DC.

DEAR SENATORS DURBIN AND GREGG: The Center for Science in the Public Interest (CSPI) supports the bipartisan agreement on a manager's amendment to S. 510, the FDA Food Safety Modernization Act, and urges the Senate to pass S. 510 (as amended) at the earliest possible date. CSPI is a nonprofit health advocacy and education organization focused on nutrition, food safety, and alcohol issues, and supported by the 900,000 member/subscribers to its Nutrition Action HealthLetter.

The FDA Food Safety Modernization Act is a critically needed update to our 70-year-old food safety laws. Today, millions of consumers suffer preventable food-borne illnesses, hospitalizing hundreds of thousands and causing thousands of pre-mature deaths. Our member/subscribers, seeing recurring news of outbreaks and recalls, identify the need for Congress to fix our food safety system as a top priority. Your legislation would do this by providing the Food and Drug Administration (FDA) with a mandate to prevent foodborne illness, requiring companies to implement food safety plans, setting standards for high-risk foods, establishing more frequent inspections, giving FDA authority to recall dangerous foods, and ensuring imported food meets the same standards as food produced here. These changes provide FDA with the modern tools it needs to assure consumers that food they buy is safe to eat.

We appreciate the hard work by the bipartisan cosponsors of the FDA Food Safety Modernization Act to reach agreement on legislation that will protect the public from foodborne disease. We urge the Senate to complete work on this important legislation.

Sincerely,

DAVID W. PLUNKETT,
Senior Staff Attorney.
CAROLINE SMITH DEWAAL,
Food Safety Director.

FOOD MARKETING INSTITUTE,
Arlington, VA, September 13, 2010.

Hon. RICHARD DURBIN,
Hart Senate Office Bldg, Washington, DC.
Hon. JUDD GREGG
Russell Senate Office Bldg, Washington, DC.

DEAR SENATOR DURBIN AND SENATOR GREGG: On behalf of the Food Marketing Institute (FMI) and its 1,500 food retail and wholesale member companies, I would like to express our strong support for S. 510, the FDA Food Safety Modernization Act.

FMI members operate approximately 26,000 retail food stores with combined annual sales of roughly $680 billion, representing three quarters of all retail food store sales in the United States. The most important goal for these companies is ensuring that the products they sell are safe, affordable and of the highest quality as possible. As the purchasing agent for the consumer and the final link in the supply chain, the supermarket industry continually seeks ways to work with our suppliers and government to enhance the safety of the food supply.

We applaud your leadership and the sponsors of this legislation for working in a bipartisan manner to develop a bill that will help assist us in this endeavor by ensuring that FDA has the necessary authority, resources and commitment to its food protection responsibilities.

We are particularly pleased with the legislation's aggressive focus on prevention. Preventing food safety problems from occurring by mitigating risk will have the greatest impact on improving food safety. In addition we support:

The requirement to have food safety plans in place;

The granting of mandatory recall authority to the FDA;

FDA working with industry to develop enhanced traceability systems;

The recognition of accredited third-party programs to help supplement FDA efforts; and

The flexibility provided to help prevent one-size-fits-all solutions to improving food safety.

Each of these provisions are important building blocks in creating a more effective and efficient food safety system. FMI values the public-private relationship that we share with the government to protect the nation's food supply and look forward to continuing to work with you and your colleagues to enact meaningful food safety legislation.

Regards,

JENNIFER HATCHER,
Senior Vice President, Government Relations.

FOOD & WATER WATCH,
Washington, DC, September 13, 2010.

Hon. RICHARD DURBIN,
U.S. Senate, Washington, DC.
Hon. JUDD GREGG,
U.S. Senate, Washington, DC.

DEAR SENATORS DURBIN AND GREGG: On behalf of the non-profit consumer organization Food & Water Watch, I am writing to urge the U.S. Senate to pass S. 510, The FDA Food Safety Modernization Act, as soon as it reconvenes this week so that it can be conferenced and reconciled with its House companion bill, H.R. 2749, The FDA Food Safety Enhancement Act.

The bill that you have authored contains many strong features that will strengthen the Food and Drug Administration's (FDA) ability to regulate food safety for the products it regulates:

It will require food processors to establish food safety plans that will include preventive control measures to mitigate the possibility of adulterated food from entering the food supply;

The bill will improve FDA's ability to police the safety of the ever-growing volume of food imports;

S. 510 gives the FDA the authority to establish performance standards on the food industry to achieve pathogen reduction targets;

The bill gives FDA the authority to recall adulterated food items when a company refuses to do so voluntarily.

We are concerned, however, with the inspection frequency that is included in the Managers Amendment that will be offered as a substitute to the version of S. 510 that was reported out of the Senate Health, Education, Labor and Pensions Committee last fall. While the language in the Managers Amendment may in fact reduce the time between FDA inspections of food facilities, we still believe that an inspection frequency of once every five years for high-risk food plants and every seven years for low-risk plants is woefully inadequate. We remain unconvinced that had all of the other provisions in S. 510 had been in place at the time of the massive Wright County Egg and Hillandale Egg Companies recalls that we would have not had a similar food borne illness outbreaks occur because these two firms would not have been receiving FDA inspections frequently enough to ensure that they were complying with the law. Only with adequate enforcement of food safety laws and regulations will we see compliance with those standards by industry.

We are also sympathetic to the calls from small processors and small farmers who are fearful, that some of the provisions of S. 510 will cause undue burdens on them. We applaud the inclusion in the Managers Amendment of a technical assistance program for small processors and farmers and direction to FDA to take into account the impact on small business when the agency drafts its food safety regulations. We also believe that there are merits to the provisions in the amendment that has been crafted by Senator Jon Tester that those small processors and farmers who sell most of their products directly to consumers, restaurants, and other local businesses should not be subject to all provisions of the bill in light of the fact that the supply chain is very short. It is our understanding that additional consumer protections have been added to Senator Tester's

amendment, so we strongly urge your support for its inclusion in the final bill passed by the Senate,

We commend your efforts to bring this bill to the Senate floor, This bill has enjoyed bipartisan support from its inception and it is a credit to those who have taken a leadership role in this legislation's development.

Should there be questions regarding this letter, please feel free to contact me,

Sincerely,

WENONAH HAUTER,
Executive Director.

TRUST FOR AMERICA'S HEALTH,
September 8, 2010.

Senator RICHARD DURBIN,
U.S. Senate,
Washington, DC.
Senator JUDD GREGG,
U.S. Senate,
Washington, DC.

DEAR SENATORS DURBIN AND GREGG: Trust for America's Health (TFAH), a nonprofit, nonpartisan public health advocacy organization, would like to express our strong support for immediate Senate passage of the FDA Food Safety Modernization Act (S. 510). Although every American depends on the safety of the food they serve to their families, the Food and Drug Administration (FDA) lacks the tools to ensure that safety. S. 510 would finally help bring the FDA into the 21st century.

Approximately 76 million Americans—one in four—are sickened by foodborne disease each year. Of these, an estimated 325,000 are hospitalized and 5,000 die. A recent study by Ohio State University found that foodborne illnesses cost the U.S. economy an estimated $152 billion annually. With multiple severe food outbreaks in recent years, it is urgent that the Senate take this step to keep Americans safe.

The FDA Food Safety Modernization Act would place more emphasis on prevention of foodborne illness and give the FDA new authorities to address food safety problems. Under this legislation, food processors would be required to identify potential hazards in their production processes and implement preventive programs to eliminate those hazards. Additionally, the bill would require FDA to inspect all food facilities more frequently and give FDA mandatory recall authority of contaminated food. S. 510 is a bipartisan bill, with widespread support from industry, consumer groups, and public health organizations. The bill passed the Senate HELP Committee with a unanimous voice vote, and food safety legislation passed the House last year with overwhelming bipartisan support.

We thank you for your strong leadership on this legislation. If you have any questions, please do not hesitate to contact TFAH's Government Relations Manager, Dara Alpert Lieberman.

Sincerely,

JEFFREY LEVI, Ph.D,
Executive Director.

DEPARTMENT OF HEALTH
AND HUMAN SERVICES,
September 10, 2010.

DEAR MEMBER OF CONGRESS, The events of the past two weeks have illustrated a pattern that is all too familiar. Local health officials around the country begin to see an uptick in illnesses from a particular source. As they notify the Centers for Disease Control and Prevention, epidemiologists begin to see a pattern in the illness and outbreak reports, identify a food as the likely cause, and notify the Food and Drug Administration (FDA). FDA, state health and local officials then deploy investigators across the country, furiously searching for the source of the illness, knowing that every day more people are getting sick, some seriously. In the meantime, the public must be warned to avoid the food of concern, creating anxiety for consumers and economic losses for farmers, food processors and retailers.

This time we're seeing this pattern play out with Salmonella Enteriditis in eggs, with illnesses in 22 states and more than half a billion eggs being recalled. But in recent years it has been spinach, salsa, peanut butter, bean sprouts, cookie dough, green onions—the list goes on and on, covering many of our most common foods. Many people are left wondering: heading into the second decade of the 21st century, why can't we prevent and react more effectively to the threat from foodborne illness?

Sadly, the answer is simple. As President Obama said during last year's peanut butter outbreak, caused by a different form of Salmonella, we have a food safety regulatory system designed early in the 20th century, one that must be overhauled, modernized and strengthened for today.

Under the current system, FDA is often forced to chase food contaminations after they have occurred, rather than protecting the public from them in the first place. Difficulties in tracking the movement of food from its origin to its eventual sale to the public (often far across the country) can frustrate efforts to identify contaminated food. The biggest surprise to most people: FDA cannot order a recall of contaminated food once it is found in the marketplace. Although government has a crucial role in ensuring the safety of our food supply, strong regulation has been missing. An overhaul of our antiquated food safety system is long overdue.

Proposed food safety legislation would give FDA better ways to more quickly trace back contaminated products to the source, the ability to check firms' safety records before problems occur, clear authority to require firms to identify and resolve food safety hazards, and resources to find additional inspections and other oversight activities. Pending legislation would also give the agency mandatory recall authority, and other strong enforcement tools, like new civil penalties and increased criminal penalties for companies that fail to comply with safety requirements. In a world where more and more food is imported, the legislation also would strengthen FDA's ability to ensure the safety of imported food.

The good news is that a bipartisan majority in the House of Representatives passed major food safety legislation last year that would move the United States from a reactive food safety system to one focused on preventing illness. Likewise in the Senate, a bipartisan coalition has developed a strong food safety bill that is ready for the Senate floor. This legislation has the support of a remarkably broad coalition of public health, consumer and food industry groups. We commend both chambers for their hard work.

Now it's time to finish the job. We encourage Senators to support a critical and commonsense piece of public health legislation. And, we urge the House and Senate to quickly deliver a modern food safety bill to the President's desk. It's time to break the pattern of foodborne illnesses and economic loss. It's time to give FDA the modern tools and resources it needs to meet the challenges of the 21st century.

KATHLEEN SEBELIUS,
Secretary, Department of Health and Human Services.
MARGARET A. HAMBURG, M.D.,
Commissioner of Food and Drugs.

AMERICAN FEED
INDUSTRY ASSOCIATION,
Arlington, VA, September 9, 2010.

Hon. TOM HARKIN,
Hon. MICHAEL B. ENZI,
Senate Committee on Health, Education, Labor, and Pensions, U.S. Senate, Washington, DC.

DEAR CHAIRMAN HARKIN AND RANKING MEMBER ENZI: On behalf of the membership of the American Feed Industry Association (AFIA), I write to commend your bipartisan efforts to craft well-reasoned, science-based legislation to enhance FDA's regulation of U.S. food safety. AFIA wishes you to know of its strong support for S. 510, the FDA Food Safety Modernization Act of 2009, as reported by the Senate Committee on Health, Education, Labor & Pensions (HELP), a bill we believe will provide FDA with authorities identified as necessary to help prevent and, when necessary, deal with food safety episodes.

AFIA is the only national trade association representing the manufacturers of livestock, poultry and pet foods. Our more than 500 member companies also include feed and pet food industry ingredient suppliers, the animal health industry, equipment manufacturers and those firms providing goods and services to the industry. In addition, AFIA membership includes more than two dozen state, regional, national and international trade associations representing various facets of the commercial feed and pet food industries.

Food safety is AFIA's number one priority. We strongly support science-based approaches to improve the safety of America's food system. Our commitment is reinforced through AFIA's Safe Feed/Safe Food program, as well as through the industry's third-party Feed Certification Institute (FCI), efforts which help the industry consistently operate well above FDA requirements. AFIA believes enhancements as contained in S. 510 will help make a very good federal food safety system even better.

AFIA pledges its effort to help you to quickly pass S. 510 in the Senate, and will continue these efforts through conference committee action with the House. AFIA looks forward to working with Congress to enact this important food safety legislation.

Sincerely,

JOEL G. NEWMAN,
President and CEO.

CONSUMER FEDERATION OF AMERICA,
Washington, DC, September 8, 2010.

Hon. DICK DURBIN,
U.S. Senate,
Washington, DC.
Hon. JUDD GREGG,
U.S. Senate,
Washington, DC.

DEAR SENATOR DURBIN AND SENATOR GREGG: Consumer Federation of America strongly supports passage of the FDA Food Safety Modernization Act (S. 510). CFA is an association of nearly 300 nonprofit consumer organizations that was established in 1968 to advance the consumer interest through research, advocacy and education.

Foodborne illness strikes tens of millions of Americans each year, sends hundreds of thousands to the hospital, and kills approximately 5,000 of us. The diseases are more than ''just a bellyache.'' Many victims suffer long-term chronic health problems including reactive arthritis, kidney failure and Guillain-Barré syndrome. Children under the age of 5 are the most frequent victims of foodborne illness. People over age 60 are most likely to die after contracting a food-related illness. The economic costs are enormous. A recent study estimated the annual cost of all foodborne illnesses to be $152 billion.

The suffering and heartbreak and deaths are pointless. Foodborne diseases are almost entirely preventable. They continue to rage because our nation's primary food safety agency, the U.S. Food and Drug Administration, operates under the constraints of a 70-year-old law that is largely extraneous to current threats to food safety. The Food, Drug and Cosmetic Act does not give the FDA a specific statutory mandate, appropriate program tools, adequate enforcement authority or sufficient resources to stop foodborne disease before it strikes us and our loved ones.

S. 510 changes the paradigm for fighting foodborne illness, directing the FDA to prevent foodborne illness rather than just reacting to reports of illnesses and deaths. It requires food companies to establish processing controls to avoid food contamination, gives the FDA authority to set food safety standards, and requires the Agency to inspect food processing plants regularly to assure controls are working as intended.

On behalf of CFA's millions of members, we thank you for your strong leadership in developing S. 510 and your determination to ensure its passage. We look forward to continuing to work with you to get a final bill to the President as soon as possible.

Sincerely,

CAROL L. TUCKER-FOREMAN,
Distinguished Fellow, Food Policy Institute.

CHRIS WALDROP,
Director, Food Policy Institute.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Madam President, I thank the Senator from Iowa, Mr. HARKIN, for his kind words and also for his great leadership on the HELP Committee. We have a big area we cover—health, education, labor, and pensions—and we have a lot of bills we are working on. I am pleased at the bipartisan way we are able to work on them, his staff and my staff. Actually, the members of the committee are very engaged on the issues we are covering, and they are very important issues for America.

MINE SAFETY

Madam President, I came to the floor to talk about a little different issue than what we have been talking about, but it is another issue for the HELP Committee. This one comes under that category of labor. It is safety—mine safety.

The reason I am on the floor is, I have seen some articles appearing in different parts of the United States that are inaccurate on what is happening on mine safety, and so I wish to take a moment to clear up some of that confusion that has been caused by a breakdown in bipartisan negotiations on the mine safety legislation in this last week.

The terrible tragedy that occurred in West Virginia this past April again focused us on the strength of our Federal mine safety laws and regulations. My State leads the Nation in coal production. We do about 40 percent of all the Nation's coal, and my county accounts for most of that. We have 92 trains a day that leave our county. That is over 1 million tons of coal a day.

I have always considered workplace safety as one of the most important missions of the HELP Committee. The first bill I did was on OSHA. I have been pleased to work across the aisle to improve safety, and that is exactly what I have tried to do this year, as well, with my colleagues from West Virginia and members of the committee under the direction of Chairman HARKIN, who has been very helpful on this.

As my colleagues well know, negotiations had been making significant progress until we ran into the stumbling block known as the election cycle. The staffs of seven Senators have been meeting several times a week for over 2 months, and all through the recess period. Agreements had been formed on over a dozen important proposals. I think there were 14 that they were in agreement on, 7 more we were waiting for approval to see if there was agreement or if there were more changes needed. Then there were five or six that the Senators themselves had to work out. Several of those important ones were right on the brink of compromise or agreement when the talks were abruptly called off until after the election.

Despite what has been said in the press and on the floor, the simple fact is that we might well have had an agreement right now if all the people were to have stayed at the table and decided this did not need to be an election issue. This very process of requesting unanimous consent on a bill, which could happen, would not even be on the bill we have been working on. It would be on one that was introduced before this process came into being. Everyone knows that would not have sufficient support to pass as part of political theater.

Certainly it is not for me to consult on the political calculations of my colleagues, but it seems to me that political theater and failure to work together to get important things such as this done is exactly what the American people are so frustrated about this year. That is what all the passions are about.

We are serving this Nation best when we work together to accomplish the people's business. The formula is not that complicated. Anybody can do it. You just have to bring both sides together for discussions, you have to establish agreed-upon goals and work toward agreement on those goals, you have to consult with stakeholders who will be affected by the changes being discussed—that is anybody who is going to be affected. Then, once substantial agreement has been reached, you have to determine which issues the sides will never be able to agree upon and set those apart for another day's debate. That is what I call my 80–20 rule.

There are some issues in every topic we talk about here that have already been talked about so long that both sides are already so polarized that if you mention one word with that particular issue, everybody plunges into the weeds and states the same arguments they have always done without listening to what the other side is saying. I have found you can work through those issues as well, as long as you can get people back up to the surface, out of the weeds, and get them to figure out something that allows both sides to save face. Yes, there is that problem around here, too. This formula has worked in the past for the very issue we are discussing today, which is mine safety.

In 2006, when I was the chairman of the HELP committee, we were faced with a string of tragic mine accidents in West Virginia. In response to the first one, Senator ROCKEFELLER and Senator Kennedy and I organized a trip to the Sago mine in West Virginia to meet with the miners, to meet with the victims' families, and to meet with the investigators. The three of us, along with Senators ISAKSON, MURRAY, and Byrd, then began negotiations. We were able to come up with an agreement in less than 2 months. It was called the MINER Act. It was the first major revision of the Mine Safety and Health Act since 1977. That has to be some kind of a record around here, but it was important and it was worked in a bipartisan way. That was done through a recess period as well.

Agreements have been formed on over a dozen important proposals, as I mentioned. Others are very close to an agreement. I am hoping that people will come back to the table, work through the time until elections are over and get this finished.

The MINER Act made important improvements to the emergency preparedness of underground mines—this one for the Sago mine—and has fostered tremendous improvements, particularly in communications technology adaptability to the underground environment. We are talking about being able to talk through several hundred feet, in some cases 1000 feet of granite. If you ever try to get a cell phone to work through a mountain or building, you will see what kind of problem they have. But tremendous improvements have been made because there is a market for it, mining is increasing, and the safety is essential. And we made it a part of that Miner Act.

One of the reasons I am so proud of the Miner Act is that we wrote it in the way I believe all legislation should be drafted. We brought in all of the stakeholders. We brought in the union, we brought in the nonunion people, we brought in the industry, we brought in the safety experts, and we brought in the investigators. The Mine Safety and Health Administration and all of these people sat around a table and worked through the biggest safety concerns and the best way to approach them. Because of the bipartisan nature of the bill, it sailed through a committee markup, it was passed by the Senate

unanimously a week later—that is as bipartisan as you can get—and it passed the House 2 weeks later, and there were only 37 House Members out of 435 opposing it. One more week later it was signed into law. That is how laws get done and make a difference.

During my tenure as the chairman of the HELP committee we were able to move 27 bills to enactment that way. In total we reported 35 bills out of committee and of those 35, 25 passed the Senate. We ran out of time on the others or we would have gotten those, too. That is the kind of cooperation and accomplishment Americans are demanding, especially on an issue as important and timely as workplace safety. Every day, thousands of Americans go to work in the energy production industry. The work they do benefits every single one of us and underpins our entire economy. This year, major accidents in the energy producing sector have taken the lives of 29 men in West Virginia, 6 in Connecticut, 7 in Washington State, 3 in Texas, and 11 off the coast of Louisiana.

If there were ever a time to work together to actually enact legislation, as opposed to playing political theater, this should be it.

It can be done. There is progress being made. My staff has not walked away from the table and I resent any articles that say that. I am impressed and in agreement with the agreements that have been made so far. I keep constant track of those. It should not take very long to finish the six or seven that are very close to being resolved and then it should not take very long for the Members to sit down and resolve the ones that are left after that.

We can have a mine safety bill. We cannot have it this week. I am sure we cannot have it next week. The House has already done a mine safety bill so we have to conference that. It is going to take a little bit of time, although for the bill we are working on, I think, and in a bipartisan way, it could be done unanimously on this side. The Senate would then do it unanimously, and it is very likely for the House to follow very closely—follow suit and finish it up very well. I think that is what the American people expect.

Articles about things falling apart are not nearly as useful as keeping people together.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. I ask unanimous consent to speak as in morning business for up to 10 minutes.

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

FOOD SAFETY

Ms. KLOBUCHAR. Madam President, as I listened to my friend from Wyoming, I was thinking, ''Ditto for the food safety bill.'' This is a bill for which there is vast bipartisan support. There always has been, from the moment it was introduced with four Democratic Senators, including myself, and four Republican Senators. Of course, the bill has been led by Senator DURBIN from the very beginning, and Senator HARKIN has played a key role. This has been a bipartisan bill. Given that we have only seen more foodborne illness outbreaks over the last few months, there is no reason we should not pass this bill. I rise today to urge my colleagues to support this bill.

I have stood here many times in support of the food safety bill. Part of this is because we had a very tragic thing happen in our State. We had three people die after the peanut butter that came out of Georgia, that peanut plant in Georgia. Three of the people who died were from Minnesota. One of them was named Shirley Almer. Her family expected her home for Christmas in 2008. She was a strong-spirited 72-year-old grandmother from Perham, MN. She had survived 2 bouts of cancer but she was actually recovering and doing quite well in recovery with a brief stay in a nursing home.

But she didn't make it home for Christmas that year. She died on December 21, 2008. It wasn't the cancer that killed her. She had battled that cancer. In fact, it was a little piece of peanut butter on her toast that 72-year-old grandmother ate. She didn't know it, but the peanut butter was contaminated with deadly salmonella bacteria. Shirley Almer and two other Minnesotans are among the 9 deaths officially related to peanut products, which also sickened nearly 700 people nationwide, many of them children. Shirley's son Jeff has stepped forward as a strong voice calling for reform of our food safety system.

Whether it is jalapeno peppers or peanut butter or, most recently, eggs, these outbreaks of foodborne illness and nationwide recalls of contaminated food highlight the need to better protect our Nation's food supply.

The good news is we know how to protect our Nation's food supply and we have legislation sitting on the table, literally sitting on the table, that could go a long way toward doing that. Sadly, that legislation has been stalled in the Senate since last November and now, as far as I understand, our colleague from Oklahoma has some concerns and at this late hour it is still stalled.

We know we can not afford any more delays. As one of the lead sponsors of the FDA Food Safety Modernization Act, I believe the Senate has every reason to pass this legislation. It is comprehensive. It covers everything from ensuring a safe food supply at the front end to ensuring a rapid response if tainted food gets into the supply chain. As I mentioned, it is bipartisan. You know what else about this legislation, which doesn't always happen with food safety consumer protection legislation? This has the support not only of consumer groups, not only of health groups, it has the support of many in the food industry including SUPERVALU, a very large food chain including Cub Foods, located in Minnesota.

I did an event back in Minnesota with the CEO of SUPERVALU a few weeks ago on this issue. Why do our businesses care? Of course they care because they want to have safe food for the consumers. They also care because this is hurting their bottom line, when there are these scares that encompass food and people are scared. We were standing there and a woman went by and said, I don't know if I want to buy eggs and the CEO said, you know what, not one egg was recalled from our huge food stores all over the country—Cub Foods, SUPERVALU—not one egg, but consumers don't always know that. But when you have a bad actor, when you have one company, one factory as you had in Georgia, it can ruin it for everyone—consumers, obviously tragic for them, tragic injuries, but it also hurts the bottom line for these businesses that have not done anything wrong.

Hormel, the maker of Spam, was standing with us at SUPERVALU that day, talking about how important it was. General Mills, Schwans support this bill. We have widespread support in our food industry because they don't want to see another person get sick from tainted food.

Finally, we all know this legislation addresses a very serious issue. According to the Centers for Disease Control, foodborne disease causes about 76 million illnesses, 325,000 hospitalizations, and 5,000 deaths in the United States each year. Yet, for every foodborne illness case that is reported, it is estimated that as many as 40 more illnesses are not reported or confirmed by a lab because people simply don't know why they got sick. The annual costs of medical care, lost productivity, and premature deaths due to foodborne illnesses is estimated to be $44 billion.

There is a lot at stake here, a lot at stake for human life, and there is a lot at stake for the economy. As you know, 2 years ago, hundreds of people across the country suddenly got sick with salmonella. Once it hit Minnesota, and once people died in Minnesota, sadly, it took only a few days before the University of Minnesota and the Minnesota Health Department, our ''food detectives'' as they are called, or ''team diarrhea''—which my staff didn't want me to say on the Senate floor but that is what we call them—worked together and they were able to solve this. How do they do it? Simple detective work. They simply called the families and homes of people who had gotten sick, people who had gotten very sick, they talked to their loved ones: Where did they eat? When did they eat? What did they eat?

They literally solved it in a matter of days. One State solved the jalapeno pepper problem—Minnesota. One state solved the Georgia peanut problem. That was Minnesota. That is why there is something to be learned from the model we used in our State.

That is why I included it in the Food Safety Modernization Act and why it is supported by so many people and so many grocery stores across the country as well as consumer groups, the bill I introduced with Senator CHAMBLISS of Georgia, the Food Safety Rapid Response Act. Building on successful efforts at detecting and investigating foodborne illnesses, this will strengthen the ability of the Federal and State and local officials to quickly investigate and respond to foodborne illness outbreaks.

I am proud to have Senator CHAMBLISS, from the State of Georgia, that had to have this experience. When it was finally discovered where this came from, it was from one company, one bad actor in their State. He was willing to come with me on this bill because we said enough is enough. We have to put prevention in there, which is in this bill, to stop these things from ever happening. But if it does happen, you want to solve it as quickly as possible so you don't get more people getting sick and dying.

What this part of the bill does, the part Senator CHAMBLISS and I introduced, it directs the CDC to enhance the Nation's foodborne surveillance systems by improving collection, analysis, reporting, and usefulness of data on foodborne illness.

This includes better sharing of information among Federal, State, and local agencies, as well as with the food industry and the public. It directs the Centers for Disease Control to work with State-level agencies to improve foodborne illness surveillance.

Finally, the legislation establishes food safety centers of excellence. The goal is to set up these food safety centers at select public health departments and higher education institutions around the country. It takes the Minnesota example across the country, first with five centers—not to directly tell each State exactly what to do but to be an example of best practices for a region of the country.

Not many bills that come before Congress enjoy such a wide range of support from some important stakeholders. Not only do consumers recognize the critical need for this major bill, but the legislation has received support from major brand-name food companies. They know what is at stake. Their reputation and their bottom line depends on the trust of their customers, the trust that everything possible is being done to make sure their food is safe.

As a former prosecutor like yourself, Mr. President, I have always believed the first responsibility of government is to protect its citizens. In this most basic duty, our government failed Shirley Almer and many others who have been harmed by recent recalls. We owe it to them and all Americans to fix what is broken in our food safety system.

We can do a lot better with our food safety system. That is why we need to pass this legislation now.

I yield the floor.

The PRESIDING OFFICER (Mr. UDALL of New Mexico.) The Senator from Ohio is recognized.

OUTSOURCING

Mr. BROWN of Ohio. I appreciate the comments of Senator KLOBUCHAR, who has been a leader on moving forward on this legislation on food safety. It is so important to our country. I am so sorry that pretty much one obstructionist, or a whole party of obstructionists, unfortunately, have blocked this bill, and one Senator in particular has kept us from moving on this bipartisan bill. It is one of the sad chapters of this Senate that a small minority, again, can block us from doing the things we ought to do in our jobs, what we ought to be doing.

I want to talk for a moment about some positive developments in my State. A couple of weeks ago I went to Lordstown, OH. It has a General Motors plant. I believe Governor Strickland was asked to drive the first red Cruze, Chevy Cruze, their highest mileage new car, off the line, followed by a white Cruze and a blue Cruze. You know the symbolism of that and the beauty of that and the inspiration of that in many ways was all about what has happened in the last 18½ months to the auto industry.

I am particularly proud. I do not come to the floor and endorse one particular company ever. I am not doing that. I am proud of this because of what it looked like a year and a half ago.

Now, 18 months ago we remember what happened: Barack Obama took the oath of office. The banks had about imploded. We knew the financial system was close to collapse. We knew the auto industry was facing bankruptcy.

President Obama took office in the midst of losing 700,000 jobs a months. President Bush was leaving office, having left us—the largest in history at that time—the largest budget deficit in the history of the United States of America. That is what we started with 18½ months ago.

When you think about what it meant in the auto industry—I know my State is considered an auto State. New Mexico may not be, but New Mexico has some number of component manufacturers and a lot of car dealerships.

The car dealerships in Taos or Albuquerque or Truth or Consequences or anywhere necessarily in the State are often so involved in the community: helping Little League, helping scholarships, all of the kinds of things the good citizens, especially auto dealers, do. But I think about what this meant.

So 18 months ago when this auto industry was about to crash, literally—pardon the pun—what it would have meant in my State, it would have meant tens of thousands of retirees would have possibly lost significant amounts of pension and health care they had as 25-, 30-, 40-year employees of General Motors or Chrysler.

We know it would have meant a huge number of lost jobs, thousands of lost jobs, just in the auto companies, let alone all of the suppliers, what are called tier 1 suppliers, tier 2 suppliers, those small companies, small- and medium-sized companies that are suppliers. They are machine shops, tool-and-die makers, stamping plants, all kinds of companies that make components that go into the auto industry, that go into the trucks and the cars. They would have gone out of business.

We knew all of this was about to happen. Because of the Recovery Act, and because this government decided, President Obama and the Democrats in the House and Senate—in spite of the naysayers, in spite of the people out there who said: Let the market work; if the auto industry collapses, it is the market speaking. Just let the market work. Let the free market work. If we had listened to them, listened to the naysayers, listened to the people who are the doom-and-gloom crowd, my State would have gone into a depression. We would have lost thousands of auto jobs. Senior citizens relying on those pensions and health care would have been, in many cases, abandoned. The dealerships, the component manufacturers, and the auto company employees themselves would have been out of work.

As I said, we did not listen to the conservative politicians and say: Let the market work. We did not listen to the naysayers. We did not listen to the doom-and-gloom crowd who said: It is not our problem. The Federal Government has no business.

Well, the fact is, the Federal Government invested in the auto industry. Instead of losing 700,000 jobs a month, as we were when President Obama took office 18, 19 months ago, we are now gaining jobs. We have gained jobs in this country in the private sector for 7 or 8 straight months. Not enough, not even close to what we want to do in New Mexico or Ohio or any other State, but clearly we have seen some good things happen.

What has happened in the auto industry is particularly interesting. At this GM plant in Lordstown, right where I was—and I have been there many times, where I was a couple of weeks ago with Governor Strickland—we have seen—there are 4,500 people working in that plant now. They just added 1,100 jobs to do the third shift of the Chevrolet Cruze. But what is particularly great about that, if you are the Senator from Ohio, is in Defiance, OH, western Ohio, near the Indiana border, is where they make the engines for the Chevy Cruze.

If you travel northeast of there to a Toledo suburb called Northwood, that is where they make the bumpers for the Chevy Cruze. If you go into the city of Toledo, that is where they make the transmission for the Chevy Cruze. Then you go east to Parma, OH, that is where they stamped most of the components for the Chevy Cruze.

Then you drive east to the Youngstown area, Mahoney Valley to Lordstown. They do some of the stamping, and that is where they do the assembly. So hundreds and hundreds and hundreds of new jobs were created—well, thousands—up and down the supply chain, from the most basic bolt, the most basic component in an engine or the most basic component in a car door or anywhere else in that car, to the ultimate assembly in Lordstown. It means thousands of jobs.

Again, if we had listened to the doom-and-gloom crowd and the naysayers, it never would have happened. We also need to learn from history. When government is in partnership with the private sector, with private businesses and communities, some pretty good things can happen. Just take this for a moment.

For 8 years, January 1993 to January 2001, President Clinton, during his time as President, we saw a 22 million private net increase, 22 million job increase.

We also saw wages go up in this country, and President Clinton left us with the largest budget surplus in American history: 22 million jobs, an increase in wages, largest budget surplus in American history.

In the next 8 years, January 20, 2001, to January 20 at noon, 2009, those 8 years of President Bush, 1 million jobs increased, 1 million, not even enough to take care of our sons and daughter who have graduated from high school and are entering the workforce, coming out of the Army, coming out of high school, coming out of college, not even enough to absorb the population growth.

Wages were actually flat or went down for the great majority of Americans during those 8 years, and President Bush left us with record budget deficits. So 22 million jobs, 1 million jobs, incomes went up, incomes flat and went down, biggest budget surplus in American history, record budget deficit under the Bush years.

So if you go back further, you hear the Republicans, my colleagues on the other side of the aisle, talk about this philosophy: Cut taxes on the rich, and you cut taxes on corporations, you are going to have job growth. Well, nice try. It is not what happened.

After the Ronald Reagan tax cuts for the rich in 1981, the next 16 months we had declining employment in this country, 16 months in a row of lost jobs after this tax cut, which was going to make the economy take off. Fast-forward 1993, President Clinton. He had some tax increases on the wealthiest taxpayers. He also had some budget cuts, and he moved toward a balanced budget.

Employment took off—22 million jobs. President Bush, 2001, big tax cuts for the rich in 2001, big tax cuts for the rich in 2003, basically no real significant increase in jobs during those 8 years. Now, the mantra of the Republicans, those who are on the ballot this year and those who sit across the aisle from me, again, is, let's do more tax cuts because that increases jobs.

It does not. What increases jobs is investment in education, investment in health care, investment in infrastructure, reducing the deficits—all the things that Republicans pay lipservice to but in the end simply do not deliver on.

We have an opportunity next Monday. This coming Monday, we are going to bring a bill to the floor that is the other part of this: How do we create jobs? That is, we are going to begin to finally move to fix some of our tax laws, and then next will be some of our trade laws so that we quit losing so many jobs to China.

Mr. President, 30 percent of our GDP in 1980 was manufacturing, almost 30 percent. Now it is down to 11 percent of our gross domestic product. A big part of that is trade policy, which the Presiding Officer opposed when he was in the House of Representatives, PNTR with China and the Central American Free Trade Agreement, and before that, when I was in the House, my first year, the North American Free Trade Agreement, which we opposed.

Those trade agreements, coupled with tax law, has encouraged companies to move overseas. Those days have to be behind us. What we are going to do on Monday night is vote on legislation that will begin to turn the corner, will begin to take away those tax incentives for companies to go overseas and replace them with tax incentives for businesses that manufacture in Shelby, OH, and in Ravenna, OH, and Zanesville, Ohio, and all over this country.

At the same time, President Obama, the first President in years in either party, is beginning to enforce trade law. We know what that meant in Findlay, OH, when he enforced trade laws with the International Trade Commission and the Department of Commerce, on Chinese tires that had been dumped, sold illegally into this country.

When President Obama enforced those trade rules against the breaking of the law that the Chinese Government did, immediately we saw several hundred jobs created—100 of them in Findlay, OH—several hundred jobs created all over the country.

When the President did the same thing on something called oil country tubular steel—it is the steel, the seamless steel pipes, these tubes that are used for oil and gas drilling—we immediately saw a commitment, an investment, which will result in 400 jobs in Mahoning Valley in northeast Ohio, and a good many jobs in Lorain, OH, a city I lived in for a decade west of Cleveland on Lake Erie.

We were able to do that because, finally, it is the Democrats, working with President Obama, who are enforcing trade law and beginning to change tax policy so we see job creation.

I do not care where you live in this country. People are just sick and tired of not being able to find American-made products. This is made in China. This is made in India. This is made in Brazil. This is made in Honduras. This is made in Bangladesh. Nothing against those countries, but oftentimes, especially the Chinese, their government is gaming the system. They are not playing fair on trade. We need a whole different trade regimen. We need a whole different tax system so American companies are no longer going to China to find cheap labor, weak environmental rules, unenforced worker safety rules, and can produce and then send it back to America.

I think this is the first time since colonial days where the business community, where a lot of large manufacturing companies—and I make the distinction between large and small because small manufacturing companies do not do this but the large manufacturing companies. Ten years ago they came to lobby Congress to pass the permanent normal trade relations with China. Ten years ago this month the Senate, for all intents and purposes, sold out American manufacturing. They passed PNTR, it was called. It used to be called most favored nation status with China. They changed the name because it did not sound very good.

Congress passed that 10 years ago. What that has meant is our trade deficit with China has almost tripled in that period of time. What the business community has done, the large companies have done, is this: They lobbied to change the rules. Then they moved production from St. Clairsville, OH, and Portsmouth, OH, and Springfield, OH, to Shanghai and Wuhan and Beijing, and Huang Jo, China, to make those products. Then they sold them back to the United States.

I don't think since colonial times that large companies in one country have adopted that kind of business plan where you move production out of your country, make it somewhere else, add all that value to those products, and then sell them back into the home country where the corporation headquarters is located. It doesn't make sense for us. It means far too many lost jobs.

I will give an example. There is an industry in which many Ohio companies are involved, the paper industry. There is a specific kind of paper called a glossy paper used in magazines. China didn't have that industry. It is called coated paper. Twelve years ago China did not have a coated paper industry. They began it similar to the last decade when they built wind and solar, clean energy industries, and somehow started to lead the world, as we have unilaterally disarmed. Now they buy most of their pulp in Brazil. So they grow the trees, cut down the trees in Brazil. They ship the wood to Chinese paper mills. They manufacture the coated paper in China. They ship it back to the United States. They underprice American paper companies

which buy the wood sometimes within a few miles or a few hundred miles of where they are, which tells me, even though wages are less in China, even though they don't have much enforcement of environmental rules or worker safety rules, they are gaming the system with currency, with subsidies, free land, all the kinds of things the Chinese Communist Government does.

Until we enforce trade laws so we play fair and compete, we will continue to lose manufacturing jobs. That is why Monday night is an important first step as this Senate moves forward on dealing with the problem of outsourcing jobs. There are few things we can do in this body more important than beginning to rebuild manufacturing. We know how to make things. My State is the third largest manufacturing State in the country, behind only California and Texas, which are two and three times the size of Ohio in population. We know how to make big and little things. We have the largest ketchup manufacturing plant in the world in Freemont. We have the largest insulation company making fiberglass anywhere in the United States in Newark. We know how to make things in our State. We just need the opportunity, a level playing field, tax law and trade law that puts the United States of America on a level playing field. We know we can compete with anybody. We just need the opportunity.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

HEALTH CARE

Mr. CASEY. Mr. President, I rise to talk about two basic topics today. But first, for today, in light of the news that so many people have been discussing today and reporting on today, which is the implementation today of some parts of our health care bill, the Affordable Care Act, which we passed back in March after many months of debate and work on that legislation, one of the most popular but essential elements to that bill was a whole series of consumer protections which in some ways does not fully describe what they are. I would rather use the phrase ''family safeguards,'' to give families some peace of mind not just on the broader question of insurance coverage for those who get sick and need coverage. We all need health insurance at some point in our life, sometimes more than others, but especially if you are a child with a preexisting condition.

For so many years we have allowed a system to say to that child and to his or her family: We know you have a preexisting condition. It might be something serious and life threatening, but the system does not allow you to be covered for one reason or another.

Finally, at long last, in 2010, we said no to that denial. So now we are able to say that fear that a child would feel, especially his or her family, can now have peace of mind to know that if a child in the United States has a preexisting condition, that will not be a bar to coverage, therefore, to treatment. Of course, it also impacts adults. We have seen stories about adults who will benefit from the bill on the preexisting condition problem that so many people find themselves in. The implementation of the children's provisions goes into effect now. The adults will come later. But even in the short run, the bill allowed for and developed a high risk pool, even for adults with preexisting conditions. Of course, the full protection won't be in effect for a couple of years. But at least and at long last children will have that protection.

The other protections among what I call family safeguards are some basic protections that we should all have a right to expect but, unfortunately, a lot of families haven't had these protections. For example, preventing insurance companies from arbitrarily throwing people off their insurance coverage or denying them coverage for reasons that do not make a lot of sense, but I guess they made sense to big profitable insurance companies over many years. They won't be able to do that any longer. They will not be able to put lifetime limits on one's coverage or treatment. The limits annual in nature will be more limited. It will be more difficult for insurance companies to place annual limits.

One of the provisions that has received a lot of attention and speaks right to a need a lot of families have is when a young person, say someone who is finishing college and needs some coverage between the time they are in college and the time they reach the age of 26, they will now be covered. So if we go down the list, it is a long and substantial and significant set of consumer protections which does provide some degree of safeguard and some degree of peace of mind to our families.

Unfortunately, in the midst of all that, in that ocean of good news on these consumer protections, we have some bad news which is disturbing. When we were debating health insurance in Washington and around the country, we would have a lot of fights with insurance companies. Some of them came around and worked to pass the bill. Some did not.

But there was an attempt to work together constructively to develop good legislation.

Well, unfortunately, a few—not all but a few—took a step the other day which was outrageous, insulting, egregious, and harmful to what we are trying to do to make sure children and families have that peace of mind I spoke of earlier.

Several health insurance companies have announced they are going to stop offering child-only health insurance plans because they are no longer allowed to discriminate against children with preexisting conditions, such as, for example, asthma, just to name one.

Why would insurance companies do that? Right before this provision goes into effect, at the eleventh hour so to speak, they start dropping this kind of coverage. It puts hundreds of thousands of children at risk. The Obama administration estimates that 100,000 to 700,000 children could be affected by these changes.

I believe it will be outrageous if one child is affected by this—literally one child—when we have provisions going into effect that are going to at long last protect kids; that a couple insurance companies that make a tremendous profit—which I will get to in a moment—take this step to change their strategy as it relates to kids. Many of the children who will be affected by this adverse decision by these few insurance companies are in families who are struggling just to get by now and cannot afford to pay for insurance for their whole family, but they are trying to keep their kids insured.

A lot of parents do that all the time. They forego their own coverage and their own health care and sometimes, literally, their own health in order to protect their children, in order to provide a child with some treatment, some care, some protection. Yet we have these few insurance companies that are taking this action, which is outrageous and disturbing, and that is an understatement.

Several of the companies that have decided to take this action—this action that is harmful to America's children—some of these companies have operations in States such as Pennsylvania. Aetna is one of them. The companies that have decided to stop offering health insurance to children are few. I mentioned Aetna. Another is Cigna and another is Anthem Blue Cross. As we know, Anthem Blue Cross is owned by WellPoint.

Listen to this: In 2009, these three health insurance companies that are discontinuing their child-only plans had $7.3 billion in profits. That is not gross revenue, folks. That is profit, $7.3 billion. WellPoint, which owns Anthem Blue Cross, $4.7 billion in profits; Aetna, $1.2 billion in profits; and, finally, Cigna, $1.3 billion in profits. They are firms that are doing this, taking this action just before today's provisions to protect kids on preexisting conditions take effect.

So it is my hope—and I believe they will do this—the Department of Health and Human Services will take every step necessary to have this decision by these companies reversed. I hope there is some way to sanction or punish insurance companies that do that. I am not sure that is possible. There are a lot of debates about what can be done. But I would hope—short of action by a

Federal agency or short of action by a State government authority or agency—these insurance companies would rethink their policy, rethink the action they took, which will be harmful to children because if they do not, it calls into question their commitment to what we have been trying to do in this country for a long time. We finally got over the hump, so to speak, and passed legislation not only to cover more than 30 million Americans but at long last to provide coverage and support for children.

Of course, one thing we found out in the health care debate last year was, this is not just a debate about the uninsured—the more than 30 million who will be covered—this is as much a debate about the insured, the more than 80 percent of Americans who had insurance coverage but not the protections they should have a right to expect. That is why we needed these consumer protections on preexisting conditions, on protecting families from being thrown off arbitrarily—the annual limits, the lifetime limits—all of those features that we had to get enacted into law because that was the way to protect people with insurance coverage who thought they had more protection than they really did.

So I hope this is just an egregious example and a decision that was implemented by these health insurance companies that will be, in fact, reversed because, as I said before, if it is not reversed, it does call into question what these insurance companies that are taking this step are all about.

Are they for record profits or are they going to try to help our families in a reasonable way?

We are not asking them to do something that is unreasonable or inconsistent with their business model or inconsistent with having a profit. We are just saying: Why don't you do what all the others are trying to do? Why don't you do what the American people expect you to do, which is to take every step necessary to protect our kids, especially children who are vulnerable and do not have lobbyists standing up to fight their battles and do not have a lot of campaign money in the middle of an election year? Vulnerable children—unless someone in one of the two Houses of Congress stands up to fight for them, or somebody in the administration—do not have much power around here. So I would hope these insurance companies would rethink that decision, and we are waiting and watching to see what they will do.

UNEMPLOYMENT

Mr. President, let me just shift gears quickly. I know we have limited time, but I did want to talk a little bit about the job situation that confronts so many families, so many communities in our country, as well as some steps that have been taken recently to help deal with the unemployment rate and the economic circumstances we find ourselves in.

In Pennsylvania, we have hovered around 590,000 people out of work for many months now. Fortunately, it has dipped a little below 590,000. But when you are getting close to 600,000 people out of work in a State such as Pennsylvania, people are really hurting. Our rate does not tell the story. We have been below 10 percent for a while, but almost 600,000 people out of work is a horrific nightmare for those families in a lot of communities.

I spent, as a lot of Members in the Senate, several weeks in August and September traveling to many communities in Pennsylvania. I got to a little more than 30 counties, and it was remarkable but also disturbing to see the breadth and the scope of the unemployment problem in a State such as Pennsylvania.

Some parts of the State are doing better than others in keeping us below 10 percent unemployment, but there are so many communities where there is a very high rural population—a lot of small towns—having very high unemployment rates.

Just to give a couple examples of places I visited that are smaller communities or smaller counties and to some degree or another largely rural—sometimes 100 percent rural or at least half by the way they categorize them demographically—Cambria County, where Johnstown, PA, is, always has had a high unemployment rate. They are at 10 percent, persistently at that level. In that county that means 7,000 people were out of work, and that is as of the July numbers. I have not seen the latest, but it is in that category; Clarion County, a place I visited as well, almost 10.5 percent, with 2,200 people out of work in that community; Forest County, a very small county by way of population, right in the north central region of our State, 10.6 percent unemployment; Jefferson County, a larger but still not a big urban or metropolitan community, that county has almost 2,500 people out of work, over 10 percent unemployment; Lawrence County, Lehigh County, Luzerne County—all above 10 percent unemployment. Luzerne County is right next to Lackawanna County, where I live. It is approaching 11 percent.

But then here are the ones that probably tell the story best.

Philadelphia is now at about 12 percent unemployment. The rate is very high. When we are hovering around 12 percent in that city, we have almost 75,000 people out of work—in just one city in Pennsylvania, 75,000 individuals out of work.

Then we go to north central Pennsylvania and visit Potter County, a county which is categorized as almost 100 percent rural, with a very small population, under 20,000 people. They have almost the same unemployment rate that Philadelphia has—a little less, but it is about 11.5 percent. As of July, it was at about 11.2 percent. So it has hovered between 11 and 12 percent.

So in Philadelphia, having an 11- or 12-percent unemployment rate means 75,000 people; in Potter County that translates into just about 900 people, just hovering around 1,000 people. So even in a very small county, the loss of one business, one factory, one plant can mean devastation for that county and that community. That is whether you are in urban Pennsylvania or rural Pennsylvania, even in suburban areas, which got accustomed to 5 percent unemployment or maybe 4 percent unemployment and are now at 7 percent or 7.5 percent or 8 percent. Of course, Pennsylvania's rate is not nearly as high as some across the country.

So people might say: Well, what has the Congress been doing about this over the last 18 months, and especially over the last couple months? Well, we could point to the Recovery Act, which I realize has not been popular around the country. But the Recovery Act created 3 million jobs. It was one way to directly and positively impact the job situation. When we lose 8 million and create about 3 million in the Recovery Act, that is a good start but not nearly enough.

One of the best things we did was just a couple days ago—and we should be able to have it signed into law in a few days—was the Small Business Jobs and Credit Act, which, by the way, had no deficit impact. In fact, it will save a little bit of money over the next 10 years. But there is no adverse impact on the deficit.

Mr. President, there will be $12 billion directly to small business, a $30 billion loan fund for our smaller banks, our community banks. Most banks in the country are at that level. They are not the big banks on Wall Street. They provide direct help to small businesses in communities across States such as Pennsylvania and throughout the country.

That bill alone, according to the community bankers, will create 500,000 jobs. That got voted on last week. Sometimes when things like that get voted on, we move on to something else and people do not always notice it. I think it is very important for people to know we do not believe—I do not believe, and I think a lot of people in this Chamber do not believe—we are out of the ditch yet. We are still pushing and pushing to get this economy back to a position where we are getting the kind of robust growth we need. We are in positive territory. We are not losing 700,000 jobs a month or 600,000 jobs a month like we were in December of 2008 and January of 2009 and February and March and April—month after month, every single month for many months losing that many jobs.

So we are moving in the right direction. But we have a ways to go. I would hope that not only next week but when we come back in November the other side of the aisle would present some job creation strategies. I have not heard much. I think 39 out of 41 members of the Republican caucus voted against the Small Business Jobs and Credit Act: $12 billion of tax breaks for small business, a $30 billion loan fund which

can leverage hundreds of billions in economic activity and job creation activity across the country.

So we have more to do, and we have a ways to go. We have to keep focused and stay focused on strategies that will create jobs in the near term and certainly over time, but especially those strategies that will create 50,000 jobs or 75,000 jobs or 100,000 jobs. As we go, we can continue to create jobs and grow the economy. When we do that—as we learned in the 1990s—we can grow the economy and make good investments in health care and in our infrastructure and in education and in our workers and their skills. We can also do deficit reduction and debt reduction over time. But we cannot do those three things until we are growing in a way that is substantial enough to do at least those three: grow enough to create jobs, reduce the deficit, and even to reduce debt.

So we have a way to go, but I think we are headed in the right direction. I am looking forward to seeing the Small Business Jobs and Credit Act enacted into law, working to help our small businesses and our smaller communities, especially those I have highlighted across Pennsylvania and across the country that have had tremendous and horrific job loss over the last 2 years to 18 months.

With that, I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

GLOBAL WARMING

Mr. WHITEHOUSE. Mr. President, I come because we are coming to the end of our workweek. Many of our colleagues are gone already, and others are preparing to go. Another week has gone by in which the Senate has taken no action whatsoever with respect to the continuing pollution of our atmosphere by carbon, which we subsidize by allowing our biggest polluters to do it without cost or consequence. The effects of that on our world continue to manifest themselves. This is one of those issues where we can come to an impasse in the Senate and the foes of doing anything about moving to clean energy jobs and requiring carbon polluters to actually pay a price for their pollution can stop all that. It may seem like a victory, but the problem is there is a real cost to continuing to pollute our atmosphere with carbon. It does trap heat. It does warm the planet.

Those are scientific verities that are unavoidable and the consequences continue to cascade through our world, through the environmental systems of which it is made up. The evidence of that continues to emerge.

Frankly, Mother Nature does not care about what happens in the Senate. She is not subject to our law. She is not subject to our opinion. She will continue to do her thing. It is up to us to be prudent and thoughtful caretakers of our planet and sensible men and women and take the appropriate steps so we can head off the disasters she is loudly signaling are coming our way.

I thought I would share just some of the continuing cascade of evidence and news that is coming out on this subject.

The first thing I will mention is a report from Science Daily that came out about a week ago. According to NOAA, the National Oceanic and Atmospheric Administration, the U.S. Government agency's recent state of the climate report, the lower 48 States, as a whole, experienced the fourth warmest summer on record, with average August temperatures 2.2 degrees above the last century average.

The American Southwest experienced its warmest summer ever. The Midwest experienced its third warmest summer. The Northeast, where I come from, where my home State of Rhode Island is, experienced its fourth warmest summer ever recorded. Indeed, Rhode Island experienced its hottest ever July on record.

The increase of temperature in our weather systems has the effect of adding energy into those weather systems which suggests that storms are made more frequent and more powerful. Sure enough, the facts confirm that as well.

In 2007, Environment America analyzed rainfall data and determined in a report that came out more recently that extreme precipitation events had increased across the United States by 24 percent between 1948 and 2006. The region in which the extreme precipitation events—these major storms with extreme levels of rain or snow—faced the greatest increase was in New England, with a 61-percent increase from 1948 to 2006. Within New England, the State that faced the greatest increase was my home State of Rhode Island, with an 88-percent increase in extreme precipitation events.

One of those extreme precipitation events was the March flooding in my home State, in which our rivers—the Pawtuxet, Blackstone, and Pawcatuck—some of them went above 100-year floodplain levels. Some of them reached areas beyond 500-year flood levels.

Clearly, something is changing. Actually, there were two floods that happened back to back, just weeks apart. I visited homes in West Warwick, where the mud and the flooding had brought into people's homes and basements thick muck they had to dig out and clean up. As soon as they had dug it out and cleaned it up, boom, it happened again. It was absolutely heartbreaking for them. One can imagine how frustrating it is to go into your home, your basement, to see what used to be a nice area, what used to be clean, what used to be dry, where your children kept their photo albums, you might have kept old papers, things that were important to you, televisions, sofas, and now just a sea of filthy mud that you are going to have to figure out how to clear out and clean up, cutting out all the wallboard, cutting out everything that is wet, having to rebuild. The frustration of having to do that—people lead busy lives, they do not need that—and then, boom, to have it happen a second time as soon as it was done is unbelievably frustrating and disheartening.

Those are the kinds of extreme and unpredicted weather events that are associated with a warming planet and the heating of the atmosphere.

It also changes the way different animals can live and migrate. One of them is the bark beetle. Earlier this month, the U.S. Forest Service predicted that outbreaks of spruce and mountain beetles in Western States will increase in the coming decades because of climate change. These beetles historically had their range kept in check by cold winters, which basically kill off the larvae, and that limits the reproduction of the beetles and it limits their geographic range. As the winters become warmer, then the beetles have survived—because the winters aren't as cold—so they continue to go out and do their thing. Their thing to do is to kill pine trees. The beetles have already affected more than 17.5, I believe, million acres of Western forests.

I have traveled out West. I was in Idaho a few summers ago, and you could fly over the mountains of Idaho and see entire forested mountains, as far as the eye could see from the plane, and it was dead and brown and it was because the beetle had gone in there and killed them.

These changes are going to continue. I can't estimate what cost it was to the industry or to Idaho's economy to have that massive die-off of pine trees, but, clearly, it is no good thing.

The ocean continues to send us warnings as well. According to the University of Colorado's National Snow and Ice Data Center—this again earlier this month—for only the third time in satellite history, ice has covered less than 5 million square kilometers of the Arctic Ocean. As a result of the trend that these researchers see, they warn that global warming could leave the Arctic sea ice free by 2030—20 years from now. Many of us will be around then to see that.

An ice-free Arctic Ocean has very significant repercussions for our world because it is the ice that reflects a great deal of the heat back out of the atmosphere in what is called the albedo effect—the reflection of it. If that is not there, instead there is a dark ocean absorbing the heat. It accelerates the warming and begins the feedback loop that makes the problem worse.

So it is significant that the Arctic sea ice is continuing to shrink and for only the third time in satellite history now has covered less than 5 million square kilometers.

If you go from the far north to the tropic seas, there are signs of distress there as well. On September 20, the New York Times reported that in 1998, 16 percent of the world's shallow water reefs died as a result of record warm temperatures. It is estimated that the die-off could be even worse this year. In May, more than 60 percent of corals off the coast of Indonesia's Aceh Province bleached and died after Andaman Sea temperatures reached 93 degrees Fahrenheit.

It may not seem significant that corals are dying. It may seem indeed insignificant to many of my colleagues. But these coral areas are the nurseries for tropical seas. Many species depend on them to basically grow and feed in their early stages, and if they die, it creates a cascading effect through the food chain that has potentially significant effects for our kinds of species—set aside the local economy wanting to be able to support snorkelers and people such as that who go to see these rare and special beauties.

Finally, the Scientific American reported earlier this summer that the average phytoplankton population in our oceans has dropped about 1 percent a year between 1889 and 2008, resulting in a 40-percent drop overall in phytoplankton.

What is a phytoplankton? It is one of the tiny plant—almost microscopic—species that grows in the ocean and floats free in the ocean. Is that important? It is important because zooplankton and phytoplankton—animal and vegetable plankton—represent the base of the oceanic food chain. They are what the little fish feed on, and the little fish are what the big fish feed on, and up you go.

We have never had a situation in which the bottom of the food chain began to collapse. But we have been seeing it over the past century, and we anticipate seeing a lot more because the carbon our polluters release into the atmosphere with impunity—subsidized by all the rest of us—ends up being absorbed by the ocean—80 percent gets absorbed, if I am not mistaken—and that changes the pH level of the ocean, how acidic it is.

The ocean, right now, is more acidic than it has been in 8,000 centuries, and 8,000 centuries is a long time. We are engaged in a chemical experiment with our oceans that has potentially vast consequences for them by just injecting all this carbon and waiting to see what happens. Now we are out, far enough outside the range of where, in human experience, there has been a pH that we are 8,000 centuries away from it being at this level. All that—the acidification of the ocean—makes it more difficult for these plankton to survive. So the crash we are seeing is consistent with the damage that carbon pollution does to our oceans.

I say this because I know we are not going to get anywhere with energy before the election. Maybe nobody cares. But again, we can be as ignorant as we please. We can be as pleased with ourselves that we have delivered for interest groups and special interests as we please. We can suggest to Americans that climate change isn't real or isn't happening. We can participate in the propaganda battle the big polluters are sponsoring to try to raise doubt about the established science. We can do all those things and we can claim victory and block legislation and we can serve our special interest supporters. We can do all those things to prevent any serious legislation from coming through this body for years and years and years and, you know what, the Earth will not care.

You cannot legislate our environment. King Canute could stand in the oceans and order that the tide not come in, and he could have all his courtiers and all his supporters around him. He could have all the people who keep him in office and provide campaign contributions and it wouldn't make a darned bit of difference. The tide comes roaring in.

Our job in this body is not just to represent special interests, not just to achieve temporary political victories, not just to block progress of bills that interests that support us disagree with. We have another job as well; that is, to look out for the welfare of our country and of the American people and to prepare when the Earth plainly warns us of coming dangers. It is in the service of that job that I intend to continue coming to the floor to remind my colleagues that no matter what their opinions are, no matter what their politics are, no matter what the interest groups that support them are, the facts continue to announce themselves, and the announcement they are making to us is a warning. If we are not smart enough—with our God-given intelligence and foresight—to read the warnings nature is giving us and respond appropriately before it is too late, then it will be on us that we failed to do so.

People will look back from 20 years hence, from 30 years hence, from 40 years hence—the young pages who are here in the well, when they are my age, will look back at this generation that sat in this Senate, in this year, on this occasion, at this time—and they will say: How could you have been so negligent? How could you have allowed the politics of the moment to put you on this march of folly that failed to protect us when you knew—when you knew?

So I intend to continue because this is an issue that will not go away. Nature's warnings to us are persistent, and I intend to be persistent as well.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

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

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

EXPIRING TAX CUTS

Mr. DORGAN. Mr. President, I will be mercifully brief. I wished to come to the floor to briefly speak about a couple issues.

First and foremost, the raging debate that is occurring in the country about the expiring tax cuts—the so-called Bush tax cuts that were enacted in the year 2001 that cut taxes across the board. They cut taxes more generously for the wealthiest Americans, but nonetheless they cut taxes for all Americans as well, and they were designed, in 2001, to expire this year.

I did not vote for them in 2001. I voted in 2001 against those tax cuts and not because I wouldn't want to provide tax cuts to the American people, but the proposition, I thought, was flawed. The President inherited the last year of President Clinton's fiscal policy, which produced the only budget surplus we had had in 30 years. From that budget surplus that year, the projection by economists was that we were going to have budget surpluses for the next decade. As a result of that, Mr. Greenspan, the Chairman of the Federal Reserve Board, had an apoplectic seizure. He said he couldn't sleep because he was worried we were going to pay down the debt too fast.

The Bush administration said: If we are going to have these surpluses, we must return surpluses to the American people. We have to do that through these tax cuts.

I stood on the floor, at my desk, and I said: Why don't we be conservative? Let's decide to wait and see what happens. If we do, in fact, have surpluses, let us provide some tax cuts. But all we have are 10 years of projections. We don't have the real surpluses; we just have projections.

The response was: No, we are not going to do that. We are not going to wait. We are going to have big tax cuts, with the biggest tax cuts going to the wealthiest Americans.

So they were enacted. I did not vote for them, but they were enacted nonetheless.

Almost immediately, we were in a recession. Almost immediately after that, our country was attacked, on 9/11, by terrorists. Then we were in a war in Afghanistan. Then we were at war in Iraq and a war against terrorism generally. We began sending soldiers overseas in harm's way, and thousands were killed and tens of thousands were injured in war. Still the question has always been and remains now, even while we are watching our soldiers walk into harm's way, when do I get my tax cut? Will I continue to get my tax cut next year?

Let me read something Franklin Delano Roosevelt said at a time of war. He said:

Not all of us can have the privilege of fighting our enemies in distant parts of the world. Not all of us can have the privilege of working in a munitions factory or a shipyard, or on the farms or in the oil fields or the mines, producing the weapons or raw materials that are needed by our Armed Forces. But there is one front and one battle where everyone in the United States—every man, woman and child—is in action. . . .That front is right here at home, in our daily lives and in our daily tasks. Here at home everyone will have the privilege of making whatever self-denial is necessary, not only to supply our fighting men [and women], but to keep the economic structure of our country fortified and secure. . . .

''Everyone will have the privilege of making whatever self-denial is necessary.'' We all know self-denial when we see it. We go to the events when the soldiers and National Guard organizations mobilize to leave our country, leave their families, leave their jobs, and go to Afghanistan to fight, go to Iraq to fight. In the morning, they strap on ceramic body armor, load their weapons, and go on their way. Yesterday, nine of them were killed in Afghanistan.

The question here at home is not are we going to pay for the costs of war, because we have not, never have in years. And President Bush, who pushed the tax cuts, said: You will not pay for them. Some of us stood on the Senate floor and said: If we are at war, how about paying for the costs of war? Why do we send soldiers to war and charge it and say to the solders: You come back and pay the bill.

We are still at war, we have a $13 trillion debt, not having paid for a penny of the war, having put all the debt on the shoulders of those who will come home, then, to assume this debt. And now the question is, Can we extend the tax cuts for everyone?

Here is what I think we should do. I understand this economy is weak. I am not going to give a speech about what caused that. I have done that many times. This economy is still weak. I understand the virtue of saying to those earning under $250,000: We will continue to extend that tax cut. I would extend it for 2 years. That is what I think we should do in terms of being able, 2 years from now, to take a look at what is happening in our country, what are our needs in order to lift our country's economy back up. We need to tighten our belt on spending. We need to cut some spending. We also are going to need some additional revenue.

The question is, for those who are making $1 million a year in income and getting an $80,000 tax cut from the 2001 tax bill that was passed by this Congress, should they continue to get that $80,000-a-year tax cut at a time when we have a $13 trillion debt and we are still sending men and women to war, when they are risking their lives and we are not paying for any of it? Should we still do that? The answer, in my judgment, is no.

The American people are waiting and watching for some semblance of seriousness here, some serious approaches that will begin to address what ails this country. I think what Franklin Delano Roosevelt said is dead-on accurate: Not all of us can have the privilege of fighting our enemy in distant parts of the world, but for most of us, the front is right here at home in our daily lives and daily tasks, and here at home everyone would have the privilege of whatever self-denial is necessary, not only to supply our fighting men but to keep the economic structure of our country fortified and secure.

Is anyone going to think about the economic fortunes of America or is it just about ourselves individually? Isn't there a higher calling and higher purpose here in terms of making judgments about these things?

I think it would be wonderful if no one had to pay any taxes. That would be wonderful. But that is not the case. Who is going to pay the costs of some of the things that make this a great country? Who is going to build the roads? Who is going to build the schools and maintain the schools? Who is going to pay for the Centers For Disease Control? How about the Department of Defense? How about the U.S. Forest Service? It goes on and on. We can tighten our belt. Yes, we can spend less in a number of areas. I support that. But we have to have a fiscal policy that is serious. How on Earth, at a time when we are at war, can we decide that our priority is to give an $80,000-a-year tax cut beyond next year—an $80,000-a-year tax cut to someone making $1 million a year? That makes no sense to me.

I think it is time for our country to understand that our national security is not just about our soldiers who are fighting in the field. It is a requirement that we support them, not just by saying we support them but by at least some semblance of self-denial, at least by those who are making millions of dollars a year. The proposition is only to ask that they pay at the same tax rate that they paid throughout the 1990s when the country was booming, sufficiently booming that we had a budget surplus. That is the tax rate the wealthiest in America paid back then. It did not diminish the economy; it lifted up the economy, the fact that we had a fiscal policy that was not moving us deeper into debt but a fiscal policy, rather, that was leading us toward a balanced budget and finally a budget surplus.

I think there is a higher purpose, and all of us need to be called to that higher purpose. It is not about, will we get our tax cut tonight, tomorrow, or next month? Will the wealthy get it? Will everybody get it? That is not what is of interest. What is of interest to everybody in this country, I hope, is, what kind of a future will our children have in the United States of America? Will we allow them to inherit a country that is growing and expanding and providing opportunity for our kids?

I think it is very disappointing that we end this year having done so little because so much has been blocked in the Senate.

I noticed yesterday that another billionaire died in America. Boy, let me make sure I say that when someone makes $1 billion in this country, in most cases I say: You know what, you are extraordinary. That is a pretty extraordinary thing. Many of them have great talents, and good for them. But when billionaires die today, they pay zero estate tax. Think about that. Five billionaires died this year, and this is the year the estate tax went to zero. Some said it is the ''Throw Mama From the Train'' year. This is the year in which there is no estate tax on the assets of billionaires who have never borne a tax. Some of the wealthiest people in this country who have billions of dollars of assets have it through growth appreciation of stock, and they have never borne a tax on that to help pay for a kid to go to school or build a road or help support our Department of Defense and our national security. What a disappointment.

This country deserves better from all of us, to get this done. Again, I believe the best approach at this point is to say, yes, let's go ahead and extend these tax cuts for middle-income workers up to $250,000 a year. Let's do it for 2 years, and then let's see where we are and let's see what the needs of this economy are in order to be sure we have the opportunity to lift this country going forward and provide some economic opportunity in the future.

I wanted to mention one other issue. That is something that I and Senator BINGAMAN, Senator BROWNBACK, and others introduced yesterday. It deals with something called RES. That is not a foreign language, it is a renewable electricity standard. It is a policy that many other countries have and many of our States have. I believe there are 29 States and the District of Columbia that have renewable electricity standards saying it is our policy that electricity shall be produced from renewable sources for a certain percentage of the electric load.

We proposed 15 percent. We passed that on a bipartisan basis out of the Energy Committee. Why is this important? Because if we are going to be less dependent on foreign oil, move to less dependency on oil from countries that do not like us very much in many cases, if we are going to be less dependent on that, we have to change our energy mix. That means we have to produce more energy from renewable sources. We have to gather energy from the wind and the Sun, where the wind blows and the Sun shines, put it on a wire, and move it to the load centers. That changes the energy mix in our country. The way to do that is the way other countries and the way many of our States have already done it: drive it with a 15-percent renewable electricity standard. I prefer 20, but 15 is what we passed out of that committee, the Energy Committee.

It appears to me that now we are not going to get a larger energy bill in this Congress. That is too bad because we passed a bipartisan bill that would provide greater energy security for our country out of the Energy Committee. At the very least, let's pass a renewable electricity standard that is bipartisan, that will drive the production of new capability in wind and solar and other renewable sources.

In the second quarter of this year, we had a 70-percent reduction in wind energy production—that is the production of facilities to build wind energy. From last year, a 70-percent reduction. The reason? Because we do not have a renewable electricity standard. There was an expectation that we would, and we do not.

Let's not leave this Congress this year with so much unfinished business that I believe is essential to this country.

While I am speaking about it, let me make one additional point, and that is on another piece of legislation that must pass by the end of this year. It rests now in the Senate Finance Committee and it reauthorizes the Special Diabetes Program in this country that is so unbelievably important. The Special Diabetes Program helps all Americans, but it is especially targeted at Native Americans, who in some cases have rates of diabetes that are 10 and 12 times the rate of the national average. We must reauthorize the Special Diabetes Program. If my colleagues could walk into a dialysis center and see the number of people—on Indian reservations especially—hooked up to a dialysis machine, in some cases with only one leg or having lost an arm—the ravages of diabetes are unbelievable, and the number of new cases of diabetes among children of this country is just startling.

I want to show one chart about this. This chart shows the number of people in America over the past 30 years who have been diagnosed with diabetes. This is a full-blown, full-scale, unbelievable epidemic.

The Special Diabetes Program that I and Senator Domenici and Senator COLLINS and so many others have worked so hard on for a long time has to be reauthorized. I hope very much my colleagues will understand that this is not optional. Go to an dialysis center. Go to an Indian reservation and go to a dialysis center and talk to the people hooked up to those machines and see the amputations and talk to the relatives of people who have died in circumstances where people, over 50 years old on average, 50 or 60 percent of them are affected by diabetes. Especially take a look at the rate of diabetes among children on Indian reservations—and children all across the country. Then say to yourself that this bill doesn't matter. You cannot possibly say that. We must address this issue.

This Congress has done some big things, some important things, and there are some things yet to be done. It is not the end of the year. We have some additional time. My hope is that our colleagues can attempt to give us the best of what both political parties have to offer rather than the worst of each. The American people expect more and deserve more from us.

I wonder sometimes how the majority leader is able to have the patience to try to find a way to steer almost anything through this Chamber. I said yesterday that even a Mother's Day resolution would likely engender a filibuster. It is very hard because we have people who see themselves as a set of human brake pads, whose only destiny is to try to stop everything. The problem is that there are a number of things that must get done for the economic health of this country and for the health of the American people.

I yield the floor.

SIXTH MONTH ANNIVERSARY OF THE AFFORDABLE CARE ACT

Mr. HARKIN. Mr. President, today marks exactly 6 months since the Affordable Care Act became law. And this truly is a banner day, because a key feature of the new law, the Patient's Bill of Rights, goes into effect—cracking down on the worst abuses of health insurance companies and giving Americans important new protections. These reforms are long overdue, and represent a new day in American health care. We are creating a reformed health insurance system that works in the interest of working Americans and their families—the healthy and the sick—and not just to boost the profits of insurance companies and the bonuses of their executives.

Starting today, insurance companies will no longer be allowed to cancel your policy if you get sick. They must end their abusive practice of scouring your health records for an excuse—any excuse—to cancel your coverage and leave you high and dry when you need insurance the most. One major insurer actually targeted women who were newly diagnosed with breast cancer. No longer will insurance companies be allowed to reward employees with bonuses for cancelling policies in order to pad company profits. This cruel practice, at long last, is illegal.

Starting today, children with preexisting conditions can no longer be denied health insurance. This will ensure that all children receive access to preventive care and needed treatments and healthy start at life.

Beginning today, lifetime benefit limits on your health insurance plan will be banned, and annual benefit limits will be restricted. Over 100 million Americans have health plans that include a lifetime limit, which, in times of serious illness, can cause the loss of coverage when patients need it the most. No longer will a diagnosis of an acute illness such as cancer or ALS lead a patient to rapidly max out their health benefits.

Starting today, parents will no longer have to worry that their children will be kicked off their health insurance plan when they turn 19 or finish college. Today, millions of American families with young adult children who don't receive health insurance through their employer will be able to keep their children on their family plan until age 26. I know that in my State of Iowa, this will help over 8,300 young adults this year.

Today, Americans receive yet another protection against health insurance company abuses. Starting today, if an insurer refuses to pay for your test or treatment, you are guaranteed the right to appeal that decision. If your appeal through the company is not favorable, you have the right to an independent appeal by a third-party reviewer. This is one of many new reforms that will keep insurance companies from boosting profits at the expense of sick patients.

And finally, today is a landmark day in the effort to transform our current sick care system into a true health care system—one focused on wellness, prevention, and public health—keeping people out of the hospital in the first place. That is why I am particularly pleased that, starting today, health plans must cover proven preventive services at no cost to the patient. This means that, starting today, you can visit your doctor for tests such as mammograms and colonoscopies for prenatal care, or for immunizations such as the seasonal flu shot, without paying a deductible, co-pay, or coinsurance. This represents an enormous benefit to the health of Americans, and to the well-being of this country. Because there is no better way to bend the cost curve downward than by keeping people healthy and catching illness in its earliest stages.

As I travel around the country, I hear from so many folks who have already benefitted from health care reform, and look forward to the many additional improvements still to come. I hear from mothers who are relieved their children can no longer be denied coverage for their asthma, from working families who will no longer have to worry about the cost of a co-pay for their annual flu shot, and from seniors who have received a $250 rebate check to help with the cost of their prescription drugs.

Starting in January, seniors will also receive free preventive services—plus an annual wellness visit—through Medicare.

I talk to small business owners who have benefitted from the tax credits that make providing health coverage to their employees more affordable.

I would like to take a moment to share how health reform is helping everyday Americans by putting people ahead of profits. I recently learned about the case of a young Iowan from Cedar Falls, Sarah Posekany. She is just one of millions of Americans who have been plunged into financial ruin because their insurance company cut them off after they got sick.

Sarah was diagnosed with Crohn's disease when she was 15 years old. During her first year of college, she ran into complications from Crohn's, forcing her to drop her classes in order to heal after multiple surgeries. Because she was no longer a full-time student, her parents' private health insurance company terminated her coverage.

As Sarah puts it: ''They didn't want to help, so I had to let the medical bills pile up.''

Four years later, she found herself $180,000 in debt, and was forced to file for bankruptcy.

Sarah has undergone seven surgeries. And here is what is most disturbing: Two of those surgeries came as a direct result of her not being able to afford medication.

Sarah said: ''When I don't have any insurance, and can't afford to treat myself, the disease progresses to the point where I need surgery.''

Sarah still wants to pursue her dream of becoming a nurse. But her bankruptcy and crippling debt will follow her wherever she goes, all because her parents' insurance company cancelled her coverage exactly when she needed it most.

Today is the day that we put a stop to these kinds of tragedies—experiences like Sarah's, that are a stain on our past. Today, our health system takes another giant step toward working not just for the healthy and the wealthy but for all Americans.

These reforms represent such enormous progress, such a dramatic improvement in the daily lives of millions of Americans. Frankly, I am astounded that my colleagues on the other side of the aisle continue to call for the repeal of these historic reforms.

In fact, just this past weekend, a major contender for their party's Presidential nomination publicly stood up for insurance companies to defend one of their most egregious practices: discriminating against people based on preexisting conditions. He said that health insurance companies shouldn't be obligated to cover preexisting conditions—and let's not forget that insurers include pregnancy and domestic violence on their list of preexisting conditions—because paying for the care of the sick is like insuring a building that is on fire.

If that's how they characterize the millions of Americans with heart conditions, the millions of Americans who are cancer survivors, and the millions of Americans born with health conditions they have no control over—comparing them to burning buildings—then I can understand why it is so easy for them to lock arms with insurance companies and defend their discriminatory practices.

What this sort of thinking indicates to me is that many Republicans are sadly out of touch with the priorities of the American people. They continue to argue for repeal of a bill that puts an end to the most appalling health insurance company abuses.

They want to drag us back to a day where a bad diagnosis not only meant a health challenge but potential financial ruin.

They have spent months using scare tactics like claiming the bill cuts Medicare and hurts seniors when it actually strengthens Medicare. So far this year, seniors have seen prescription drug price relief, and very soon they will enjoy free preventive care and lower Medicare Advantage premiums.

Do my friends on the other side of the aisle really want to repeal the ban on denying coverage to children with preexisting conditions?

Do they want to overturn the provision allowing children to stay on their parents plan until they are 26 or can receive coverage through an employer?

Do they really want to turn to our youth at a time when they are most vulnerable and starting out in life and say, ''Sorry, when you get sick, you're on your own?''

Do they want to repeal the ban on insurance companies cancelling your policy if you get a serious illness like cancer or heart disease?

Do they want to repeal the ban on lifetime benefit limits and allow insurance companies to cut off your coverage when they determine your care hurts profits too much?

I can't for the life of me understand why Republicans think that repealing these new protections and benefits, and going back to the bad old days when health insurance companies held all the cards, is what Americans want.

And what about the health reform law's reduction of the deficit? I am just at a loss as to why Republicans are calling for the repeal of a law that ends insurance company abuses, expands access to care, and reduces the deficit by $143 billion in the next 10 years, and by nearly $1 trillion in the years after that.

There are so many good things in the health reform law, and there is much more to come. Just this week, a Families USA report highlighted the benefits this law will bring to my State of Iowa. When the full law kicks in, in 2014, over 261,000 Iowans will qualify for tax credits to help them purchase health insurance. These tax credits, which amount to one of the largest middle-income tax cuts in American history, will reduce Federal income taxes for Iowans by $974 million in the first year alone. And these tax breaks are targeted toward working families who have long struggled with the increasing cost of health insurance.

We have reached a historic moment in the history of American health care. A moment where the promise of health reform is becoming a reality for Americans. A moment where all patients—not just the healthy and the wealthy—have the rights and protections they need and deserve.

The Patient's Bill of Rights—the critical new protections that take effect today—is a giant step forward for the health and economic security of the American people.

Health reform is off to a very strong start. As many predicted, the new health reform law is growing increasingly popular as people get better acquainted with its broad array of benefits and protections. They like the new law's sharp emphasis on wellness and prevention. They want every American to have access to quality, affordable health care. They like the tax cuts to help working families afford health coverage.

And make no mistake: the American people are not going to allow these benefits and rights to be taken away.

Mr. LEAHY. Mr. President, for each of us, our health is among the things we care the most about. Certainly one of the most common requests any of us regularly make in prayer is for good health. And of course it is not only our own health we worry about; we also want good health and proper medical insurance for our children, our parents, our siblings—for all those who are important to us.

Medical knowledge and technology have advanced tremendously during the past two and a half centuries of American life, and the pace of medical progress is accelerating. But health insurance models have not. The deck has been stacked in favor of the insurance companies, and against the practical needs of ordinary Americans. For much of the last century Americans have pointed to the obvious need for insurance reform, yet the problems have only grown worse and more urgent, leaving millions of Americans exposed to the ravages of sudden illness and the wasting effects of declining health.

Six months ago today, President Obama signed into law the Affordable Care Act, which will extend health insurance coverage to more than 30 million uninsured Americans in the next few years. Reform based on good quality, affordable health insurance that has been talked about for decades is finally becoming a reality. Over 15 months starting last year, Congress debated and then passed the most sweeping and comprehensive reforms to improve the everyday lives of every American since Congress passed Medicare in 1965. It was an arduous process, but in the end the achievement proved that change is possible and that voices of so many Americans who over the years have called on their leaders to act have finally been heard.

Americans are already beginning to see some of the benefits of insurance reform. First, in states where individuals and families are excluded from health coverage because of preexisting medical conditions, these Americans can now buy insurance through special insurance plans overseen by the states and delivered by private medical providers. Second, employers across the country already have applied for and have been awarded early retiree reinsurance grants that will reimburse employers for retirees' medical claims.

Third, seniors on Medicare who have high-cost prescriptions typically fall within a coverage gap known as the ''doughnut hole.'' Beginning recently, beneficiaries who fall within the gap will receive $250 checks to help cover the cost of their prescription drugs.

And today, more benefits of real insurance reform go into effect that will help consumers take control of their own health care decisions. Known as the Patients' Bill of Rights, these new rules protect consumers against the worst health insurance industry abuses that have prevented millions of people from receiving the health care they need. Going forward, insurance plans can no longer deny children coverage because of a preexisting health condition; insurance plans are barred from dropping beneficiaries from coverage simply because of an illness; dozens of preventive care services must be covered at no cost and with no co-pay; Americans will have access to an easier appeals process for private medical claims that are denied; and adult children can stay on their parents' plans until their 26th birthdays.

Yet another major reform now protects everyday Americans from one of the most egregious insurance industry practices: setting lifetime or annual limits on health insurance coverage. Wherever I travel in Vermont I am often stopped in the grocery store, at church, on the street or at the gas station to listen to personal, wrenching stories from Vermonters who can no longer get medical treatment because they have met their annual or lifetime maximum. Many of these Vermonters were perfectly healthy before being diagnosed with cancer or diseases that can cost well beyond their means for treatment. Instead of being able to focus on getting healthy, patients instead must worry about whether or not their next doctor's visit will shove them above the insurance company's arbitrary limit.

Each of these stories is anguishing. Let me describe just one of them. A master's student from Saint Michael's College's graduate school, Ned wrote my office during the health care reform debate to share his story. A car accident when Ned was nine left him a quadriplegic. His health care costs since then have necessarily been high. In fact, recently Ned found that he had nearly met his lifetime limit on coverage from one plan and his only remaining option for health insurance coverage not only contained a lifetime cap on coverage but also a cap on expenses for durable medical equipment, which he uses frequently because of his wheelchair. But beginning today, Ned and millions of other Americans who fear reaching their coverage limits can rest easier knowing that their insurance will be there when they need it the most. Ned, and we, can look forward to a lifetime of the contributions that he will make to his community and our country.

In addition to improvements to our health insurance system that we will see this year, over time the Affordable Care Act will insure 95 percent of our population and make a substantial investment in our economic vitality in the years ahead. In addition to ending the discriminatory insurance company practices of denying coverage because of a preexisting condition or canceling coverage when beneficiaries get sick, the new law will lower costs for small businesses and individuals who simply cannot afford health coverage. And despite the specious arguments from opponents of reform, this bill is the largest deficit reduction measure upon which many in Congress will ever cast a vote. The Congressional Budget Office estimates that comprehensive reform will reduce the federal deficit by $143 billion through 2019, and by more than $1 trillion in the decades to come.

The Affordable Care Act is a tremendous achievement that will improve the lives of Americans for generations to come. For decades, we have heard heartbreaking stories about the enormous challenges Americans face because they are uninsured or underinsured. With each new implementation date of the features of the Affordable Care Act, these stories are becoming fewer and fewer and are being replaced by stories of the success of these reforms, one family at a time, all across Vermont and all across America.

There is still much more to accomplish, and there are still millions of Americans who are struggling to buy or keep adequate health insurance coverage for their families or themselves. As these reforms are implemented over the next few years, I will continue to work with Vermonters and the Department of Health and Human Services to help Americans have the access to the quality, affordable health insurance that each American needs and deserves.

Mr. JOHNSON. Mr. President, I rise today to recognize an important milestone in the effort of delivering meaningful health reform for all Americans. Six months ago, President Obama signed the Patient Protection and Affordable Care Act into law, and the first major patient protections now take effect to help Americans obtain and keep meaningful health care coverage.

I am reminded of all the South Dakotan families and businesses that have contacted me to voice their thoughts about health care, share their personal experiences, and find out how reform will help them. Reforms in place today end some of the worst insurance industry abuses by implementing a Patient's Bill of Rights. These provisions protect children with a preexisting condition from being denied coverage, allow parents to provide insurance for their children through their young adult years, prohibit profit-driven insurance companies from rescinding benefits as soon as someone becomes sick and eliminate lifetime limits and restrict annual limits on benefits.

As more provisions of the Affordable Care Act are implemented, it is important we do not forget the health care crisis facing our Nation and the consequences of inaction. The latest U.S. Census report confirms that, while some were spinning mistruths about a government takeover of health care, more and more Americans were losing their health insurance coverage. Last year, the number of insured individuals and families dropped for the first time the Census starting tracking that data in 1987. Nearly 51 million Americans are uninsured, compared to 46 million the previous year. The Affordable Care Act puts in place assurances that no more Americans will be priced out of the private health insurance market or denied coverage by discriminatory insurance practices. Americans will no longer pay more every year for fewer benefits, be denied coverage for a preexisting medical condition, or lose coverage altogether just for getting sick.

The Patient's Bill of Rights taking effect today eliminates the worst practices of the insurance industry that took advantage of American families for far too long. But insurance market reforms alone will not address all shortcomings of our health care system. The Affordable Care Act also includes important investments in strengthening and growing our health care workforce, improving access to preventive and wellness programs, and addressing waste, fraud and abuse.

I supported health care reform to give our Nation the best chance of improving our system and reigning in costs. One of our biggest challenges remains the fact that we spend more on health care than any other country, 50 percent more per capita than the next highest spender, and yet have poorer health outcomes than most. Health reform cannot change that fact overnight, but it does provide us with a path forward and the tools to improve the way our system works for everyone. Health economists have noted that reform finally implements a myriad of bipartisan proposals to rein in costs that have been circulating for decades. These commonsense changes to our health care delivery system will ensure we are getting our money's worth and ensure citizens have access to affordable health care. Health reform has made a significant step forward in addressing the drivers behind increasing health care costs and placing us in a more fiscally sustainable direction.

The new law isn't perfect—few major pieces of legislation are—and the work is not finished in delivering meaningful health reform for all Americans. But with inaction not an option, the passage of the Affordable Care Act laid the foundation for improving the American health care system. The new law is a product of compromise and in that same spirit I will continue to work with my colleagues to ensure health reform is delivering for South Dakotans and all Americans.

THE DREAM ACT

Mr. CARDIN. Mr. President, I rise today to express my support for the DREAM Act amendment to the 2010 National Defense Administration Act. This is bipartisan legislation that provides sound economic and national security benefits to our Nation.

I have long supported the DREAM Act primarily because it provides a pathway forward for young men and women who have played by the rules all of their lives, graduated high school and now want to give back to this country. These are young people who had no say in how or when they came to our country, but somehow, their parents or other relatives brought them here to live a better life.

Now, we could spend an infinite amount of time debating what to do with the undocumented adults who have come to the U.S.—and I hope that we do eventually get to that debate—but the focus of this measure is the children. We are talking about the innocent children, who, for the most part, have known no other home than America and deserve a way forward now that they are reaching adulthood.

Every year, thousands of undocumented students who live in the United States graduate from high school. Among these students you will find valedictorians, honor roll students, and community leaders who are committed to the United States and their local communities. It is estimated that there are 65,000 such young people who graduate from high school in the United States and find themselves unable to work, go to college, or serve this country in the military.

The young people who would be DREAM Act eligible would have graduated high school, passed a background check and be of good moral character. It is why the DREAM Act is supported by the Secretary of the Department of Education, the National Education Association, the Association of American Universities and many others. Leading businesses like Microsoft endorse the DREAM Act because they recognize these young people are talented and can be a benefit to U.S. businesses in this global economy. DREAM Act-eligible young people are exactly the type of individuals we want to be part of our great society.

The DREAM Act is a smart, targeted piece of legislation that will only benefit children who were brought to this country before the age of 16 and have been living here for at least 5 years.

From an economic perspective, the DREAM Act provides clear fiscal benefits to our local communities and our Nation. State and local taxpayers have invested time and money in these young people through elementary and secondary education expecting that eventually they will become contributing, tax-paying members of our society. With education budgets as tight as they are, why would any community throw away such an investment?

Take this for example: a young immigrant who graduates from college will pay $5,300 more in taxes and cost taxpayers $3,900 less in government expenses each year than if he or she dropped out of high school. Additionally, our own Department of Defense recommended in their 2010–2012 strategic plan the passage of the DREAM Act to help the military ''share and maintain a mission-ready All Volunteer Force.'' The former Secretary of the Army, Louis Caldera, stated ''the DREAM Act will materially expand the pool of individuals qualified, ready and willing to serve their country in uniform.'' The DREAM Act provides a smart and narrow pathway for eligible young people to go on to college or enter our military.

Lastly, supporting the DREAM Act is the proper next step toward taking up comprehensive immigration reform. The American people have spoken on this issue. They would like Congress to step up and deal with this issue. According to a recent Fox News poll, 68 percent of voters, including Republicans, Democrats and Independents, say that efforts to secure the border should be combined with reform of Federal immigration laws. I agree, which is why I voted in favor of providing $600 million for 1,500 new border patrol agents, additional monitoring and communications equipment in August. That funding and those resources were an important step to ensure our Nation's borders are secure; just like passing the DREAM Act is an important step to ensure our country has the best and brightest individuals contributing to our economy and society.

Additionally, the DREAM Act has traditionally been a bipartisan effort. During this Congress Senator DURBIN and Senator LUGAR introduced the legislation. But in the 108th Congress the legislation had the support of Senator HATCH, Senator GRASSLEY, Senator KYL and Senator CORNYN. During the last Congress, 23 Republican Senators voted in favor of this legislation when it was offered as an amendment to the comprehensive immigration reform bill. There is a strong bipartisan history to this legislation and strong public support.

No child should be held accountable for the sins of their parents. This targeted, bipartisan legislation recognizes this fact and shows compassion to the innocent. It provides a pathway forward for young men and women who have played by the rules all of their lives, graduated high school and now want to give back to this country. These are young people who truly deserve a second chance. I urge my colleagues to support this legislation.

REMEMBERING STAFF SERGEANT HAROLD ''GEORGE'' BENNETT

Mrs. LINCOLN. Mr. President, I rise today to honor the memory of U.S. Army SSG Harold ''George'' Bennett. In the jungles of Vietnam, this young Arkansan displayed courage and honor while serving his Nation in uniform. Tragically, he became the first American prisoner of war executed by the Viet Cong. This year marks the 45th anniversary of his death, and I am proud to join his family later this month to posthumously honor him with the Silver Star, the third highest military decoration that can be awarded to a member of any branch of the U.S. Armed Forces.

George Bennett was born on October 16, 1940, in Perryville, AR, a small town that rests just northwest of Little Rock in the foothills of the Ozarks. His father, Gordon, was a veteran of World War I, and he instilled in his sons the values and rewards of service to country. All four would follow his footsteps into the U.S. Army.

SGT George Bennett was trained in the Army as an airborne infantryman and served with the famed 82nd and 101st Airborne Divisions, made up of some of the finest soldiers in the world. He earned his Master Parachute Wings and Expert Infantry Badge before volunteering in 1964 for service in what was a relatively unknown area of Southeast Asia called Vietnam.

While deployed, Sergeant Bennett served as an infantry advisor to the 33rd Ranger Battalion, one of South Vietnam's best trained and toughest units. On December 29, 1964, they were airlifted to the village of Binh Gia after it had been overrun by a division of Viet Cong. Immediately upon landing, Sergeant Bennett's unit was confronted by a well-dug-in regiment of enemy forces, and despite fighting furiously and courageously throughout the afternoon, their unit was decimated and overrun. Sergeant Bennett and his radio operator, PFC Charles Crafts, fell into the hands of the Viet Cong.

Before being captured, Sergeant Bennett twice called off American helicopter pilots who were attempting to navigate through the combat zone to rescue him and his radioman. Displaying a remarkably calm demeanor, his focus seemed to be on their safety and not his own. His last words to his would-be rescuers were, ''Well, they are here now. My little people [his term for the South Vietnamese soldiers under his command] are laying down their weapons and they want me to turn off my radio. Thanks a lot for your help and God Bless You.''

As a prisoner of war, the only thing more remarkable than the courageous resistance he displayed throughout his captivity was his steadfast devotion to duty, honor, and country. His faith in God and the trust of his fellow prisoners was unshakable. Sadly, the only way his captors could break his spirit of resistance was to execute him. Today, Sergeant Bennett lies in an unmarked grave known only to God, somewhere in the jungles of Vietnam.

Mr. President, Sergeant Bennett was a selfless young man who answered his Nation's call to service and placed duty and honor above all else. Although he may no longer be with us, the example and selflessness of this brave young Arkansan will forever live on in our

hearts. While a grateful nation could never adequately express their debt to men like George Bennett, it should take every opportunity to honor them and their families for the sacrifice they have paid on our behalf.

TRIBUTE TO JENNIFER LAWSON

Mr. LEAHY. Mr. President, this week the Vermont Department of Education announced that Jennifer Lawson of Waltham, VT, has been named Vermont's 2011 Teacher of the Year. I am proud to call her selection to the Senate's attention, and I offer hearty congratulations to Ms. Lawson and thank her for her dedication to the students of Vermont.

A graduate of the University of Vermont with a bachelor's degree in elementary education and a master's degree in education from Connecticut College, Jennifer Lawson has spent 12 years in the classroom. Prior to her current role as a social studies and language arts teacher at Vergennes Union High School, she taught as an elementary school teacher in Vergennes. Her success as an educator stems from her ability to inspire students to challenge themselves and their peers in a positive learning environment. She champions her students' individuality and encourages them to bring their life experiences into the classroom.

In Vermont, schools are at the core of our communities. Our kids are the seed corn of the future that we want for our state and its people. Vermonters understand the importance of giving our children a quality education, and they understand that a child's education begins well before their first day of school and will continue long after their last graduation day. Jennifer Lawson brings this philosophy into practice every time she enters the classroom. She recognized quickly that educating students involves so much more than just talking about a subject.

Even outside the classroom Jennifer is involved in improving the education in her community. She serves on several of her school's committees, including the Adequate Yearly Progress Team for Literacy; she is a coleader of the Afterschool Program for Reading and Math; and she serves as a member on the assessment design and research team. Along with her efforts close to home she has been published nationally on alternative energy sources for schools and has given a presentation on Expeditionary Learning Schools for Outward Bound. I am glad that she will expand her role within our State even further this year as she consults with other educators throughout Vermont in her role as Teacher of the Year.

As I told Jennifer when I called her this week, Marcelle and I are proud of her and the extraordinary work she does on behalf of Vermont children. Vermont will be superbly represented in the national competition for Teacher of the Year next spring. I congratulate her on this honor, and I hope she spends many more years inspiring young minds.

I ask unanimous consent to have printed in the RECORD a copy of an article in The Burlington Free Press about Ms. Lawson.

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

[From Burlington FreePress.com]

VERGENNES TEACHER IS STATE'S BEST, JENNIFER LAWSON PLAYS TO HER STUDENTS' STRENGTHS

(By Lynn Monty)

Teacher Jennifer Lawson looked classy—but cool—dressed in tall green leather boots that matched her mohair vest and nail polish this morning as she guided her class through a lesson called ''echoes.''

One student said, ''They say I'm spoiled'' as another echoed back, ''I say I'm fortunate.''

Another said, ''They say I'm a geek,'' as another echoed back, ''I say they don't know me.''

The students wrote each statement and echo. The exercise is just one of the many tools 38–year-old Lawson, of Waltham, uses to empower her students and is part of the reason she was chosen 2011 Vermont Teacher of the Year.

Lawson is a middle school language arts and social studies teacher at Vergennes Union High School. As winner of the state award, she will travel across Vermont to work with other teachers and compete for the National Teacher of the Year award. In the spring, she heads to Washington for a reception at the White House. Lawson is a native Vermonter who has worked at VUHS for six years.

''It's amazing, humbling and flattering,'' Lawson said. ''It's an award for my students more so than for me because it's the students who get me excited.''

Lawson said it's important to her to know students individually and to recognize who they are. She said her goal as a teacher is to celebrate her students and broaden their perspective of the world. ''In a lot of ways school is home away from home,'' she said. ''The experiences here should be celebrated and connections should be made with their life experiences outside of school.''

Lawson taught at Vergennes Union Elementary School prior to taking the position at the high school. She has 12 years of classroom experience and holds a master's of education from Connecticut College and a bachelor's in elementary education from the University of Vermont.

Lawson's father, Robert Lawson, recently retired from the University of Vermont after 44 years of teaching. He has observed his daughter in the classroom on many occasions.

''It's a wonderful recognition,'' he said of the award. ''Jennifer is very fond of this community. She gives from her heart and mind and she teaches her students to problem-solve, to be cooperative, to read and to be friendly. I am just very happy for her today.''

As students left the soft lighting and comfy couches in Jennifer Lawson's classroom to attend the assembly being held in her honor, eighth-grader Dana Ambrose, 13, praised his teacher. ''She's really great and helps us a lot. Personally I don't read that great, but she has helped me improve. I am thankful for that. She's a great teacher and just loves to help everybody.''

Vermont Education Board Chairwoman Fayneese Miller said that when the Department of Education chooses a teacher of the year, the goal is to choose someone who has the ability to excite young people, to encourage them to use their imagination and to think about possibilities. ''I think that's what she embodies,'' Miller said. ''She cares about her students and loves learning and encourages learning in her students. She's a highly effective teacher.''

But it's not only the students that Lawson is teaching. Para-educator Erika Lynch is a newly licensed teacher who has been working alongside Lawson for two years.

''Being in rooms with her is really good for me because I can learn from her,'' Lynch said. ''I am picking up things that hopefully I can use one day in my own classroom. Jenn creates a learning community where kids feel safe and take chances, where they are challenged but they are able to meet those challenges. It's because she meets kids at their level. She does a great job of creating an environment that makes it easier for kids to learn.''

Miller introduced Lawson at the assembly. ''By the round of applause it is obvious Jennifer Lawson is someone who is revered, respected and loved,'' she said.

As Lawson accepted the crystal apple that Miller handed her, she received a standing ovation from the packed auditorium and said above the din, ''I love my job and I love you guys.''

ADDITIONAL STATEMENTS

ARKANSAS'S FINALISTS FOR ''TEACHER OF THE YEAR''

● Mrs. LINCOLN. Mr. President, today I congratulate 14 Arkansas teachers who were recently named regional finalists for Arkansas Teacher of the Year. These educators represent the best of our State, and I join all Arkansans to thank them for their efforts to educate and inspire our Arkansas youth. These teachers devote themselves to ensuring a bright, successful future for their students, and I commend them for their pursuit of professional excellence and their dedication to learning and knowledge.

The finalists are Blair Ballard, Walnut Ridge Elementary; Vickie Beene, an English teacher at Nashville High School; Julie Boyd, Hurricane Creek Elementary in Bryant; Jeannette Dempsey, College Hill Elementary, Texarkana; Oretha Faye Ferguson, an English teacher at Fort Smith Southside High School; Karen S. Hart, a biology teacher at Jonesboro High School; Kristy Parish, Westside Elementary, Searcy; Mary Katherine Parson, a biology teacher at Little Rock Central; Kathy A. Powers, Simon Intermediate School, Conway; Therese Thompson, John Tyson Elementary, Springdale; Rebecca Vaughn, Wedlock Elementary, West Memphis; Maryann Walker, M.A. Hardin Elementary, White Hall; Carolyn Whisenant, Mountain Home Kindergarten; and Emily Kathryn White, Monticello Elementary.●

ARKANSAS BLUES AND HERITAGE FESTIVAL

● Mrs. LINCOLN. Mr. President, today I celebrate the 25th anniversary of the

Arkansas Blues and Heritage Festival, a beloved, time-honored tradition in my hometown of Helena, AR.

The Arkansas Blues and Heritage Festival, formerly known as the King Biscuit Blues Festival, is one of the Nation's foremost showcases of blues music. Held for 3 days annually in October, tens of thousands of blues enthusiasts converge on historic downtown Helena. This year's festival features legendary blues musician B.B. King, along with nearly 50 other blues performances. The event will be held October 7 to 9, with projected attendance figures of nearly 80,000.

I have often joined my fellow Helena residents to celebrate and enjoy this annual tradition, and I am proud of the community's efforts to keep alive the history and heritage of blues music.

Founded in 1986, the first festival was a 1-day event, with a small gathering of local residents and a flatbed truck as a stage. Since then, the festival has grown to a 3-day event, with three stages and several activities, such as the Kenneth Freemyer 5K Run, the Blues in Schools program, and the Tour da' Delta bicycle tour.

I congratulate the organizers and leadership of the Arkansas Blues and Heritage Festival, along with all my fellow Helena residents. I wish them all the best as they celebrate 25 years of the Arkansas Blues and Heritage Festival.●

RECOGNIZING DIRK LEACH RUSTIC ARTS

● Ms. SNOWE. Mr. President, as lobster bakes and vacations along the picturesque northeastern coast fade with the summer months, today I honor a craftsman and small business owner in my home State of Maine who keeps the feeling of the season alive by marrying function, comfort, beauty, tradition, and love of the outdoors—quintessentially Maine characteristics—with the iconic Adirondack chair.

Located along the Saco River in the town of Buxton, Dirk Leach Rustic Arts is a one-of-a-kind business devoted to one man's dream of creating the perfect Adirondack chair. The company's owner, Dirk Leach, maintains the tradition of ''rustic artistry'' by walking through Maine's woodlands in late fall and winter to gather materials for one of his Shaker creations. An artist and an innovator, Mr. Leach describes himself as ''obsessed with the Adirondack chair form,'' and draws inspiration from the simple, functional forms of Shaker design. Mr. Leach's sketches help him translate his varying ideas into unique prototypes and, finally, innovative seating pieces with wide seat planks, thick arm rests, and clean lines.

Since the mid 1990s, Dirk Leach has fashioned Adirondack chairs and settees from a variety of trees native to Maine, such as red oak, white ash, yellow birch, and sugar maple. Perhaps most creatively, Mr. Leach transforms pin cherry and gray birch into handhewn candlesticks and a number of accessories. Mr. Leach lovingly builds, paints, signs, and dates his exceptional and unique creations, which are all beautifully handcrafted and guaranteed for life. While his most popular designs include the traditional Weekender chairs to the more eclectic Nor'easter chairs, Mr. Leach has pledged to design 100 variations of the outdoor classic by alternating back height, seat angles, hardware, and color. Moreover, chairs can be built to withstand even the coldest of Maine's winters, as they are constructed of weather tight white oak and finished in the finest exterior house paint on the market.

And although Mainers have come to anticipate traditional white Adirondack chairs assembled along campfires and lazily arranged in the backyard, Dirk Leach is renowned for applying layers of paint in colors inspired by nature itself, from colors such as iris, prairie grass, and warm earth, to vivid shades of crocus, coral, and pistachio.

Touted as the ''Best Maine Adirondack Chair'' by Down East Magazine in July 2010, Dirk Leach Rustic Arts has been working to keep up with demand since the Maine publication hit newsstands. And when he wasn't drawing up his newest designs, Mr. Leach has spent time traveling to Wisconsin, New York, and throughout Maine—from July to September—demonstrating his rustic woodworking craftsmanship and techniques.

While small businesses are most notably touted as drivers of our national economy, and rightly so, they can sometimes be overlooked for their often more subtle contributions to design, quality, and innovative vision. Whether his customers utilize these chairs to gaze out at the ocean or sit around a campfire, Dirk Leach's designs are functional works of art meant to last for generations. I commend Dirk Leach on the passion he lends to his craft, and I wish him nothing but success in the years to come.●

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

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

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

MESSAGES FROM THE HOUSE

At 10:38 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2923. An act to enhance the ability to combat methamphetamine.

H.R. 3470. An act to authorize funding for the creation and implementation of infant mortality pilot programs in standard metropolitan statistical areas with high rates of infant mortality, and for other purposes.

H.R. 4195. An act to authorize the Peace Corps Commemorative Foundation to establish a commemorative work in the District of Columbia and its environs, and for other purposes.

H.R. 4347. An act to amend the Indian Self-Determination Act and Education Assistance Act to provide further self-governance by Indian tribes, and for other purposes.

H.R. 5152. An act to adjust the boundary of the Kennesaw Mountain National Battlefield Park to include the Wallis House and Harriston Hill, and for other purposes.

H.R. 5194. An act to designate Mt. Andrea Lawrence, and for other purposes.

H.R. 5494. An act to direct the Secretary of the Interior to transfer certain properties to the District of Columbia.

H.R. 5809. An act to amend the Controlled Substances Act to provide for take-back disposal of controlled substances in certain instances, and for other purposes.

H.R. 5811. An act to amend the Ysleta del Sur Pueblo and Alabama and Coushatta Indian Tribes of Texas Restoration Act to allow the Ysleta del Sur Pueblo Tribe to determine blood quantum requirement for membership in that tribe.

H.R. 6130. An act to amend title XI of the Social Security Act to expand the permissive exclusion from participation in Federal health care programs to individuals and entities affiliated with sanctioned entities.

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

H. Con. Res. 294. Concurrent resolution commemorating the 75th anniversary of the Blue Ridge Parkway.

The message further announced that the House has passed the following bill, without amendment:

S. 2781. An act to change references in Federal law to mental retardation to references to an intellectual disability, and change references to a mentally retarded individual to references to an individual with an intellectual disability.

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 1454) to provide for the issuance of a Multinational Species Conservation Funds Semipostal Stamp.

ENROLLED BILLS SIGNED

At 11:33 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 4505. An act to enable State homes to furnish nursing home care to parents any of whose children died while serving in the Armed Forces

H.R. 6102. An act to amend the National Defense Authorization Act for Fiscal Year 2010 to extend the authority of the Secretary of the Navy to enter into multiyear contracts for F/A–18E, F/A–18F, and EA–18G aircraft.

The enrolled bills were subsequently signed by the President pro tempore (Mr. INOUYE).

At 3:19 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has agreed to the amendment of the Senate to the bill (H.R. 5297) to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes.

ENROLLED BILLS SIGNED

The message also announced that the Speaker has signed the following enrolled bills:

S. 2781. An act to change references in Federal law to mental retardation to references to an intellectual disability, and change references to a mentally retarded individual to references to an individual with an intellectual disability.

H.R. 1454. An act to provide for the issuance of a Multinational Species Conservation Funds Semipostal Stamp.

The enrolled bills were subsequently signed by the President pro tempore (Mr. INOUYE).

ENROLLED BILLS SIGNED

At 3:51 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 4667. An act to increase, effective as of December 1, 2010, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans, and for other purposes.

H.R. 5682. An act to improve the operation of certain facilities and programs of the House of Representatives, and for other purposes.

The enrolled bills were subsequently signed by the President pro tempore (Mr. INOUYE).

At 4:23 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that that the House has passed the following bill, without amendment:

S. 1674. An act to provide for an exclusion under the Supplemental Security Income program and the Medicaid program for compensation provided to individuals who participate in clinical trials for rare diseases or conditions.

The message also announced that the House agrees to the resolution (H. Res. 1653) returning to the Senate the amendment of the Senate to the bill (H.R. 5875) title, the bill (S. 951) title, the bill (S. 1023), the bill (S. 2799), the bill (S. 3162), and the bill (S. 3187), in the opinion of the House, each contravenes the first clause of the seventh section of the first article of the Constitution of the United States and is an infringement of the privileges of this House, and shall be respectfully returned to the Senate with a message communicating this resolution.

At 4:40 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

6190. An act to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend the airport improvement program, and for other purposes.

ENROLLED BILL SIGNED

At 5:09 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 5297. An act to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes.

The enrolled bill was subsequently signed by the President pro tempore (Mr. INOUYE).

At 5:54 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bills, without amendment:

S. 3717. An act to amend the Securities and Exchange Act of 1934, the Investment Company Act of 1940, and the Investment Advisers Act of 1940 to provide for certain disclosures under section 552 of title 5, United States Code, (commonly referred to as the Freedom of Information Act), and for other purposes.

S. 3814. An act to extend the National Flood Insurance Program until September 30, 2011.

MEASURES REFERRED

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

H.R. 3470. An act to authorize funding for the creation and implementation of infant mortality pilot programs in standard metropolitan statistical areas with high rates of infant mortality, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

H.R. 4195. An act to authorize the Peace Corps Commemorative Foundation to establish a commemorative work in the District of Columbia and its environs, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 5152. An act to adjust the boundary of the Kennesaw Mountain National Battlefield Park to include the Wallis House and Harriston Hill, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 5194. An act to designate Mt. Andrea Lawrence, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 5809. An act to amend the Controlled Substances Act to provide for take-back disposal of controlled substances in certain instances, and for other purposes; to the Committee on the Judiciary.

H.R. 5811. An act to amend the Ysleta del Sur Pueblo and Alabama and Coushatta Indian Tribes of Texas Restoration Act to allow the Ysleta del Sur Pueblo Tribe to determine blood quantum requirement for membership in that tribe; to the Committee on Indian Affairs.

H.R. 6130. An act to amend title XI of the Social Security Act to expand the permissive exclusion from participation in Federal health care programs to individuals and entities affiliated with sanctioned entities; to the Committee on Finance.

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

H. Con. Res. 294. Concurrent resolution commemorating the 75th Anniversary of the Blue Ridge Parkway; to the Committee on Energy and Natural Resources.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 3827. A bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to permit States to determine State residency for higher education purposes and to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children, and for other purposes.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on September 23, 2010, she had presented to the President of the United States the following enrolled bill:

S. 2781. An act to change references in Federal law to mental retardation to references to an intellectual disability, and change references to a mentally retarded individual to references to an individual with an intellectual disability.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–7507. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Defense Federal Acquisition Regulation Supplement; Government—Assigned Serial Number Making'' (DFARS Case 2008–D047) received in the Office of the President of the Senate on September 20, 2010; to the Committee on Armed Services.

EC–7508. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Defense Federal Acquisition Regulation Supplement; DoD Office of the Inspector General Address'' (DFARS Case 2010–D015) received in the Office of the President of the Senate on September 20, 2010; to the Committee on Armed Services.

EC–7509. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Admiral Mark P. Fitzgerald, United States Navy, and his advancement to the grade of admiral on the retired list; to the Committee on Armed Services.

EC–7510. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security,

transmitting, pursuant to law, the report of a rule entitled ''Suspension of Community Eligibility'' ((44 CFR Part 64)(Internal Agency Docket No. FEMA–8147)) received in the Office of the President of the Senate on September 21, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC–7511. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Final Flood Elevation Determinations'' ((44 CFR Part 67)(Docket ID FEMA–2010–0003)) received during adjournment of the Senate in the Office of the President of the Senate on September 21, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC–7512. A communication from the Secretary, Division of Corporation Finance, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled ''Commission Guidance on Presentation of Liquidity and Capital Resources Disclosures in Management's Discussion and Analysis'' received in the Office of the President of the Senate on September 21, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC–7513. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Over the Counter Drugs'' (Notice No. 2010–59) received in the Office of the President of the Senate on September 20, 2010; to the Committee on Finance.

EC–7514. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Special Funding Rules for Multiemployer Plans under PRA 2010'' (Notice No. 2010–56) received in the Office of the President of the Senate on September 21, 2010; to the Committee on Finance.

EC–7515. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries in the Western Pacific; Bottomfish and Seamount Groundfish Fisheries; 2010–11 Main Hawaiian Islands Bottomfish Total Allowable Catch (RIN0648–XX15) received in the Office of the President of the Senate on September 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7516. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pacific Cod in the Bering Sea and Aleutian Islands Management Area'' (RIN0648–XY44) received in the Office of the President of the Senate on September 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7517. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the West Yakutat District of the Gulf of Alaska'' (RIN0648–XY66) received in the Office of the President of the Senate on September 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7518. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel in the Bering Sea and Aleutian Islands Management Area'' (RIN0648–XY62) received in the Office of the President of the Senate on September 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7519. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Economic Exclusive Zone Off Alaska; Pacific Cod in the Bering Sea and Aleutian Islands'' (RIN0648–XY45) received in the Office of the President of the Senate on September 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7520. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Magnuson-Stevens Act Provisions; Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; Inseason Adjustments to Fishery Management Measures'' (RIN0648–BA05) received in the Office of the President of the Senate on September 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7521. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries in the Western Pacific; Community Development Program Process'' (RIN0648–AX76) received in the Office of the President of the Senate on September 16, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7522. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report relative to obligations and unobligated balances of funds provided for Federal-aid highway and safety construction programs during fiscal year 2009; to the Committee on Commerce, Science, and Transportation.

EC–7523. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Final Airworthiness Design Standards for Acceptance Under the Primary Category Rule; Orlando Helicopter Airways (OHA), Inc. Models Cessna 172I, 172K, 172L, and 172M'' ((RIN2120–ZZ50) (14 CFR Part 21)) received in the Office of the President of the Senate on September 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7524. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Eurocopter France Model SA330J Helicopters'' ((RIN2120–AA64) (Docket No. FAA–2010–0825)) received in the Office of the President of the Senate on September 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7525. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; GA 8 Airvan (Pty) Ltd Models GA8 and GA8–TC320 Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2010–0463)) received in the Office of the President of the Senate on September 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7526. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Robert E. Rust, Jr. Model DeHavilland DH.C1 Chipmunk 21, DH.C1 Chipmunk 22, and DH.C1 Chipmunk 22A Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2010–0632)) received in the Office of the President of the Senate on September 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7527. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Model 737–100 and –200 Series Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2010–0481)) received in the Office of the President of the Senate on September 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7528. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Thielert Aircraft Engines GmbH (TAE) Models TAE 125–01 and TAE 125–02–99 Reciprocating Engines Installed In, But Not Limited To, Diamond Aircraft Industries Model DA 42 Airplanes; Correction'' ((RIN2120–AA64) (Docket No. FAA–2009–0201)) received in the Office of the President of the Senate on September 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7529. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Agusta S.p.A. (Agusta) Model A119 and AW119 MKII Helicopters'' ((RIN2120–AA64) (Docket No. FAA–2010–0824)) received in the Office of the President of the Senate on September 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7530. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bombardier-Rotax GmbH 912 F Series and 912 S Series Reciprocating Engines'' ((RIN2120–AA64) (Docket No. FAA–2010–0449)) received in the Office of the President of the Senate on September 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7531. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; BAE SYSTEMS (OPERATIONS) LIMITED Model BAe 146 and Avro 146–RJ Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2010–0477)) received in the Office of the President of the Senate on September 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7532. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bombardier, Inc. Model CL–600–2C10 (Regional Jet Series 700, 701, and 702); Model CL–600–2D15 (Regional Jet Series 705); and Model CCL–600–2D24 (Regional Jet Series 900) Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2010–0851)) received in the Office of the President of the Senate on September 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7533. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Restricted Area R–5113; Socorro, NM'' ((RIN2120–AA66) (Docket No. FAA–2010–0693)) received in the

Office of the President of the Senate on September 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7534. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures (104); Amdt. No. 3390'' (RIN2120–AA65) received in the Office of the President of the Senate on September 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7535. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airspace Designations; Incorporation by Reference'' (RIN2120–AA66) received in the Office of the President of the Senate on September 15, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7536. A communication from the Secretary of the Commission, Bureau of Consumer Protection, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled ''Telemarketing Sales Rule'' (RIN3084–AB19) received in the Office of the President of the Senate on September 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7537. A communication from the Acting Executive Secretary, U.S. Agency for International Development (USAID), (4) four reports relative to vacancies in the Agency for International Development (USAID), received in the Office of the President of the Senate on September 16, 2010; to the Committee on Foreign Relations.

EC–7538. A communication from the Staff Director, United States Commission on Civil Rights, transmitting, pursuant to law, the report of the appointment of members to the Arkansas Advisory Committee; to the Committee on the Judiciary.

EC–7539. A communication from the Director of Regulation Policy and Management, Veterans Benefits Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''Loan Guaranty: Assistance to Eligible Individuals in Acquiring Specially Adapted Housing'' (RIN2900–AM87) received in the Office of the President of the Senate on September 16, 2010; to the Committee on Veterans' Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. KERRY, from the Committee on Foreign Relations, with an amendment in the nature of a substitute:

S. 2971. A bill to authorize certain authorities by the Department of State, and for other purposes (Rept. No. 111—301).

By Mr. KERRY, from the Committee on Foreign Relations, with an amendment in the nature of a substitute and an amendment to the title:

S. 3581. A bill to implement certain defense trade treaties (Rept. No. 111—302).

By Mr. HARKIN, from the Committee on Health, Education, Labor, and Pensions, with an amendment in the nature of a substitute:

S. 3751. A bill to amend the Stem Cell Therapeutic and Research Act of 2005.

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 3767. A bill to establish appropriate criminal penalties for certain knowing violations relating to food that is misbranded or adulterated.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. HARKIN for the Committee on Health, Education, Labor, and Pensions.

*Mary Minow, of California, to be a Member of the National Museum and Library Services Board for a term expiring December 6, 2014.

*Subra Suresh, of Massachusetts, to be Director of the National Science Foundation for a term of six years.

*Pamela Young-Holmes, of Wisconsin, to be a Member of the National Council on Disability for a term expiring September 17, 2013.

*Harry James Franklyn Korrell III, of Washington, to be a Member of the Board of Directors of the Legal Services Corporation for a term expiring July 13, 2011.

*Joseph Pius Pietrzyk, of Ohio, to be a Member of the Board of Directors of the Legal Services Corporation for a term expiring July 13, 2011.

*Julie A. Reiskin, of Colorado, to be a Member of the Board of Directors of the Legal Services Corporation for a term expiring July 13, 2013.

By Mr. CONRAD for the Committee on the Budget.

*Jacob J. Lew, of New York, to be Director of the Office of Management and Budget.

By Mr. LEAHY for the Committee on the Judiciary.

Kathleen M. O'Malley, of Ohio, to be United States Circuit Judge for the Federal Circuit.

Beryl Alaine Howell, of the District of Columbia, to be United States District Judge for the District of Columbia.

William C. Killian, of Tennessee, to be United States Attorney for the Eastern District of Tennessee for the term of four years.

Robert E. O'Neill, of Florida, to be United States Attorney for the Middle District of Florida for the term of four years.

Albert Najera, of California, to be United States Marshal for the Eastern District of California for the term of four years.

William Claud Sibert, of Missouri, to be United States Marshal for the Eastern District of Missouri for the term of four years.

Myron Martin Sutton, of Indiana, to be United States Marshal for the Northern District of Indiana for the term of four years.

David Mark Singer, of California, to be United States Marshal for the Central District of California for the term of four years.

Jeffrey Thomas Holt, of Tennessee, to be United States Marshal for the Western District of Tennessee for the term of four years.

Steven Clayton Stafford, of California, to be United States Marshal for the Southern District of California for the term of four years.

Goodwin Liu, of California, to be United States Circuit Judge for the Ninth Circuit.

Louis B. Butler, Jr., of Wisconsin, to be United States District Judge for the Western District of Wisconsin.

Edward Milton Chen, of California, to be United States District Judge for the Northern District of California.

John J. McConnell, Jr., of Rhode Island, to be United States District Judge for the District of Rhode Island.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. GRAHAM (for himself, Mr. COBURN, Mr. CHAMBLISS, Mr. MCCAIN, and Mr. CORNYN):

S. 3829. A bill to repeal the CLASS Act; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. GILLIBRAND:

S. 3830. A bill to establish the Undergraduate Scholarships for Science, Technology, Engineering, and Mathematics Program, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CARPER:

S. 3831. A bill to amend the provisions of title 5, United States Code, relating to the methodology for calculating the amount of any Postal surplus or supplemental liability under the Civil Service Retirement System, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. COBURN:

S. 3832. A bill to ensure greater food safety without creating new or unneeded government bureaucracy; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. GILLIBRAND:

S. 3833. A bill to amend the National Environmental Education Act to update, streamline, and modernize that Act, and for other purposes; to the Committee on Environment and Public Works.

By Ms. KLOBUCHAR (for herself and Mr. LUGAR):

S. 3834. A bill to amend the Environmental Research, Development, and Demonstration Authorization Act of 1978 to require the appointment of a member of the Science Advisory Board based on the recommendation of the Secretary of Agriculture; to the Committee on Environment and Public Works.

By Mr. CARDIN (for himself, Ms. LANDRIEU, and Mr. BAUCUS):

S. 3835. A bill to reinstate the increase in the surety bond guarantee limits for the Small Business Administration; to the Committee on Small Business and Entrepreneurship.

By Mr. CARDIN (for himself, Ms. LANDRIEU, and Mr. BAUCUS):

S. 3836. A bill to make permanent the increase in the surety bond guarantee limits for the Small Business Administration; to the Committee on Small Business and Entrepreneurship.

By Mr. RISCH:

S. 3837. A bill to prohibit the Secretary of Education from promulgating regulations or guidance regarding gainful employment for purposes of titles I or IV of the Higher Education Act of 1965; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. LINCOLN (for herself, Ms. LANDRIEU, and Mrs. HAGAN):

S. 3838. A bill to appropriate funds for the final settlement of lawsuits against the Federal Government for discrimination against Black Farmers and to provide relief for discrimination in a credit program of the Department of Agriculture under the Equal Credit Opportunity Act; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. CARPER (for himself, Mr. MCCAIN, Ms. COLLINS, and Mr. DODD):

S. Res. 639. A resolution supporting the goals and ideals of Fire Prevention Week, which begins on October 3, 2010, and the work of firefighters in educating and protecting the communities of the United States; to the Committee on Homeland Security and Governmental Affairs.

By Mr. KERRY (for himself and Mr. WEBB):

S. Res. 640. A resolution expressing the sense of the Senate regarding United States engagement with ASEAN and its member—states; considered and agreed to.

By Ms. LANDRIEU (for herself, Mr. VITTER, Mr. CORNYN, and Mrs. HUTCHISON):

S. Res. 641. A resolution observing the 5th anniversary of the date on which Hurricane Rita devastated the coasts of Louisiana and Texas; considered and agreed to.

By Mr. INOUYE (for himself and Ms. COLLINS):

S. Res. 642. A resolution congratulating the National Institute of Nursing Research on the occasion of its 25th anniversary; considered and agreed to.

By Mr. INOUYE (for himself and Mr. ALEXANDER):

S. Res. 643. A resolution designating the week beginning October 3, 2010, as ''National Nurse—Managed Health Clinic Week''; considered and agreed to.

ADDITIONAL COSPONSORS

S. 424

At the request of Mr. LEAHY, the name of the Senator from Colorado (Mr. UDALL) was added as a cosponsor of S. 424, a bill to amend the Immigration and Nationality Act to eliminate discrimination in the immigration laws by permitting permanent partners of United States citizens and lawful permanent residents to obtain lawful permanent resident status in the same manner as spouses of citizens and lawful permanent residents and to penalize immigration fraud in connection with permanent partnerships.

S. 455

At the request of Mr. ROBERTS, the names of the Senator from South Carolina (Mr. DEMINT), the Senator from Nebraska (Mr. JOHANNS), the Senator from South Dakota (Mr. THUNE), the Senator from Wyoming (Mr. BARRASSO), the Senator from Indiana (Mr. LUGAR), the Senator from South Carolina (Mr. GRAHAM), the Senator from Montana (Mr. BAUCUS), the Senator from Colorado (Mr. BENNET), the Senator from Delaware (Mr. CARPER), the Senator from North Dakota (Mr. DORGAN), the Senator from Minnesota (Mr. FRANKEN), the Senator from New York (Mrs. GILLIBRAND), the Senator from Connecticut (Mr. DODD), the Senator from Alabama (Mr. SHELBY), the Senator from North Dakota (Mr. CONRAD), the Senator from North Carolina (Mr. BURR), the Senator from Massachusetts (Mr. KERRY), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from California (Mrs. FEINSTEIN) and the Senator from Utah (Mr. HATCH) were added as cosponsors of S. 455, a bill to require the Secretary of the Treasury to mint coins in recognition of 5 United States Army Five-Star Generals, George Marshall, Douglas MacArthur, Dwight Eisenhower, Henry ''Hap'' Arnold, and Omar Bradley, alumni of the United States Army Command and General Staff College, Fort Leavenworth, Kansas, to coincide with the celebration of the 132nd Anniversary of the founding of the United States Army Command and General Staff College.

S. 1349

At the request of Ms. SNOWE, the name of the Senator from Florida (Mr. NELSON) was withdrawn as a cosponsor of S. 1349, a bill to amend the Internal Revenue Code of 1986 to simplify the deduction for use of a portion of a residence as a home office by providing an optional standard home office deduction.

At the request of Ms. SNOWE, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 1349, supra.

S. 1352

At the request of Mr. DODD, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1352, a bill to provide for the expansion of Federal efforts concerning the prevention, education, treatment, and research activities related to Lyme and other tick-borne diseases, including the establishment of a Tick-Borne Diseases Advisory Committee.

S. 1695

At the request of Mr. BURRIS, the names of the Senator from Alaska (Mr. BEGICH), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Michigan (Mr. LEVIN) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of S. 1695, a bill to authorize the award of a Congressional gold medal to the Montford Point Marines of World War II.

S. 3036

At the request of Mr. BAYH, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 3036, a bill to establish the Office of the National Alzheimer's Project.

S. 3184

At the request of Mrs. BOXER, the names of the Senator from New York (Mr. SCHUMER) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 3184, a bill to provide United States assistance for the purpose of eradicating severe forms of trafficking in children in eligible countries through the implementation of Child Protection Compacts, and for other purposes.

S. 3234

At the request of Mrs. MURRAY, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. 3234, a bill to improve employment, training, and placement services furnished to veterans, especially those serving in Operation Iraqi Freedom and Operation Enduring Freedom, and for other purposes.

S. 3320

At the request of Mr. WHITEHOUSE, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 3320, a bill to amend the Public Health Service Act to provide for a Pancreatic Cancer Initiative, and for other purposes.

S. 3398

At the request of Mr. BAUCUS, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 3398, a bill to amend the Internal Revenue Code of 1986 to extend the work opportunity credit to certain recently discharged veterans.

S. 3402

At the request of Mr. LEMIEUX, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 3402, a bill to encourage residential use of renewable energy systems by minimizing upfront costs and providing immediate utility cost savings to consumers through leasing of such systems to homeowners, and for other purposes.

S. 3442

At the request of Mr. DORGAN, the names of the Senator from Florida (Mr. LEMIEUX) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 3442, a bill to promote the deployment of plug-in electric drive vehicles, and for other purposes.

S. 3447

At the request of Mr. AKAKA, the names of the Senator from Illinois (Mr. BURRIS), the Senator from Oregon (Mr. WYDEN) and the Senator from Montana (Mr. BAUCUS) were added as cosponsors of S. 3447, a bill to amend title 38, United States Code, to improve educational assistance for veterans who served in the Armed Forces after September 11, 2001, and for other purposes.

S. 3466

At the request of Mr. LEAHY, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 3466, a bill to require restitution for victims of criminal violations of the Federal Water Pollution Control Act, and for other purposes.

S. 3524

At the request of Mrs. HUTCHISON, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 3524, a bill to authorize the Secretary of the Interior to enter into a cooperative agreement for a park headquarters at San Antonio Missions National Historical Park, to expand the boundary of the Park, to conduct a study of potential land acquisitions, and for other purposes.

S. 3664

At the request of Mrs. FEINSTEIN, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 3664, a bill to amend the Internal Revenue Code of 1986 to exempt certain farmland from the estate tax, and for other purposes.

S. 3673

At the request of Mrs. HUTCHISON, the name of the Senator from Kansas (Mr.

ROBERTS) was added as a cosponsor of S. 3673, a bill to amend the Patient Protection and Affordable Care Act to repeal certain limitations on tax health care benefits.

S. 3703

At the request of Mrs. MURRAY, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 3703, a bill to expand the research, prevention, and awareness activities of the Centers for Disease Control and Prevention and the National Institutes of Health with respect to pulmonary fibrosis, and for other purposes.

S. 3751

At the request of Mr. HATCH, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 3751, a bill to amend the Stem Cell Therapeutic and Research Act of 2005.

S. 3767

At the request of Mr. LEAHY, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 3767, a bill to establish appropriate criminal penalties for certain knowing violations relating to food that is misbranded or adulterated.

S. 3772

At the request of Mr. REID, the name of the Senator from Delaware (Mr. KAUFMAN) was added as a cosponsor of S. 3772, a bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

S. 3786

At the request of Mr. KERRY, the name of the Senator from Illinois (Mr. BURRIS) was added as a cosponsor of S. 3786, a bill to amend the Internal Revenue Code of 1986 to permit the Secretary of the Treasury to issue prospective guidance clarifying the employment status of individuals for purposes of employment taxes and to prevent retroactive assessments with respect to such clarifications.

S. 3804

At the request of Mr. LEAHY, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 3804, a bill to combat online infringement, and for other purposes.

S. 3816

At the request of Mr. DURBIN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 3816, a bill to amend the Internal Revenue Code of 1986 to create American jobs and to prevent the offshoring of such jobs overseas.

S. CON. RES. 39

At the request of Mr. MENENDEZ, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. Con. Res. 39, a concurrent resolution expressing the sense of the Congress that stable and affordable housing is an essential component of an effective strategy for the prevention, treatment, and care of human immunodeficiency virus, and that the United States should make a commitment to providing adequate funding for the development of housing as a response to the acquired immunodeficiency syndrome pandemic.

S. CON. RES. 71

At the request of Mr. FEINGOLD, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. Con. Res. 71, a concurrent resolution recognizing the United States national interest in helping to prevent and mitigate acts of genocide and other mass atrocities against civilians, and supporting and encouraging efforts to develop a whole of government approach to prevent and mitigate such acts.

S. RES. 583

At the request of Mr. ENSIGN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. Res. 583, a resolution expressing support for designation of 2011 as ''World Veterinary Year'' to bring attention to and show appreciation for the veterinary profession on its 250th anniversary.

S. RES. 611

At the request of Mr. CARDIN, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. Res. 611, a resolution congratulating the Cumberland Valley Athletic Club on the 48th anniversary of the running of the JFK 50-Mile Ultra-Marathon.

S. RES. 631

At the request of Mrs. LINCOLN, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. Res. 631, a resolution designating the week beginning on November 8, 2010, as National School Psychology Week.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. RISCH:

S. 3837. A bill to prohibit the Secretary of Education from promulgating regulations or guidance regarding gainful employment for purposes of titles I or IV of the Higher Education Act of 1965; to the Committee on Health, Education, Labor, and Pensions.

Mr. RISCH. Mr. President, I rise today to introduce the Education for All Act in order to preserve educational and economic opportunities for all Americans.

The U.S. Department of Education is proposing new ''gainful employment'' rules that would deny federal financial aid to students who attend proprietary colleges and vocational certificate programs. These rules would disqualify students from receiving federal education loans if their chosen programs do not meet a complex formula comparing student debt to future earning potential. Why should students be discouraged from attending a school they want or a profession they chose because of Washington bureaucrats?

The bill I am introducing today would prohibit these regulations from going into effect.

The ''gainful employment'' rules could deny hundreds of thousands of students access to the training and skills development they need to secure a job in today's troubled economy. There is high demand in some sectors for highly skilled workers and propriety schools are uniquely qualified to meet the training needs of these employers. It is simply irresponsible for the government to throw roadblocks in front of students and institutions at a time when job creation in America should be the administration's number one priority.

Further, the ''gainful employment'' rules will disproportionately harm low-income and minority students. These students often depend more heavily on education loans regardless of the type of institution they attend and take longer to repay.

The rules would also significantly impact health care programs. Nearly half of all healthcare workers are trained at proprietary schools. With an aging baby boom population, demand for trained health care providers is already critical and will only get worse. President Obama's healthcare law adds to this burden as well. We ought to be expanding educational capacity for health care workers, not enacting regulations that threaten access.

In short, this legislation will preserve educational and economic opportunities for all Americans. I urge all of my colleagues to support this bill.

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

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

S. 3837

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Education for All Act''.

SEC. 2. NO REGULATORY AUTHORITY.

Notwithstanding any other provision of law, the Secretary of Education may not use any Federal funds for the promulgation of regulations or guidance regarding the meaning of the term ''gainful employment'' in section 101, 102, or 481 of the Higher Education Act of 1965 (20 U.S.C. 1001, 1002, 1088).

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 639—SUPPORTING THE GOALS AND IDEALS OF FIRE PREVENTION WEEK, WHICH BEGINS ON OCTOBER 3, 2010, AND THE WORK OF FIREFIGHTERS IN EDUCATING AND PROTECTING THE COMMUNITIES OF THE UNITED STATES

Mr. CARPER (for himself, Mr. MCCAIN, Ms. COLLINS, and Mr. DODD) submitted the following resolution; which was referred to the Committee on Homeland Security and Governmental Affairs:

S. RES. 639

Whereas Fire Prevention Week is a time for the public to learn lifesaving fire safety

information, practice emergency escape plans, and check and replace smoke alarm batteries;

Whereas smoke alarms cut the risk of dying in a reported fire in half;

Whereas, each year, nearly 3,000 people die in home fires in the United States;

Whereas, in 2009, 82 firefighters lost their lives in the line of duty;

Whereas more than 50 firefighters have already lost their lives in 2010;

Whereas 1 home structure fire is reported every 82 seconds and 1 civilian fire death occurs every 2 hours and 38 minutes;

Whereas firefighters in the United States courageously respond to calls and risk their lives to protect families and communities from fire, natural disasters, and acts of terrorism;

Whereas firefighters provide emergency medical services, special rescue response, hazardous material response, wildfire suppression, and fire education;

Whereas Fire Prevention Week is the longest running public health and safety observance on record, and, since 1922, firefighters have been honored for their role in educating and protecting the public during Fire Prevention Week;

Whereas the National Fire Protection Association has designated the week beginning on October 3, 2010 as ''Fire Prevention Week''; and

Whereas the people of the United States can do their part to protect themselves, their families, and firefighters by checking their smoke alarms regularly: Now, therefore, be it

Resolved, That the Senate supports—

(1) the goals and the ideals of Fire Prevention Week, which begins on October 3, 2010, as designated by the National Fire Protection Association; and

(2) the work of firefighters in educating and protecting the communities of the United States.

SENATE RESOLUTION 640—EXPRESSING THE SENSE OF THE SENATE REGARDING UNITED STATES ENGAGEMENT WITH ASEAN AND ITS MEMBER-STATES

Mr. KERRY (for himself and Mr. WEBB) submitted the following resolution; which was considered and agreed to:

S. RES. 640

Whereas the Association of Southeast Asian Nations (ASEAN) was founded in 1967 ''to strengthen further the existing bonds of regional solidarity and cooperation'';

Whereas ASEAN membership has now expanded to include 10 countries, which together span over half the size of the continental United States, with a total population of nearly 600,000,000 persons;

Whereas ASEAN is an important contributor to stability and prosperity in the Asia-Pacific region;

Whereas ASEAN partners with the United States Government and others in the international community to address transnational problems like terrorism, environmental degradation, the international financial crisis, and maritime security;

Whereas the ASEAN Charter, approved by Southeast Asia's leaders in November 2007, codified norms for the behavior of ASEAN member-states toward their own citizens, covering such subjects as individual rights, democracy, the rule of law, and good governance;

Whereas the combined economy of ASEAN's member countries, valued at approximately $1,500,000,000,000 in 2008, constitutes the fourth largest market for United States exports, and two-way United States-ASEAN trade in goods and services totaled over $200,000,000,000 in 2008;

Whereas Southeast Asia is the largest destination for United States foreign direct investment in Asia;

Whereas almost 40,000 students from ASEAN countries studied in the United States in 2008, and an increasing number of United States citizens are studying abroad in these countries;

Whereas the United States Government recognizes the centrality of ASEAN to regional cooperation and problem-solving in the Asia Pacific;

Whereas the United States was the first country to appoint an Ambassador to ASEAN;

Whereas the United States acceded to the Treaty of Amity and Cooperation in Southeast Asia during the July 2009 ASEAN ministerial meetings in Thailand;

Whereas the United States launched a new collaboration with the Lower Mekong Countries—Cambodia, Laos, Thailand, and Vietnam—in the areas of the environment, health, and education in July 2009 in Thailand;

Whereas President Barack Obama stated at the first meeting of the leaders of ASEAN and the United States held in Singapore in November 2009, ''The United States is committed to strengthening its engagement in Southeast Asia both with our individual allies and partners, and with ASEAN as an institution.'';

Whereas Secretary of State Hillary Clinton said at the July 2010 ASEAN ministerial meetings in Vietnam that the United States was ''committed to assisting the nations of Southeast Asia to remain strong and independent, and [to helping ensure] that each nation enjoys peace, stability, prosperity, and access to universal human rights'';

Whereas Secretary of State Clinton and Secretary of Defense Robert Gates have stated the intention of the United States to increase participation in regional institutions, including the East Asia Summit and the ASEAN Defense Ministers Meeting Plus Eight, both to be held in October 2010 in Vietnam; and

Whereas the second meeting of ASEAN and United States Government leaders, and the first to be hosted by the United States, will take place in New York City, New York on September 24, 2010: Now, therefore, be it

Resolved, That it is the sense of the Senate—

(1) to welcome the leaders of ASEAN to the United States for the second ASEAN-United States summit meeting;

(2) that the decision to host the second ASEAN-United States summit in New York City reflects the importance of ASEAN and its member-states to the United States, and the importance of the United States to ASEAN and its member-states;

(3) that the United States Government should continue to seek ways to broaden and deepen its economic, political-security, social, and cultural engagement with the countries in Southeast Asia toward a closer partnership with ASEAN and its member-states, as well as other regional institutions in the Asia-Pacific region;

(4) that the United States Government is committed to working with all ASEAN member-states to encourage the development of open and free democratic institutions in Burma that allow for the full participation of political opposition and ethnic minority groups; and

(5) that a stronger, more integrated ASEAN serves shared interests in regional peace, stability, and prosperity.

SENATE RESOLUTION 641—OBSERVING THE 5TH ANNIVERSARY OF THE DATE ON WHICH HURRICANE RITA DEVASTATED THE COASTS OF LOUISIANA AND TEXAS

Ms. LANDRIEU (for herself, Mr. VITTER, Mr. CORNYN, and Mrs. HUTCHISON) submitted the following resolution; which was considered and agreed to:

S. RES. 641

Whereas on September 24, 2005, Hurricane Rita made landfall as a Category 3 hurricane just east of the Texas-Louisiana border, between Sabine Pass and Johnson's Bayou, with wind speeds of 120 miles per hour, and further devastated the Gulf Coast, which had already been hit by Hurricane Katrina;

Whereas Hurricane Rita caused 7 deaths, forced 3,000,000 residents to evacuate their homes, caused flooding and tornadoes in the States of Louisiana, Arkansas, Mississippi, and Alabama, and, according to the National Climatic Data Center, left 1,000,000 people without electricity;

Whereas damages from Hurricane Rita are estimated at $11,300,000,000;

Whereas in 2005, Hurricane Rita was the second hurricane to reach Category 5 status in the Gulf of Mexico, which, according to the National Climatic Data Center, is only the third time that more than one Category 5 storm has formed in the Atlantic in the same year;

Whereas the storm surge from Hurricane Rita was as high as 15 feet near the landfall site and, according to the United States Geological Survey, traveled as far as 50 miles inland, causing disastrous flooding and massive loss of property;

Whereas tens of thousands of homes and businesses in the States of Louisiana and Texas were destroyed by the flooding; and

Whereas the National Wetlands Center of the United States Geological Survey indicates that 217 square miles of the coastal land of the State of Louisiana were transformed to water after Hurricanes Katrina and Rita: Now, therefore, be it

Resolved, That the Senate—

(1) observes the 5th anniversary of the date on which Hurricane Rita devastated the coasts of the States of Louisiana and Texas;

(2) expresses the support of the Senate to the survivors of Hurricane Rita and the condolences of the Senate to the families of the victims of Hurricane Rita;

(3) commends the courageous efforts of those who assisted in the response to the storm and the recovery process;

(4) recognizes the contributions the affected communities in the States of Louisiana and Texas have made to the United States; and

(5) reaffirms the commitment of the Senate to rebuild, renew, and restore the Gulf Coast region.

SENATE RESOLUTION 642—CONGRATULATING THE NATIONAL INSTITUTE OF NURSING RESEARCH ON THE OCCASION OF ITS 25TH ANNIVERSARY

Mr. INOUYE (for himself and Ms. COLLINS) submitted the following resolution; which was considered and agreed to:

S. RES. 642

Whereas, in 1983, the Institute of Medicine recommended that nursing research be included in biomedical and behavioral science research;

Whereas the Health Research Extension Act of 1985 (Public Law 99–158; 99 Stat. 820) established the National Center for Nursing Research (referred to in this preamble as the ''Center'') within the National Institutes of Health to disseminate information related to basic and clinical nursing research;

Whereas the National Center for Nursing Research excelled in carrying out the purpose of the Center to provide research training and fellowships in the areas of disease prevention, health promotion, and nursing care for individuals with acute and chronic illnesses and the families of those individuals;

Whereas Congress, recognizing the contributions of the National Center for Nursing Research to improving quality care and health, redesignated the Center as the National Institute of Nursing Research (referred to in this preamble as the ''NINR'') through the enactment of the National Institutes of Health Revitalization Act of 1993 (Public Law 103–43; 107 Stat. 122);

Whereas the research focus of the NINR for the 25 years prior to the approval of this resolution has resulted in advances in nursing science at all stages of the lifespan of an individual;

Whereas the mission of the NINR is to promote and improve the health of individuals, families, communities, and vulnerable populations of the United States;

Whereas the NINR views nursing science as the cornerstone for integrating biological and behavioral sciences, exploring innovations, and improving research methods;

Whereas research funded by the NINR has improved the health outcomes and enhanced the quality of life of the people of the United States by managing disease and relieving symptoms of disease;

Whereas the NINR is committed to helping to eliminate the health disparities facing minority and disadvantaged populations across the United States;

Whereas the NINR holds the principal responsibility for end-of-life research conducted at the National Institutes of Health; and

Whereas the NINR spends a remarkable 7 percent of the budget of the NINR on training new researchers, ensuring that the number of nurse scientists and the faculty educating the next generation of professional nursing students continues to grow: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the National Institute of Nursing Research on the occasion of its 25th anniversary; and

(2) commends the National Institute of Nursing Research for its ongoing support of nursing research, which is integral to the health of the people of the United States.

SENATE RESOLUTION 643—DESIGNATING THE WEEK BEGINNING OCTOBER 3, 2010, AS ''NATIONAL NURSE-MANAGED HEALTH CLINIC WEEK''

Mr. INOUYE (for himself and Mr. ALEXANDER) submitted the following resolution; which was considered and agreed to:

S. RES. 643

Whereas nurse-managed health clinics are nonprofit community-based health care sites that offer primary care and wellness services based on the nursing model;

Whereas the nursing model emphasizes the protection, promotion, and optimization of health as well as the prevention of illness and the alleviation of suffering along with diagnosis and treatment;

Whereas nurse-managed health clinics are led by advanced practice nurses and staffed by an interdisciplinary team of highly qualified health care professionals;

Whereas nurse-managed health clinics offer a broad scope of services that may include treatment for acute and chronic illnesses, routine physical exams, immunizations for adults and children, disease screenings, health education, prenatal care, dental care, and drug and alcohol treatment;

Whereas nurse-managed health clinics have a proven track record, as the first federally funded nurse-managed health clinic was created more than 30 years prior to the date of approval of this resolution;

Whereas, as of the date of approval of this resolution, more than 200 nurse-managed health clinics provide care across the United States and record over 2,000,000 client encounters annually;

Whereas nurse-managed health clinics serve a unique dual role as both safety net access points and health workforce development sites, given that the majority of nurse-managed health clinics are affiliated with schools of nursing and serve as clinical education sites for health professions students;

Whereas nurse-managed health clinics strengthen the health care safety net by expanding access to primary care and chronic disease management services for vulnerable and medically underserved populations in diverse rural, urban, and suburban communities;

Whereas research has shown that nurse-managed health clinics experience high patient retention and patient satisfaction rates, and nurse-managed health clinic patients experience higher rates of generic medication fills and lower hospitalization rates when compared to similar safety net providers; and

Whereas the use of nurse-managed health clinics offering both primary care and wellness services will help meet this increased demand in a cost-effective manner: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week beginning October 3, 2010, as ''National Nurse-Managed Health Clinic Week'';

(2) supports the ideals and goals of National Nurse-Managed Health Clinic Week; and

(3) encourages the expansion of nurse-managed health clinics so that nurse-managed health clinics may continue to serve as health care workforce development sites for the next generation of primary care providers.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4656. Mr. DORGAN (for Mr. ROCKEFELLER) proposed an amendment to the bill H.R. 4853, to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes.

SA 4657. Mr. DORGAN (for Mr. ENSIGN) proposed an amendment to the resolution S. Res. 583, expressing support for designation of 2011 as ''World Veterinary Year'' to bring attention to and show appreciation for the veterinary profession on its 250th anniversary.

TEXT OF AMENDMENTS

SA 4656. Mr. DORGAN (for Mr. ROCKEFELLER) proposed an amendment to the bill H.R. 4853, to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes; as follows:

Strike all after the enacting clause, and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Airport and Airway Extension Act of 2010, Part III''.

SEC. 2. EXTENSION OF TAXES FUNDING AIRPORT AND AIRWAY TRUST FUND.

(a) FUEL TAXES.—Subparagraph (B) of section 4081(d)(2) of the Internal Revenue Code of 1986 is amended by striking ''September 30, 2010'' and inserting ''December 31, 2010''.

(b) TICKET TAXES.—

(1) PERSONS.—Clause (ii) of section 4261(j)(1)(A) of the Internal Revenue Code of 1986 is amended by striking ''September 30, 2010'' and inserting ''December 31, 2010''.

(2) PROPERTY.—Clause (ii) of section 4271(d)(1)(A) of such Code is amended by striking ''September 30, 2010'' and inserting ''December 31, 2010''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2010.

SEC. 3. EXTENSION OF AIRPORT AND AIRWAY TRUST FUND EXPENDITURE AUTHORITY.

(a) IN GENERAL.—Paragraph (1) of section 9502(d) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''October 1, 2010'' and inserting ''January 1, 2011''; and

(2) by inserting ''or the Airport and Airway Extension Act of 2010, Part III'' before the semicolon at the end of subparagraph (A).

(b) CONFORMING AMENDMENT.—Paragraph (2) of section 9502(e) of such Code is amended by striking ''October 1, 2010'' and inserting ''January 1, 2011''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2010.

SEC. 4. EXTENSION OF AIRPORT IMPROVEMENT PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Section 48103 of title 49, United States Code, is amended—

(A) by striking ''and'' at the end of paragraph (6);

(B) by striking the period at the end of paragraph (7) and inserting ''; and''; and

(C) by inserting after paragraph (7) the following:

''(8) $925,000,000 for the 3-month period beginning on October 1, 2010.''.

(2) OBLIGATION OF AMOUNTS.—Subject to limitations specified in advance in appropriation Acts, sums made available pursuant to the amendment made by paragraph (1) may be obligated at any time through September 30, 2011, and shall remain available until expended.

(b) PROJECT GRANT AUTHORITY.—Section 47104(c) of title 49, United States Code, is amended by striking ''September 30, 2010,'' and inserting ''December 31, 2010,''.

(c) APPORTIONMENT AMOUNTS.—The Secretary shall apportion in fiscal year 2011 to the sponsor of an airport that received scheduled or unscheduled air service from a large certified air carrier (as defined in part 241 of title 14 Code of Federal Regulations, or such other regulations as may be issued by the Secretary under the authority of section 41709) an amount equal to the minimum apportionment specified in 49 U.S.C. 47114(c), if the Secretary determines that airport had more than 10,000 passenger boardings in the preceding calendar year, based on data submitted to the Secretary under part 241 of title 14, Code of Federal Regulations.

SEC. 5. EXTENSION OF EXPIRING AUTHORITIES.

(a) Section 40117(l)(7) of title 49, United States Code, is amended by striking ''October 1, 2010.'' and inserting ''January 1, 2011.''.

(b) Section 41743(e)(2) of such title is amended by striking ''2010'' and inserting ''2011''.

(c) Section 44302(f)(1) of such title is amended—

(1) by striking ''September 30, 2010,'' and inserting ''December 31, 2010,''; and

(2) by striking ''December 31, 2010,'' and inserting ''March 31, 2011,''.

(d) Section 44303(b) of such title is amended by striking ''December 31, 2010,'' and inserting ''March 31, 2011,''.

(e) Section 47107(s)(3) of such title is amended by striking ''October 1, 2010.'' and inserting ''January 1, 2011.''.

(f) Section 47115(j) of such title is amended by inserting ''and for the portion of fiscal year 2011 ending before January 1, 2011,'' after ''2010,''.

(g) Section 47141(f) of such title is amended by striking ''September 30, 2010.'' and inserting ''December 31, 2010.''.

(h) Section 49108 of such title is amended by striking ''September 30, 2010'' and inserting ''December 31, 2010,''.

(i) Section 161 of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 47109 note) is amended by inserting '', or in the portion of fiscal year 2011 ending before January 1, 2011,'' after ''fiscal year 2009 or 2010''.

(j) Section 186(d) of such Act (117 Stat. 2518) is amended by inserting ''and for the portion of fiscal year 2011 ending before January 1, 2011,'' after ''October 1, 2010,''.

(k) Section 409(d) of such Act (49 U.S.C. 41731 note) is amended by striking ''September 30, 2010.'' and inserting ''September 30, 2011.''.

(l) The amendments made by this section shall take effect on October 1, 2010.

SEC. 6. FEDERAL AVIATION ADMINISTRATION OPERATIONS.

Section 106(k)(1) of title 49, United States Code, is amended—

(1) by striking ''and'' at the end of subparagraph (E);

(2) by striking the period at the end of subparagraph (F) and inserting ''; and''; and

(3) by inserting after subparagraph (F) the following:

''(G) $2,451,375,000 for the 3-month period beginning on October 1, 2010.''.

SEC. 7. AIR NAVIGATION FACILITIES AND EQUIPMENT.

Section 48101(a) of title 49, United States Code, is amended—

(1) by striking ''and'' at the end of paragraph (5);

(2) by striking the period at the end of paragraph (6) and inserting ''; and''; and

(3) by adding at the end the following:

''(7) $746,250,000 for the 3-month period beginning on October 1, 2010.''.

SEC. 8. RESEARCH, ENGINEERING, AND DEVELOPMENT.

Section 48102(a) of title 49, United States Code, is amended—

(1) by striking ''and'' at the end of paragraph (13);

(2) by striking the period at the end of paragraph (14) and inserting ''; and''; and

(3) by adding at the end the following:

''(15) $49,593,750 for the 3-month period beginning on October 1, 2010.''.

SEC. 9. TECHNICAL CORRECTIONS.

Effective as of August 1, 2010, and as if included therein as enacted, the Airline Safety and Federal Aviation Administration Extension Act of 2010 (Public Law 111–216) is amended as follows:

(1) In section 202(a) (124 Stat. 2351) by inserting ''of title 49, United States Code,'' before ''is amended''.

(2) In section 202(b) (124 Stat. 2351) by inserting ''of such title'' before ''is amended''.

(3) In section 203(c)(1) (124 Stat.2356) by inserting ''of such title'' before ''(as redesignated''.

(4) In section 203(c)(2) (124 Stat. 2357) by inserting ''of such title'' before ''(as redesignated''.

SA 4657. Mr. DORGAN (for Mr. ENSIGN) proposed an amendment to the resolution S. Res. 583, expressing support for designation of 2011 as ''World Veterinary Year'' to bring attention to and show appreciation for the veterinary profession on its 250th anniversary; as follows:

In paragraph (3) of the resolving clause, strike ''requests that the President issue a proclamation calling upon'' and insert ''urges''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on September 23, 2010, at 2 p.m. in room SR–328A of the Russell Senate Office Building.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on September 23, 2010 at 10 a.m. to conduct a hearing entitled ''the Federal Housing Administration—current condition and future challenges.''

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on September 23, 2010 at 10:15 a.m., in room 253 of the Russell Senate Office Building.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate to conduct a hearing on September 23, at 9:30 a.m., in room SD–366 of the Dirksen Senate Office Building.

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

COMMITTEE ON FINANCE

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on September 23, 2010, at 10 a.m., in room 215 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Tax Reform: Lessons from the Tax Reform Act of 1986.''

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

COMMITTEE ON FOREIGN RELATIONS

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on September 23, 2010, at 9:45 a.m.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on September 23, 2010, at 2 p.m., to hold an East Asian and Pacific Affairs subcommittee hearing entitled, ''Challenges to Water and Security in Southeast Asia.''

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate on September 23, 2010.

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

COMMITTEE ON THE JUDICIARY

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Judiciary be authorized to meet during the session of the Senate on September 23, 2010, at 10 a.m., in SD–226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

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

SELECT COMMITTEE ON VETERANS' AFFAIRS

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on September 23, 2010. The Committee will meet in room G50 of the Dirksen Senate Office Building beginning at 9:30 a.m.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. HARKIN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on September 23, 2010, at 2:30 p.m.

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

PRIVILEGES OF THE FLOOR

Mr. HARKIN. Mr. President, I ask unanimous consent that Eden Ellis, Awatif Chafie, and Tom Van Heeke, members of my staff, be granted floor privileges for the duration of today's session.

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

WORLD VETERINARY YEAR

Mr. DORGAN. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration and the Senate now proceed to S. Res. 583.

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

The clerk will report the resolution by title.

The assistant editor of the Daily Digest read as follows:

A resolution (S. Res. 583) expressing support for designation of 2011 as ''World Veterinary Year'' to bring attention to and show appreciation for the veterinary profession on its 250th anniversary.

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

Mr. DORGAN. Mr. President, I ask unanimous consent that the amendment at the desk be agreed to, the resolution, as amended, be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

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

The amendment (No. 4657) was agreed to, as follows:

AMENDMENT NO. 4657

(Purpose: To amend the resolving clause)

In paragraph (3) of the resolving clause, strike ''requests that the President issue a proclamation calling upon'' and insert ''urges''.

The resolution (S. Res. 583), as amended, was agreed to.

The preamble was agreed to.

The resolution, as amended, with its preamble, reads as follows:

S. RES. 583

Whereas the first veterinary school in the world was founded in Lyon, France, in 1761;

Whereas 2011 will mark the 250th anniversary of veterinary education and the founding of the veterinary medical profession;

Whereas 2011 will mark the beginnings of comparative biopathology, a basic tenet of the ''one health'' concept;

Whereas veterinarians have played an integral role in discovering the causes of numerous diseases that affect the people of the United States, such as salmonellosis, West Nile Virus, yellow fever, and malaria;

Whereas veterinarians provide valuable public health service through preventive medicine, control of zoonotic diseases, and scientific research;

Whereas veterinarians have advanced human and animal health by inventing and refining techniques and instrumentations such as artificial hips, bone plates, splints, and arthroscopy;

Whereas veterinarians play an integral role in protecting the quality and security of the herd and food supply of the Nation;

Whereas military veterinarians provide crucial assistance to the agricultural independence of developing nations around the world;

Whereas disaster relief veterinarians provide public health service and veterinary medical support to animals and humans displaced and ravaged by disasters;

Whereas veterinarians are dedicated to preserving the human-animal bond and promoting the highest standards of science-based, ethical animal welfare;

Whereas 2011 would be an appropriate year to designate as ''World Veterinary Year'' to bring attention to and show appreciation for the veterinary profession on its 250th anniversary; and

Whereas colleagues in the United States will join veterinarians from around the world to celebrate this momentous occasion: Now, therefore, be it

Resolved, That the Senate—

(1) supports the designation of 2011 as ''World Veterinary Year'';

(2) supports the goals and ideals of World Veterinary Year of bringing attention to and expressing appreciation for the contributions that the veterinary profession has made and continues to make to animal health, public health, animal welfare, and food safety; and

(3) urges the people of the United States to observe 2011 as World Veterinary Year with appropriate programs, ceremonies, and activities.

UNITED STATES ENGAGEMENT WITH ASEAN AND ITS MEMBER-STATES

OBSERVING THE FIFTH ANNIVERSARY OF HURRICANE RITA

CONGRATULATING THE NATIONAL INSTITUTE OF NURSING RESEARCH

NATIONAL NURSE-MANAGED HEALTH CLINIC WEEK

Mr. DORGAN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration en bloc of the following resolutions which were submitted earlier today: S. Res. 640, S. Res. 641, S. Res. 642, and S. Res. 643.

There being no objection, the Senate proceeded to consider the resolutions en bloc.

Mr. DORGAN. I ask unanimous consent that the resolutions be agreed to, the preambles be agreed to, the motions to reconsider be laid upon the table en bloc, with no intervening action or debate, and that any statements be printed in the RECORD.

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

The resolutions (S. Res. 640, 641, 642, and 643) were agreed to.

The preambles were agreed to.

The resolutions, with their preambles, read as follows:

S. RES. 640

Whereas the Association of Southeast Asian Nations (ASEAN) was founded in 1967 ''to strengthen further the existing bonds of regional solidarity and cooperation'';

Whereas ASEAN membership has now expanded to include 10 countries, which together span over half the size of the continental United States, with a total population of nearly 600,000,000 persons;

Whereas ASEAN is an important contributor to stability and prosperity in the Asia-Pacific region;

Whereas ASEAN partners with the United States Government and others in the international community to address transnational problems like terrorism, environmental degradation, the international financial crisis, and maritime security;

Whereas the ASEAN Charter, approved by Southeast Asia's leaders in November 2007, codified norms for the behavior of ASEAN member-states toward their own citizens, covering such subjects as individual rights, democracy, the rule of law, and good governance;

Whereas the combined economy of ASEAN's member countries, valued at approximately $1,500,000,000,000 in 2008, constitutes the fourth largest market for United States exports, and two-way United States-ASEAN trade in goods and services totaled over $200,000,000,000 in 2008;

Whereas Southeast Asia is the largest destination for United States foreign direct investment in Asia;

Whereas almost 40,000 students from ASEAN countries studied in the United States in 2008, and an increasing number of United States citizens are studying abroad in these countries;

Whereas the United States Government recognizes the centrality of ASEAN to regional cooperation and problem-solving in the Asia Pacific;

Whereas the United States was the first country to appoint an Ambassador to ASEAN;

Whereas the United States acceded to the Treaty of Amity and Cooperation in Southeast Asia during the July 2009 ASEAN ministerial meetings in Thailand;

Whereas the United States launched a new collaboration with the Lower Mekong Countries—Cambodia, Laos, Thailand, and Vietnam—in the areas of the environment, health, and education in July 2009 in Thailand;

Whereas President Barack Obama stated at the first meeting of the leaders of ASEAN and the United States held in Singapore in November 2009, ''The United States is committed to strengthening its engagement in Southeast Asia both with our individual allies and partners, and with ASEAN as an institution.'';

Whereas Secretary of State Hillary Clinton said at the July 2010 ASEAN ministerial meetings in Vietnam that the United States was ''committed to assisting the nations of Southeast Asia to remain strong and independent, and [to helping ensure] that each nation enjoys peace, stability, prosperity, and access to universal human rights'';

Whereas Secretary of State Clinton and Secretary of Defense Robert Gates have stated the intention of the United States to increase participation in regional institutions, including the East Asia Summit and the ASEAN Defense Ministers Meeting Plus Eight, both to be held in October 2010 in Vietnam; and

Whereas the second meeting of ASEAN and United States Government leaders, and the first to be hosted by the United States, will take place in New York City, New York on September 24, 2010: Now, therefore, be it

Resolved, That it is the sense of the Senate—

(1) to welcome the leaders of ASEAN to the United States for the second ASEAN-United States summit meeting;

(2) that the decision to host the second ASEAN-United States summit in New York City reflects the importance of ASEAN and its member-states to the United States, and the importance of the United States to ASEAN and its member-states;

(3) that the United States Government should continue to seek ways to broaden and deepen its economic, political-security, social, and cultural engagement with the countries in Southeast Asia toward a closer partnership with ASEAN and its member-states,

as well as other regional institutions in the Asia-Pacific region;

(4) that the United States Government is committed to working with all ASEAN member-states to encourage the development of open and free democratic institutions in Burma that allow for the full participation of political opposition and ethnic minority groups; and

(5) that a stronger, more integrated ASEAN serves shared interests in regional peace, stability, and prosperity.

S. RES. 641

Whereas on September 24, 2005, Hurricane Rita made landfall as a Category 3 hurricane just east of the Texas-Louisiana border, between Sabine Pass and Johnson's Bayou, with wind speeds of 120 miles per hour, and further devastated the Gulf Coast, which had already been hit by Hurricane Katrina;

Whereas Hurricane Rita caused 7 deaths, forced 3,000,000 residents to evacuate their homes, caused flooding and tornadoes in the States of Louisiana, Arkansas, Mississippi, and Alabama, and, according to the National Climatic Data Center, left 1,000,000 people without electricity;

Whereas damages from Hurricane Rita are estimated at $11,300,000,000;

Whereas in 2005, Hurricane Rita was the second hurricane to reach Category 5 status in the Gulf of Mexico, which, according to the National Climatic Data Center, is only the third time that more than one Category 5 storm has formed in the Atlantic in the same year;

Whereas the storm surge from Hurricane Rita was as high as 15 feet near the landfall site and, according to the United States Geological Survey, traveled as far as 50 miles inland, causing disastrous flooding and massive loss of property;

Whereas tens of thousands of homes and businesses in the States of Louisiana and Texas were destroyed by the flooding; and

Whereas the National Wetlands Center of the United States Geological Survey indicates that 217 square miles of the coastal land of the State of Louisiana were transformed to water after Hurricanes Katrina and Rita: Now, therefore, be it

Resolved, That the Senate—

(1) observes the 5th anniversary of the date on which Hurricane Rita devastated the coasts of the States of Louisiana and Texas;

(2) expresses the support of the Senate to the survivors of Hurricane Rita and the condolences of the Senate to the families of the victims of Hurricane Rita;

(3) commends the courageous efforts of those who assisted in the response to the storm and the recovery process;

(4) recognizes the contributions the affected communities in the States of Louisiana and Texas have made to the United States; and

(5) reaffirms the commitment of the Senate to rebuild, renew, and restore the Gulf Coast region.

S. RES. 642

Whereas, in 1983, the Institute of Medicine recommended that nursing research be included in biomedical and behavioral science research;

Whereas the Health Research Extension Act of 1985 (Public Law 99–158; 99 Stat. 820) established the National Center for Nursing Research (referred to in this preamble as the ''Center'') within the National Institutes of Health to disseminate information related to basic and clinical nursing research;

Whereas the National Center for Nursing Research excelled in carrying out the purpose of the Center to provide research training and fellowships in the areas of disease prevention, health promotion, and nursing care for individuals with acute and chronic illnesses and the families of those individuals;

Whereas Congress, recognizing the contributions of the National Center for Nursing Research to improving quality care and health, redesignated the Center as the National Institute of Nursing Research (referred to in this preamble as the ''NINR'') through the enactment of the National Institutes of Health Revitalization Act of 1993 (Public Law 103-43; 107 Stat. 122);

Whereas the research focus of the NINR for the 25 years prior to the approval of this resolution has resulted in advances in nursing science at all stages of the lifespan of an individual;

Whereas the mission of the NINR is to promote and improve the health of individuals, families, communities, and vulnerable populations of the United States;

Whereas the NINR views nursing science as the cornerstone for integrating biological and behavioral sciences, exploring innovations, and improving research methods;

Whereas research funded by the NINR has improved the health outcomes and enhanced the quality of life of the people of the United States by managing disease and relieving symptoms of disease;

Whereas the NINR is committed to helping to eliminate the health disparities facing minority and disadvantaged populations across the United States;

Whereas the NINR holds the principal responsibility for end-of-life research conducted at the National Institutes of Health; and

Whereas the NINR spends a remarkable 7 percent of the budget of the NINR on training new researchers, ensuring that the number of nurse scientists and the faculty educating the next generation of professional nursing students continues to grow: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the National Institute of Nursing Research on the occasion of its 25th anniversary; and

(2) commends the National Institute of Nursing Research for its ongoing support of nursing research, which is integral to the health of the people of the United States.

S. RES. 643

Whereas nurse-managed health clinics are nonprofit community-based health care sites that offer primary care and wellness services based on the nursing model;

Whereas the nursing model emphasizes the protection, promotion, and optimization of health as well as the prevention of illness and the alleviation of suffering along with diagnosis and treatment;

Whereas nurse-managed health clinics are led by advanced practice nurses and staffed by an interdisciplinary team of highly qualified health care professionals;

Whereas nurse-managed health clinics offer a broad scope of services that may include treatment for acute and chronic illnesses, routine physical exams, immunizations for adults and children, disease screenings, health education, prenatal care, dental care, and drug and alcohol treatment;

Whereas nurse-managed health clinics have a proven track record, as the first federally funded nurse-managed health clinic was created more than 30 years prior to the date of approval of this resolution;

Whereas, as of the date of approval of this resolution, more than 200 nurse-managed health clinics provide care across the United States and record over 2,000,000 client encounters annually;

Whereas nurse-managed health clinics serve a unique dual role as both safety net access points and health workforce development sites, given that the majority of nurse-managed health clinics are affiliated with schools of nursing and serve as clinical education sites for health professions students;

Whereas nurse-managed health clinics strengthen the health care safety net by expanding access to primary care and chronic disease management services for vulnerable and medically underserved populations in diverse rural, urban, and suburban communities;

Whereas research has shown that nurse-managed health clinics experience high patient retention and patient satisfaction rates, and nurse-managed health clinic patients experience higher rates of generic medication fills and lower hospitalization rates when compared to similar safety net providers; and

Whereas the use of nurse-managed health clinics offering both primary care and wellness services will help meet this increased demand in a cost-effective manner: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week beginning October 3, 2010, as ''National Nurse-Managed Health Clinic Week'';

(2) supports the ideals and goals of National Nurse-Managed Health Clinic Week; and

(3) encourages the expansion of nurse-managed health clinics so that nurse-managed health clinics may continue to serve as health care workforce development sites for the next generation of primary care providers.

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to Public Law 107–12, appoints the following individuals as members of the Public Safety Officer Medal of Valor Review Board: Charles Massarone of Kentucky and Andy Nimmo of Missouri.

The Chair, on behalf of the Vice President, pursuant to the Public Law 110–298, appoints the following individual to serve as a member of the Federal Law Enforcement Congressional Badge of Bravery Board: Richard Gardner of Nevada.

The Chair, on behalf of the Vice President, pursuant to the Public Law 110–298, appoints the following individual to serve as a member of the State and Local Law Enforcement Congressional Badge of Bravery Board: Nick DiMarco of Ohio.

ORDERS FOR FRIDAY, SEPTEMBER 24, 2010

Mr. DORGAN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Friday, September 24; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

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

PROGRAM

Mr. DORGAN. Mr. President, there will be no rollcall votes during tomorrow's session of the Senate.

ADJOURNMENT UNTIL 9:30 TOMORROW

Mr. DORGAN. If there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 6:45 p.m., adjourned until Friday, September 24, 2010, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF STATE

WILLIAM R. BROWNFIELD, OF TEXAS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AN ASSISTANT SECRETARY OF STATE (INTERNATIONAL NARCOTICS AND LAW ENFORCEMENT AFFAIRS), VICE DAVID T. JOHNSON, RESIGNED.

OVERSEAS PRIVATE INVESTMENT CORPORATION

MATTHEW MAXWELL TAYLOR KENNEDY, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION FOR A TERM EXPIRING DECEMBER 17, 2012, VICE SAMUEL E. EBBESEN, TERM EXPIRED.

DEPARTMENT OF STATE

KURT WALTER TONG, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS UNITED STATES SENIOR OFFICIAL FOR THE ASIA—PACIFIC ECONOMIC COOPERATION (APEC) FORUM.

GENERAL ACCOUNTABILITY OFFICE

EUGENE LOUIS DODARO, OF VIRGINIA, TO BE COMPTROLLER GENERAL OF THE UNITED STATES FOR A TERM OF FIFTEEN YEARS, VICE DAVID M. WALKER, RESIGNED.

FOREIGN SERVICE

THE FOLLOWING—NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASSES STATED.

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS THREE, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA,

DEPARTMENT OF STATE

HEATHER M. ROGERS, OF OREGON

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS FOUR, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA,

DEPARTMENT OF STATE

HALA RHARRIT, OF NEVADA

THE FOLLOWING—NAMED MEMBERS OF THE FOREIGN SERVICE TO BE CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF COMMERCE

YAMILEE M. BASTIEN, OF FLORIDA

DEPARTMENT OF STATE

KATHY ELIZABETH ADAMS, OF SOUTH CAROLINA
MAZIN TERRY ALFAQIH, OF CALIFORNIA
ANGELA MONICA ALLEN, OF NEW JERSEY
KURT W. ALLRED, OF TEXAS
ELIZABETH ATEGOU, OF ILLINOIS
AARON M. BANKS, OF THE DISTRICT OF COLUMBIA
ROBERT EDWARD BARNEY, OF ARIZONA
DIANA MICHELLE BATES, OF COLORADO
PATRICK THOMAS BOLAND, OF VIRGINIA
BRIAN D. BRENDEL, OF MICHIGAN
MICHAEL A. BROOKE, OF CALIFORNIA
CAROLINE N. BROUN, OF MISSOURI
KATHERINE CANTRELL, OF TEXAS
STEWART AARON CARLTON, OF TENNESSEE
YANCY W. CARUTHERS, OF MISSOURI
MICHAEL HUGH COGNATO, OF PENNSYLVANIA
MONICA BEVERLY COLMENARES, OF VIRGINIA
JASON ERIC CONROY, OF IOWA
NATHAN J. COOPER, OF CALIFORNIA
ROBERT P. CORONADO, OF THE DISTRICT OF COLUMBIA
CATHERINE CROFT, OF WASHINGTON
M. KELLY CULLUM, OF MARYLAND
SANDRA L. DUPUY, OF MASSACHUSETTS
JEANIE MARIE DUWAN, OF KENTUCKY
JOEL DYLHOFF, OF ILLINOIS
JOEL ANTHONY ERWIN, OF TEXAS
DANIEL D. FENECH, OF TEXAS
TRAVIS WALTON FEUERBACHER, OF CALIFORNIA
ADAM FIELDS, OF CALIFORNIA
ELIZABETH FRANKENFIELD, OF VIRGINIA
GREGORY R. GAEDE, OF CALIFORNIA
JASON HOWARD GALLIAN, OF MARYLAND
PATRICK CHRISTOPHER GERAGHTY, OF MASSACHUSETTS
SEBASTIAN JOSEPH GREGG, OF FLORIDA
MICHAEL GRIFFITH, OF THE DISTRICT OF COLUMBIA
ERIK MARK HALL, OF TEXAS
MATTHEW ZAKIN HALLOWELL, OF NEW YORK
BRENDAN J. HARLEY, OF PENNSYLVANIA
MARY K. HARRINGTON, OF NEW HAMPSHIRE
NICHOLAS C. HERSH, OF PENNSYLVANIA
CARLTON JEROME HICKS, OF VIRGINIA
MATTHEW M. HUGHES, OF PENNSYLVANIA
CHRISTOPHER HUNNICUTT, OF NORTH CAROLINA
KAREN EDYTHE HUNTRESS, OF MAINE
ADAEZE JOYCE IGWE, OF TEXAS
NOLEN PHILLIP JOHNSON, OF WISCONSIN
MARGARET T. KATSUMI, OF MASSACHUSETTS
RICHARD P. KAUFMAN, OF VIRGINIA
DERELL KENNEDO, OF TEXAS
KENDRA DENISE KIRKLAND, OF FLORIDA
ANAND KRISHNA, OF CALIFORNIA
ELIJAH PIA COCKETT LAWRENCE, OF UTAH
NINA S. LEWIS, OF FLORIDA
KUAN-WEN LIAO, OF NEW YORK
FRANCESCA GRACE LICHAUCO, OF CALIFORNIA
CHRISTINA FAYE LIM, OF VIRGINIA
SARAH KATHLEEN LONGBRAKE, OF THE DISTRICT OF COLUMBIA
JENNIFER L. MAATTA, OF WASHINGTON
THOMAS PATRICK MAROTTA, OF NEW YORK
JASON REID MARTIN, OF CALIFORNIA
LEAN A. MARTIN, OF LOUISIANA
MARGARET MCELLIGOTT, OF THE DISTRICT OF COLUMBIA
ANSON PIERCE MCLELLAN, OF NEW YORK
KARL MCNAMARA, OF SOUTH DAKOTA
DANIEL MEJIA, OF NEW JERSEY
ROCIO MERCADO-GARCIA, OF CALIFORNIA
PATRICK JOSEPH MERRILL, OF CALIFORNIA
SHAMIS MOHAMUD, OF VIRGINIA
MICHELLE J. MORALES, OF FLORIDA
WILLIAM MORGAN, OF NEW JERSEY
KERRIE ANN NANNI, OF TEXAS
ANDREW BELL PACELLI, OF ILLINOIS
GEOFFREY A. PARKER, OF VIRGINIA
LINDSEY MICHELE PLUMLEY, OF VIRGINIA
KATHERINE ELIZABETH RANCK, OF VIRGINIA
D. RICHARD RASMUSSEN, OF WISCONSIN
PETER JEROME RITTER, OF MINNESOTA
BRENDAN RIVAGE-SEUL, OF KENTUCKY
RAOUL A. RUSSELL, OF TENNESSEE
LAURA MARIE SANTINI, OF MINNESOTA
HEIDI J. SCHELLENGER, OF MAINE
RICHARD EDWARD SCHILLING, JR., OF FLORIDA
MARISSA SMITH, OF ARIZONA
WILLIAM A. STARK, OF ARKANSAS
DAVID ALLEN SWALLEY, OF CALIFORNIA
CHRISTOPHER E. TEJIRIAN, OF NEW YORK
BRIDGET BLAGOEVSKI TRAZOFF, OF MAINE
JAY TRELOAR, OF FLORIDA
ADAM KENT VANDERVORT, OF VIRGINIA
KEVIN J. VOGEL, OF GEORGIA
STEPHANIE L. WOODARD, OF TEXAS

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT FOR PROMOTION WITHIN AND INTO THE SENIOR FOREIGN SERVICE TO THE CLASSES INDICATED:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER:

JOSEPH FARINELLA, OF NEW YORK
WILLIAM M. FREJ, OF CALIFORNIA
MICHAEL J. YATES, OF VIRGINIA

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER COUNSELOR:

CHERYL L. ANDERSON, OF VIRGINIA
BRUCE N. BOYER, OF MARYLAND
STEPHEN F. CALLAHAN, OF VIRGINIA
JOHN GROARKE, OF THE DISTRICT OF COLUMBIA
MICHAEL T. HARVEY, OF TEXAS
JANINA ANNE JARUZELSKI, OF NEW JERSEY
ROBERTA MAHONEY, OF VIRGINIA
MICHAEL CROOKS TROTT, OF VIRGINIA
PAUL CHRISTIAN TUEBNER, OF VIRGINIA

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR:

SYED A. ALI, OF FLORIDA
JEFFREY W. ASHLEY, OF TEXAS
JERRY PAUL BISSON, OF VIRGINIA
MARY ALICE KLEINJAN, OF THE DISTRICT OF COLUMBIA
JAROSLAW JOSEPH KRYSCHTAL, OF VIRGINIA
PETER A. MALNAK, OF NEVADA
RANDALL G. PETERSON, OF VIRGINIA
CURTIS A. REINTSMA, OF VIRGINIA
DONELLA J. RUSSELL, OF OREGON
DANIEL M. SMOLKA, OF WEST VIRGINIA
CATHERINE M. TRUJILLO, OF NEW YORK
JAMES E. WATSON, OF VIRGINIA
JOSEPH C. WILLIAMS, OF THE DISTRICT OF COLUMBIA

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS OF THE COAST GUARD PERMANENT COMMISSIONED TEACHING STAFF FOR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES COAST GUARD UNDER TITLE 14, U.S.C., SECTION 189:

To be commander

GREGORY J. HALL

To be lieutenant commander

JOSEPH T. BENIN

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT AS A PERMANENT COMMISSIONED REGULAR OFFICER IN THE UNITED STATES COAST GUARD IN THE GRADE INDICATED UNDER SECTION 211(A)(1), TITLE 14, U.S. CODE.

To be lieutenant

ANDREW C. KIRKPATRICK

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. DARRELL D. JONES

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. CHARLES R. DAVIS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. LARRY D. JAMES

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. JOSEPH A. BRENDLER

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be brigadier general

COL. DANA M. CAPOZZELLA
COL. STEPHEN L. DANNER

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be major general

BRIG. GEN. MARIA L. BRITT

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be major general

BRIG. GEN. WILLIAM L. FREEMAN, JR.

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. FRANK J. GRASS

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE UNITED STATES MARINE CORPS WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. JOHN M. PAXTON, JR.

IN THE AIR FORCE

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

To be major

DANIEL P. GILLIGAN
KIMBERLY D. KUMER
NGHIA H. NGUYEN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

BRIAN F. ABELL
SEAN P. ABELL
RANDALL E. ACKERMAN
MICHELLE T. ADAMS
JODY A. ADDISON
STEWART R. AITKENCADE

GEOFFREY A. AKERS
ARTURO ALAIZA, JR.
PATRICK M. ALBRITTON
CHRISTOPHER M. ALEXANDER
MONA E. ALEXANDER
JEFFREY T. ALLISON
CLARK L. ALLRED
KEVIN D. ALLRED
JUAN A. ALVAREZ
DANIEL G. AMEGIN
CYNTHIA G. ANDERSON
JEREMY S. ANDERSON
PONG K. ANDERSON
SCOTT W. ANDERSON
STEVEN C. ANDERSON
TANYA J. ANDERSON
SHAWN E. ANGER
RICHARD D. ANTON
JOSEPH M. APPEL
RICHARD L. APPLE
CLAUDE M. ARCHAMBAULT
EARL ARDALES
BRADLEY J. ARMSTRONG
MICHAEL C. ARNDT
MICHAEL J. ARTELLI
DAVID M. ASHLEY
FREDERICK H. ATWATER III
JON C. AUTREY
JASON B. AVRAM
MATTHEW L. AYRES
LISLE H. BABCOCK
BRAD C. BAILEY
KAREN BAILEY
JASON E. BAKER
PAUL D. BAKER
BRIAN K. BAKSHAS
ARNOLD C. BALDOZA
HEATHER M. BALDWIN
MICHAEL S. BANZET
JOHN E. BAQUET
CHRISTOPHER T. BARBER
KATHARINE G. BARBER
JAMES C. BARGER
DANIELLE L. BARNES
GREGORY D. BARNETT
RYAN R. BARNEY
ANTHONY R. BARRETT
BARRINGTON M. BARRETT
CATHERINE V. BARRINGTON
CLAYTON B. BARTELS
BRENDAN C. BARTLETT
JOHN V. BARTOLI
CHRISTIA BASBALLE SORENSEN
VIDA V. BEARD
ALAN L. BEAUMONT
OMAR E. BECERRIL
CHARLES E. BECKER
KEVIN R. BEEKER
MATTHEW R. BEER
JEFFREY A. BEERS
TIMOTHY E. BEERS
STEVEN G. BEHMER
MICHAEL E. BELKO
NICHOLAS A. BELL
DIANE C. BENAVIDEZ
MICHAEL L. BENNETT
WILLIAM A. BERCK
CHRISTOPHER C. BERG
TIMOTHY M. BERGMAN
PETER E. BERMES
SCOTT D. BERNDT
WILLIAM L. BERNHARD
FREDERICK S. BERRIAN
RAYMOND J. BESSON
JAMES A. BEYER
THOMAS BICKERSTAFF
SEKOU T. BILLINGS
ROBERT L. BIRCHUM
MICHAEL B. BIRDWELL
BENJAMIN W. BISHOP
JOEL R. BIUS
KIM D. BLACK
WILLIAM T. BLADEN
RYAN D. BLAKE
WILLIAM B. BLAUSER
JOHN J. BLEIL
DEREK S. BLOUGH
JAMES W. BODNAR
THOMAS T. BODNAR
ELIZABETH C. BOEHM
JOHN M. BOEHM
STEVEN G. BOGSTIE
KENNETH R. BOILLOT
PATRICK B. BOLAND
TIMOTHY J. BOLEN
SEAN P. BOLES
ELIZABETH A. BOLL
SCOTT B. BONZER
RONALD K. BOOKER
RALPH E. BORDNER III
CHRIS E. BORING
RICHARD L. BOURQUIN
PAUL S. BOVANKOVICH
BERNADETTE P. BOWMAN
IAN T. BOYD
MARTIN F. BRABHAM
WILLIAM S. BRADLEY
JOHN BRADY
KATHY K. BRADY
WARREN B. BRAINARD
JAMES P. BRASSELL
MICHAEL A. BRAZELTON
THOMAS M. BREEN
MAXIMILIAN K. BREMER
TYR RICHARD BRENNER
ROBERT T. BRIDGES
SIDNEY J. BRIDGES
MICHAEL J. BRIGGS
EARL J. BRINSON
JOEL L. BRISKE
SCOTT D. BRODEUR
CARLOS J. BROWN
RICHARD KEVIN BROWN, JR.
TRAVIS A. BROWNLOW
DONALD R. BRUNK
BYRON T. BRUNSON
SANORA F. BRUNSON
ROBERT H. BRYANT III
MARK R. BRYKOWYTCH
JOHN L. BUCHANAN II
RONALD J. BUCHSEN, JR.
MATTHEW J. BUDDE
JONATHAN C. BUFFINGTON
DAVID L. BULLARD
JAMES E. BURGESS
LANCE C. BURNETT
CURTIS W. BURNEY
KELLY D. BURT
HENRI J. BUSQUE
WALTER A. BUSTELO
ROBERT V. BUTKOVICH
MATTHEW J. BUTLER
TODD C. BUTLER
ADRIAN R. BYERS
EDWARD P. BYRNE
MICHAEL R. CABRAL
REGINA LOUISE CAIN
MAURIZIO D. CALABRESE
BRADY D. CALDWELL
MATTHEW D. CALHOUN
CHRISTOPHER J. CALLIS
MICHAEL A. CALVARESI
GERALD T. CAMPBELL, SR.
NORMAN J. CANNON
EDWARD K. CANTRELL
ANTHONY J. CAPARELLA
SHAY R. CAPEHART
JOHN T. CARANTA III
STEPHEN V. CAROCCI
ALLAN A. CARREIRO
RAFAEL D. CARROLL
SCOTT G. CARROLL
CHRISTOPHER C. CARTER
IVORY D. CARTER
AMY L. CARUTHERS
JONATHAN D. CARY
JOSEPH J. CASSIDY II
GREGORY A. CAUDLE
PAUL S. CAZIER
ROBERT W. CHAMBERS
JASON S. CHANDLER
JACQUELINE D. CHANG
JOSEPH CHARGUALAF
RONALD J. CHASTAIN
EDWARD P. CHATTERS IV
KEITH N. CHAURET
RAYMOND A. CHEHY, JR.
JON E. CHESSER II
TROY W. CHEVALIER
WAYNE M. CHITMON
JOHN S. CHOBERKA, JR.
MICHAEL L. CHONG
JOHN A. CHRIST
JENNY M. CHRISTIAN
BRADLEY D. CHRISTIANSEN
REGGIE A. CHRISTIANSON
WILLIAM V. CHUDKO
CHRISTOPHER STEPHEN CHURCH
WILLIAM R. CHURCH
LISA A. CICCARELLI
MICHAEL T. CLANCY
AARON W. CLARK
ANDREW M. CLARK
CHRISTOPHER F. CLARK
CHRISTOPHER R. CLARK
WILL CLARK
WILLIAM M. CLARKE
ELIZABETH A. CLAY
DANIEL C. CLAYTON
PAUL P. CLEMANS
DOMINIC P. CLEMENTZ
NATHAN D. CLEMMER
SARAH U. CLEVELAND
TRAVIS J. CLOVIS
ERIN C. CLUFF
THOMAS F. COAKLEY
TOM G. COATE
MARK D. COGGINS
CAROLYN C. COLEMAN
LAMONT A. COLEMAN
CHARLES W. COLLIER
PERSIVIA COLLINS II
BRIAN A. COLLORD
MICHAEL J. COLVARD
THEODORE E. CONKLIN, JR.
JAMES A. CONLEY
DANIEL A. CONNELLY
RYAN C. CONNER
ILA L. CONVERTINE
DANIEL E. COOK
HEATHER A. COOK
JOSEPH COOK
KENNETH R. COOK
JASIN R. COOLEY
DAVID L. COOPER
PHILIP J. COOPER
JOSHUA J. CORNER
LARRY M. CORZINE
SEAN J. COSDEN
KAREN M. COSGROVE
GERALD C. COTTRILL
SHAWN C. COVAULT
JOHN R. COX, JR.
JOHN A. COY
RYAN M. COYNE
DIALLO O. CREAL
MICHAEL A. CREIGHTON
KEVIN R. CROCCO
RYAN L. CROCKETTE
CHRISTOPHER L. CRUISE
CHRISTOPHER A. CULLENBINE
TIMOTHY W. CUMMINS
JEFFREY M. CUNNINGHAM
WILLIAM M. CURLIN
MACK W. CURRY II
MICHAEL D. CURRY
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JONATHAN B. TAYLOR
KIM N. TAYLOR
RALPH E. TAYLOR, JR.
JASON A. TELLEZ

MONA A. TENORIO
JASON B. TERRY
MICHAEL D. THOMAS
MICHAEL T. THOMAS
NEIL B. THOMAS, JR.
JAMES W. THOMPSON
JOHN B. THOMPSON
SCOTT J. THOMPSON
ROY D. THRAILKILL
CHRISTOPHER C. THROWER
DAVID M. TIFFORD, JR.
RICHARD J. TIMMERMANN
JUSTIN K. TINDAL
JASON W. TORGERSON
RONALD L. TOUGAW, JR.
MATTHEW J. TRACY
KASANDRA T. TRAWEEK
JOHN H. TRAXLER
DEVIN S. TRAYNOR
TIMOTHY G. TREGLOWN
ALLISON M. TRINKLEIN
HENRY H. TRIPLETT III
ERIC D. TRISMEN
CONSTANTINE TSOUKATOS
ADAM C. TUFTS
CARLTON C. TURNER
JOBIE S. TURNER
MICHAEL S. TURNER
ROBERT C. TYLS
JAMES D. UPCHURCH
VLADIMIR URBANCEK
LINDA M. VADNAIS
CHRISTOPHER L. VANHOOF
KELLY L. VARITZ
ENRICO W. VENDITTI, JR.
SHANE S. VESELY
JEREMY S. VICKERS
JOHN R. VICKREY
MARCOS A. VIGIL
WILLIAM M. VILLEGAS II
JAMES T. VINSON
HARMEN P. VISSER
PETER D. VITT
DAVID R. VOLLMER
NORMAN P. VUCHETICH
MICHAEL N. WADDLE
SCOTT W. WALKER
WENDY E. WALKER
JAMES W. WALL
DANIEL P. WALLS
MARK R. WALSH
DANNY L. WALTERS, JR.
JAMES T. WANDMACHER
DEAN C. WARDELL
JAMES W. WARF III
BRETT A. WARING
MICHAEL S. WARNER
DAVID M. WARNKE
TIFFANY J. WARNKE
DALIAN A. WASHINGTON
KEITHEN A. WASHINGTON
JEREMY R. WATTS
PAUL T. WEBSTER
SAMANTHA WEEKS
JOHN K. WEIGLE
JOHN A. WELLMAN
JOSEPH H. WENCKUS
TODD H. WENTZLAFF
SCOTT J. WEST
THOMAS C. WESTBROOK
CHRISTOPHER D. WESTON
DAVID S. WESTOVER, JR.
DERRICK R. WHEELDON
GREG D. WHITAKER
CURTIS C. WHITE
TARA E. WHITE
WILLIAM C. WHITE
MICHAEL D. WHITING
ALAN J. WIGDAHL
DAMIAN O. WILBORNE
TIMOTHY W. WILCOX
ANDREW C. WILES
BRANDON L. WILKERSON
CHRISTINA L. WILLARD
ADRIENNE L. WILLIAMS
ANTHONY D. WILLIAMS
CHRISTOPHER J. WILLIAMS
DARIN C. WILLIAMS
IKE H. WILLIAMS
JASON T. WILLIAMS
MICHAEL D. WILLIAMS
PATRICK C. WILLIAMS
PAUL D. WILLIAMS
SEAN WILLIAMS
TREVOR L. WILLIAMS
PAUL B. WILLINGHAM
DANIELLE L. WILLIS
JAMES M. WILMER
WALTER J. WILSON
DAVID J. WINEBRENER
MARK R. WISHER
KELLY N. WITCHER
ERIC J. WITTENDORFER
CHRISTIAN S. WOHLWEND
JASON K. WOOD
MICHELE J. WOODCOCK
SARAH E. WOODS
THADDEUS R. WOODS
SHANNON J. WOODWORTH
JULIE D. WORLEY
TIMOTHY K. WOZNIAK
ANDREW R. WRIGHT
TODD A. WYDRA
MATTHEW W. WYNN
GERALD T. YAP
ERIC YARRELL
BART P. YATES
KEVIN A. YATES
THOMAS E. YEAGER
MICHAEL S. YI
SHAYNE R. YORTON
BRIAN G. YOUNG
CONSTANCE H. YOUNG
HELEN H. YU
DAVID W. YUNT
JEREMY P. ZADEL
VINCENT ZALESKI
JONATHAN E. ZALL
KRISTIAN J. ZHEA
JAMES M. ZICK
MATTHEW W. ZIMMERMAN
MICHAEL S. ZIMMERMAN
BRIAN K. ZOELLNER
MICHAEL J. ZUHLSDORF
CLINTON R. ZUMBRUNNEN
DEBORAH L. P. ZUNIGA
RAY A. ZUNIGA

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SPECIALIST CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be colonel

MARIA E. BOVILL
NIKKI L. BUTLER
RACHEL K. EVANS
JOANNA J. REAGAN

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

MARK E. BEICKE
WILLIAM B. COLE
ROBERT J. FINIGAN
TODD R. LEVENDOSKI
EFRAIN SOTOSANTIAGO
JAMES D. TOOMBS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY VETERINARY CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be colonel

TODD O. JOHNSON
ROBIN K. KING
HENRY J. KYLE
RANDALL L. RIETCHECK
EDWARD L. STEVENS
DEBORAH L. WHITMER
TAMI ZALEWSKI

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY DENTAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be colonel

MARK R. BENNE
JERRY BROMAN
RAFAEL CARABALLO
KIMBERLY Y. CATER
GEORGIA G. DELACRUZ
WILLIAM J. DEMSAR
MICHAEL T. EVANS
DAVID C. FLINT
DAN C. FONG
GARY D. GARDNER
MICHELLE T. ICASIANO
SHAUN L. KANION
KIMBERLY W. LINDSEY
MANUEL MARIEN
CRAIG G. PATTERSON
ANDREW J. WARGO
JAMES WOOD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY NURSE CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be colonel

CELETHIA M. ABNERWISE
PATRICK J. AHEARNE
JACQUELINE P. ALLEN
RAY C. ANTOINE
KELLY K. BRAMLEY
SARA T. BRECKENRIDGESPROAT
WENDY R. CAMPBELL
TINA A. CONNALLY
JACK M. DAVIS
REBECCA L. DOUGLAS
LAURA R. FAVAND
LINDA W. FISHER
JOHN T. GROVES
MELISSA K. HALE
KATHLEEN M. HERBERGER
WENDELL M. HOLLADAY
BRIAN K. KONDRAT
DANIEL W. MCKAY
COLETTE L. MCKINNEY
MARGARET M. NAVA
KATHY PRUEOWENS
WENDY A. SAWYER
SUZANNE K. SCOTT
CARLETTE T. TOFT
LISA A. TOVEN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be colonel

PAUL D. ANDERSON
LYNNETTE B. BARDOLF
CHARLES D. BRADLEY
JACQUELINE CHANDO
JEFFERY M. CLELAND
ANTHONY L. COX
WILLIAM M. DARBY
JAMES W. DAVIDSON
JAY E. EARLES
LAUREL S. FIELDS
KARRIE A. FRISTOE
JOSE L. GARCIA
PAUL J. GOYMERAC
LANETTE R. HAMILTON
KEITH M. JOHNSON
MARTIN D. KERKENBUSH
MICHAEL P. KOZAR
JAMES A. LATERZA
IRWIN M. LENEFSKY
PAULA C. LODI
STEVEN P. MIDDLECAMP
JAMES W. NESS
DAVID J. PARRAMORE
JOHN P. ROGERS
AARON J. SILVER
WALTER M. STANISH
RICHARD P. STARRS
WILLIAM B. TILSON
RONALD T. WILLIAMS
STEPHEN C. WOOLDRIDGE
ALEX P. ZOTOMAYOR

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be colonel

WILLIAM P. ADELMAN
KATHLEEN R. AGNEW
JAY T. ALLEN
VERONICA R. BAECHLER
ANDREW M. BARR
MICHAEL R. BELL
JAMES BENTLEY
PAUL A. BRISSON
DAVID L. BROWN
LINDA L. BROWN
TOMMY A. BROWN
JEFFREY M. CALLIN
DARREL K. CARLTON
STEVEN B. CERSOVSKY
YONG K. CHA
RAYMOND I. CHO
KAO B. CHOU
ROSS E. COLT
LANCE E. CORDONI
DONALD M. CRAWFORD
ERIC A. CRAWLEY
MARK A. CRISWELL
MARK D. CUMINGS
LOUIS A. DAINTY
JOHN G. DEVINE
NHAN V. DO
MICHAEL D. DULLEA
EDWARD M. FALTA
CHRISTOPHER GALLAGHER
DOMINIC R. GALLO
ALAN P. GEHRICH
ROBERT T. GERHARDT
STANLEY F. GOULD
KENNETH A. GRIGGS
CHRISTOS HATZIGEORGIOU
KEITH A. HAVENSTRITE
THOMAS S. HEROLD
EDMUND W. HIGGINS
SIDNEY R. D. HINDS II
AVA HUCHUN
MARY V. KRUEGER
SANDRA G. LAFON
MOON H. LEE
SEAN K. LEE
JONATHAN G. LEONG
BRUCE L. LOVINS
ERIC D. MARTIN
MATTHEW J. MARTIN
PAUL T. MAYER
MYRON B. MCDANIELS
ROBERT C. MCKENZIE, JR.
SHARON P. MCKIERNAN
MARGRET E. MERINO
JOEL E. MEYER
MITCHELL S. MEYERS
RONALD V. MORUZZI
SHAWN C. NESSEN
STEPHEN R. NOVEMBER
MICHAEL S. OSHIKI
ROBERT M. PARIS
JOHN S. PETERS
BRIAN T. PIERCE
SHAUN A. PRICE
MICHAEL W. QUINN
WILLIAM J. QUINN
KEVIN C. REILLY, SR.
LUIS R. RIVERO
STUART A. ROOP
MICHAEL G. ROSSMAN
EARLE G. SANFORD
JAMES J. SHEEHAN, JR.
PETER J. SKIDMORE
BRYAN C. SLEIGH
KEVIN C. SMITH

JOSEPH C. SNIEZEK
MARGARET M. SWANBERG
KENNETH F. TAYLOR, JR.
BRIAN T. THEUNE
BRIEN W. TONKINSON
SCOTT D. UITHOL
TODD J. VENTO
STEVEN A. WAGERS, JR.
GARY R. WALLACE
MICHAEL A. WEBER
MARK J. WEHRUM
DANIEL W. WHITE
MICHAEL D. WIRT II
MICHAEL M. WOLL
MICHAEL P. WYNN
CAROL R. YOUNG, JR.
STANLEY M. ZAGORSKI
DAVID C. ZENGER

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

DOMINIC V. GONZALES

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be lieutenant commander

MICHAEL H. HOOPER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

VIRGILIO S. CRESCINI

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

ALDRIN J. A. CORDOVA
ANDY P. DELEON
ANDREA M. DEWDNEY
RUSTIN J. DOZEMAN
PARRISH P. GUERRERO
TERRY L. KNAPP
JAMES M. LANGLOIS
BRYAN K. LUKIE
GAIL M. MULLEAVY
JERALD L. ROOKS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

JOHN W. BAISE
JOHN H. BEATTIE
SCOTT N. BEYER
BEAU BROOKS
MONIKA A. CAMPBELL
MICHAEL W. CARR II
BRANDON M. CASPERSON
KENDALL C. CHAPMAN
JIHOON P. CHOI
ANDREW D. CLINE
DAVE P. CLOSAS
BRAD G. COLEMAN
JASON P. FAHY
DALLAS A. GIPSON
MICHAEL J. GOLONKA III
ROBERT B. HAGEL
JONATHAN L. HIGDON
KENNETH F. HONEK
DAVID R. HUBBLE
VU P. HUYNH
CARL E. JACKSON, JR.
RAYMOND C. JASZKOWSKI
WEURIELUS D. JOHNSON
TIMOTHY W. KABER
JASON A. KILLIAN
CHRIS D. KIM
DEBRA E. KING
GREG C. KIRK
ROBERT D. KLEINMAN
DENNIS LA
MUSHEERAH M. LITTLE
CHRISTOPHER J. LYNCH
ANGELIQUE N. MCBEE
LAUREN A. MCMILLAN
ELKIN F. MOSQUERA
DONNY R. NEWSOM
JONATHAN D. NIEMAN
SHANEWIT NOPKHUN
ALFRED M. NUZZOLO
ROBERT L. OLSON
NATHANAEL J. OVERTREE
GABRIEL PARRILLA
FEDERICO PEREZROMERO
RICHARD J. POCHOLSKI
DENNIS J. RIORDAN
JEFFREY P. ROZEMA
JOSHUA C. SCOTT
KENT R. SIMODYNES
MICHAEL S. SINGLETON
JENNIFER E. STEADMANMURPHY
CORTNEY B. STRINGHAM
JAMES R. SULLIVAN
MATTHEW C. TOLHURST
BRENT J. UYEHARA
BENJAMIN V. WAINWRIGHT
DANIEL W. WALL
WILLIAM W. WOHEAD
ANDREW K. WONG
GREGORY J. WOODS
NING L. YUAN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

RAYNARD ALLEN
ALLEN K. BROOKS
CHRISTOPHER S. CAUBLE
DAVID J. CULLEN III
JAISEN E. FUSON
MARK A. GIRALMO
FERGUSON L. HARRIS
DWAYNE A. JACKSON
BRIAN L. JACOBSON
CYNTHIA L. KANE
RICHARD E. MALMSTROM
CHRISTOPHER S. MARTIN
RONALD S. ODELL, JR.
CHARLES A. OWENS
JEFFREY QUINN
MARK A. ROGERS
DAVID E. ROZANEK
BRIAN K. SHEARER
MARGARET E. SIEMER
CARL J. STAMPER
BRUCE A. VAUGHAN
MATTHEW S. WEEMS
RICHARD H. WIESE
ARTHUR L. WIGGINS, JR.
ROBERT B. WILLS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

JOSE G. ACOSTA, JR.
MICHAEL D. ADAMS
MICHAEL A. ALDRICH
BOBBY L. ALLEN
JAKENBERG N. ALMUETE
HEATH E. ALVAREZ
THOMAS E. ARNOLD
MICHAEL AUGUSTINE
RASAQ A. BALOGUN
ANTHONY P. BANNISTER
TIMOTHY S. BARTHA
MICHAEL A. BELL
SAMUEL BETANCOURT
GEORGE M. BICK
SEAN W. BLACK
BISIOYE A. BOLARINWA
BRADLEY C. CARROLL
DAVID M. CARROLL
ABDUL R. CEVILLE
RICARDO A. COLLAZOS
RUDOLPH W. COOK
JAMES A. COX
SALVATORE A. DAMATO
SCOTT A. DARNELL
RODEECE L. DEAN
GENTRY D. DEBORD
JOHN C. DONNELLY
DOUGLAS P. ELLINGTON
RUSSELL L. ELLIS
ANDRE L. FIELDS
ARNEL FLORENDO
PAUL E. FOX
JOHN A. FRENCH
BRIAN L. GARBERT
MICHAEL W. GEORGE
JOEY GONZALES
JOHN P. HAGAN
JEFFREY D. HANKINS
ROBIN A. HASSON
JOSHUA M. HEIVLY
ANDREW E. HENWOOD
DANA M. HERBERT
STEPHEN G. HIGGINS
JOSHUA R. HILL
VIKAS C. JASUJA
DOUGLAS R. JENKINS
MARCUS L. JONES
RICHARD D. JONES
ALEXANDER P. KACZUR
EVELYN C. LEE
MICHAEL T. LEWIS
SCOTT J. LEWIS
JAMES A. LONG
CARLOS V. LOPEZ
CHRISTOPHER M. LOUNSBERRY
RAFAEL L. MACIAS
BRIAN P. MADDEN
TIMOTHY J. MARK
LLAHN A. MCGHIE
KEVIN S. MCNULTY
SCINTAR B. MEJIA
SCOTT L. MELLGREN
JOHN I. MERCADO
JON W. MERRITT
DANIEL W. METZ
CHARLES M. MIELKIE III
MARK D. MILIUS
LOUIS MIRABAL
PHILLIP MOGILEVSKY
CHESTER A. MORGAN
OWEN B. MORRISSEY
JAMES M. NEWTON
QUY NGUYEN
SEAN J. NUILA
ERIK A. OLSEN
MICHAEL O. OSORIO
ANDREW J. OSWALD
ELBERT C. PAMA
JAMES T. PERRY, JR.
STEVEN E. PETERS
ANDREW M. PHILLIPS
J E. PISKURA
NICOLE C. PONDER
MANUEL L. POWELL
JAMES A. PROSSER
MELISSA R. PROUD
JECISKEN RAMSEY
BRUCE M. REILLY II
KEVIN C. RICHARDSON
DENA B. RISLEY
BRANDOLYN N. ROBERTS
CHRISTOPHER F. ROESNER
DEAUNDRAE L. ROGERS
ROMEO B. ROMEO
BRAN M. SHERMAN
KENNIS J. SIGMON
JAIME J. SIQUEIROS
TAMARA T. SONON
ROYAL J. SPRAGIO III
SHANE D. STATEN
CRAIG A. SWANSON
JESSE K. TAIJERON
MONICA R. TATE
RICHARD L. TERRETT
ANDREW J. TEW
LANCELOT A. THOMAS
LLOYD V. THORPE
MICHAEL L. TUCKER
JOSE L. VARGAS
DANIEL J. VETSCH
ANGELA C. WATSON
KELLY S. WEAVERLING
ELIZABETH M. WILLIAMS
SCOTT A. WILSON

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

KONIKI L. AIKEN
EDITH R. AKOTO
MELISSA M. ALEXANDER
SHEILA I. ALMENDRASFLAHERTY
ANNE M. ASHTON
SCOTT E. AVERY
TONYA BAILEY
ANGELA M. BARTOW
BROOKE M. BASFORD
ARIC V. BAUDEK
TROY J. BAUMANN
BRIAN B. BEALE
CONSTANCE BEALE
VAVADEE V. BELKO
CINDY L. BELTEJAR
HOLLY M. BONDS
GLENN A. BRADFORD
LAURA A. BRADFORD
GEORGE J. BRAND
CARL R. BURGAN
KATHLEEN M. CAFFREY
RAMON O. CALADCAD
RODNEY L. CAMPBELL
LONETTA CANALES
MATTHEW J. COLANGELO
TARA N. COLLINS
PAUL D. COOPER
JAMES F. COTTON
JESUS M. CRESPODIAZ
JOHN C. DANIELS, JR.
MONICA J. DELANO
PETER M. DEYOUNG
TIFFANY A. DODSON
THOMAS J. DOWDLE III
KURT B. DUNCAN
TREVR W. EBORN
KRISTIN L. EDGAR
JOSE L. ESTRADA
ANDREW D. FORREST
NEVA R. FUENTES
RAYNARD GIBBS
PATRICIA A. GILL
LOUISE L. GILLESPIE
KURT J. GIOMETTI
DAVID R. GOODRICH
VICTOR C. GORDON
PHILIP L. GRADY
JERRI M. GRAY
MARK R. GREEN
JOSEPH D. HACINAS
JAMES L. HAFFNER, JR.
PATRICK R. HARRISON
BRIAN K. HEERMANS
GREGORY J. HEIMALL, JR.
PAULO M. HERNANDEZ
LISA H. HILL
KYLE D. HINDS
VIRGINIA M. HINRICHS
STUART R. HITCHCOCK
MARIA T. HOLLY
ERIC M. HOYER
FREDERICK L. HUSS, JR.
HERMAN H. JENKINS
LAURA L. JENSEN
KARI L. JOHNDROWCASEY
PATRIELLE R. JOHNSON
TRACI L. JOHNSON
VINCENT B. JOHNSON
MATTHEW C. JONES
MELISSA M. KENNEDY
DIANE N. KIILEHUA

LETICIA S. KING
ERIC J. KULHAN
CASSANDRA M. LEATE
MICHAEL K. LISNERSKI
JASON S. LITCHFIELD
DANIEL S. LONGBONS
CHRISTINA B. LUMBA
CATHERINE A. LUNA
CHRISTINE T. MACLAN
RODOLFO MADRID
CRAIG T. MALLOY
EDWARD A. MARTINEZ
JORGE E. MARTINEZ
JODIE L. MARTINO
REYNALDA MCBEE
DANIEL S. MCCLURE
TRACY M. MCCULLOUGH
SCOTT J. MCFADDEN
DAVID J. MCINTIRE
CRISTY L. MCWETHY
CHRISTIAN T. MELENDEZ
KEVIN J. MICHEL
MERIDETH L. MILLER
MICHELE L. MILLER
SUSAN L. MOJICA
LONG N. NGUYEN
STACY L. NILSEN
PAUL E. OBERTONE
KRISTINA R. OLIVER
JACK A. PAGE
PRESCOTT R. PALMER
CARLA A. PAPPALARDO
REMY R. PASCUAL
SHAWN R. PASSONS
PAUL E. PELLINI
PENNY S. PEREZ
COLLEEN M. PERLAKSOTO
JESSICA M. PIPKIN
JOSEPH E. PLASSE
RICHARD A. POZNIAK, JR.
ANGELICA M. PUCHA
KENNETT D. RADFORD
MARDDI J. RAHN
ANN M. RANIOWSKI
DAVID D. REDD
JAMES M. REILLY
FLOYD W. ROBINSON
JASON P. ROBINSON
MARTYN G. ROTHERMEL
EDWARD SALAS
RODOLFO G. SANJUAN
MISTY D. SCHEEL
HEATHER A. SHATTUCK
ELIZABETH J. SHAUBELL
MARTIN F. SHELL
JOHN SINCLAIR
DENITA J. SKEET
LYNN M. SKINNER
JAMES C. SPRADLING
SEBASTIAN STACHOWICZ
LENA G. STEPHENS
KATHRYN M. R. STEWART
AMY M. STONE
PIPER A. STRUEMPH
CHRISTINA L. TELLEZ
JAMES C. TESSIER
MONICA A. TONEY
TONY TORRES
SHANON F. TOTH
DEIRDRE C. TREADWAY
MELISSA R. TRONCOSO
LEONARD C. TROTTER
JIMMY S. TRUJILLO
JENNIFER C. TRZASKUS
DONALD J. VEACH
TARAIL VERNON
RONALD W. WAGNER, JR.
ALICIA J. WEISSGERBER
EDWARDO C. WELDON
KIMBERLY A. WHITEHILL
MALISSA D. WICKERSHAM
ROGER A. WILLIAMS
CHARLES B. YOUNG
LANE C. ZEITLER
JAMES S. ZMIJSKI

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

DOMINIC J. ANTENUCCI
CHERYL R. AUSBAND
ERIN M. BAXTER
MARYANN M. BRIDGES
DEREK BUTLER
ANDREW E. CARMICHAEL
LIAM A. CONNEL
SARA R. DEGROOT
JONATHAN E. DOWLING
JARED R. EDGAR
TIMOTHY M. FLINTOFT
JUSTIN L. HAWKS
MATTHEW W. IVEY
BARBARA A. KAGLE
CHRISTOPHER P. KIMBALL
TRACY D. KIRBY
BRIAN D. KORN
PATRICK L. LAHIFF
CHARLES M. LAYNE
GEORGE W. LUCIER
KATHRYN D. MATT
MICHAEL J. MELOCOWSKY
MARY R. MURPHY
GOPI J. NADELLA
DONALD R. OSTROM
GERALDO PADILLA
BRADLEY S. PARKER
ELISABETH H. PENNIX
EDWARD M. PIERCE
ERIN C. QUAY
MICHELE V. ROSEN
ALISON S. SHULER
MEREDITH M. STEINGOLD
SEAN M. SULLIVAN
CHAD C. TEMPLE
MICHAEL R. TORRISI
LUKE A. WHITTEMORE
DELICIA G. ZIMMERMAN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

BRENT N. ADAMS
ROMAN G. ALLEN
JAMES B. AREA
KEARY L. ASHMORE
ANGELA J. BAKER
JOHN R. BALENTINE III
CHARLES R. BANKS
KATHRYN A. BARBARA
DAVID G. BENTLEY
TAWANNA B. BLANCHE
CARLIS W. BROWN
BILLY S. BURK
TRAVIS N. CARR
TERESA CEBALLOSMCARTHUR
COLEMAN C. CHANDLER, JR.
TODD J. CHARLESWORTH
MEGAN E. CLAUSEN
CRYSTAL E. DAILEY
JAMIE M. DAUT
MATTHEW D. DAUT
RODERICK DAVIS, JR.
SUZANNE M. DECKER
JAMAL DEJLI
VICTOR M. DELATORRE
BRENT M. DENNIS
MARCIANO A. DIAZ
DAVID J. DOLAN
RAFAEL T. DOMINGO
BRIAN D. ENGESSER
JANINE E. ESPINAL
BENJAMIN J. ESPINOSA
JUSTIN B. EUBANKS
MYRON L. EVANS
CARLOS S. FAIRLEY
JULIAN FERGUSON
ROMMEL D. FLORES
JOSEPH J. FORD, JR.
AARON J. FRANK
CHRISTOPHER N. GILMORE
JINAKI S. GOURDINE
PETER J. GRANT
SHANNON L. GRANT
MICHAEL J. GREGORY
LASHELLE R. HAMILTON
KIBWE A. HAMPDEN
BRETT H. HICKS
LONGCHAU D. HOANG
NICOLE HOFFMAN
DARLA M. HOWELL
BRIAN M. HOWER
ANNE M. JARRETT
AUTUMN P. JOHNSON
WILLIAM L. JOHNSON
JOHN H. JONES II
THOMAS C. JONES
MATTHEW R. KASPER
SEAN W. KELLEY
NATHAN C. KINDIG
JO M. KITCHENS
SHANE W. KNISLEY
TAMARA L. KOCH
CODY L. LALLATIN
THANH LE
BRENT S. LEVINGSTON
MARY E. LINNELL
SHEKINAH L. MAGEE
SUSAN MALBOEUF
MATTHEW P. MARCINKIEWICZ
KINAU Y. MCCOY
DARION MCCULLOUGH
DAVID M. MCETTRICK
IAN T. MCGUINNESS
JARED A. MCKENDALL
ROY A. MCKINNEY, JR.
TRACY L. MCMONIGLE
ALICE P. MOSS
SHAWN A. MUSARRA
AMANDA S. NEAL
BILLY W. NEWMAN
ANNMARIE A. NOAD
TATANA M. OLSON
ADELINE L. ONG
EUGENE D. OSBORN
JOSEPH A. PHILLIPS
KARINE O. PIERRE
ERIC A. POLONSKY
JOHN B. PRICE
NICHOLAS A. PUKISH
AMARJEET S. PUREWAL
LINH H. QUACH
JET RAMOS
ELIZABETH C. RAPHAEL
CORBIN M. REYNOLDS
LYDIA R. ROBINSON
EFRAIN ROSARIO
JUAN N. ROSARIO
BALDOMERO J. SAGRADO
LUIS SANCHEZ
MIGUEL A. SANTIESTEBAN
DOUGLAS A. SEARLES
ZINOVIY B. SENISHIN
JOHN A. SHANNON III
ELIZABETH G. SKOREY
DAVID J. SOHL
SUSAN A. SPARKS
NOAH T. SPERNER
EMILY J. SPRAGUE
CHRISTOPHER T. STEELE
ANDREW J. STEGALL
NICOLE V. STEWART
SANDRA SU
AMY N. SULOG
JOHNATHAN L. SWIGER
JARED H. TAYLOR
MARCUS K. TAYLOR
AYESSA B. TOLER
BOBBIE J. TURNER
STACIE L. TURNER
GEORGE W. VANCIL
DAREN A. VERHULST
VANCE T. VOGEL
MARK D. WAKEFIELD
PETER B. WALKER
STACY J. WASHINGTON
CHRISTY A. C. WEIMER
WILFRED H. WELLS
ARCELIA WICKER
RUSSELL F. WIEGAND
CHARLES R. WILHITE
MAYA WILLIAMS
SUZANNE J. WOOD
JEFFREY S. WORRELL
HOWARD L. WRIGHT, JR.
EMILY L. ZYWICKE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

TERESITA ALSTON
MARJORIE W. BARNDT
CASEY J. BURNS
MITCHELL R. CHECCHI
CAREY H. COLLINSDEISLEY
MICHAEL B. FLANNERY
JOSEPH J. FRANZKE
FREDERIC GIAUQUE
BRACKEN R. GODFREY
BENJAMIN M. GRAY
KEVIN W. HAVEMAN
JOSHUA F. HENSON
JEFFREY W. HILLEY
SARAH T. LAWSON
DAVID Z. LIU
MAX P. MONCAYO
ANABEL Y. NATALI
JOHN J. NEAL
SCOTT A. PASIETA
RHONDA R. ROBERTS
ANGELA M. ROLDANWHITAKER
JENNIFER L. SMITH
RICHARD E. SWAJA
RAYMOND F. TINUCCI
NICOLE G. WARD
KIRSTIN C. WIER
ERIN K. ZIZAK

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

KENRIC T. ABAN
THOMAS B. ABLEMAN
SHANNON P. ADAMS
JAVIER AGRAZ, JR.
ZACHARY I. ALBERT
KENNETH M. ALEA
BILL D. ALEXANDER
KEITH A. ALFIERI
LEE R. ALLEN
BRYAN T. ALVAREZ
RUDOLF F. ALVEY
GREGORY J. ANDERSON
STEVEN M. ANDERSON
STEVEN P. ARMBRUSTER
RYAN D. ARNOLD
MARTIN A. ARRISUENO
JOSHUA D. ARTHUR
SCOTT A. ASAKEVICH
DENNIS A. AUTH
CHAD J. BAARSON
JAMES R. BAILEY
ROBIN K. BARENG
KATRINA R. BARNES
ADAM B. BARRUS
DANIEL R. BEASLEY
JASON G. BECK
SHAWN A. BELVERUD
DAVID A. BENSON
JANE E. BENSON
SHELBY S. BEST
EVAN J. BILSTROM
DAVID L. BLACK
KRISTINA R. BLACKKRATOVIL
SHANNON R. BLACKMER
KENNETH T. BLACKNER
KEISHA N. BLAIR
WILLIAM A. BOLLER
MARK E. BOMIA
ARON R. BONEY
MATTHEW J. BRADLEY
TODD M. BRAGG
APRIL L. BREEDEN
RYAN B. BRENES

TIMOTHY J. BRUEHWILER
KIM E. BURKE
MELISSA A. BURYK
LYNN T. BYARS
DANA H. CASH
SEAN P. CAUFIELD
JOHN M. CHILDS
ALDEN V. CHIU
JAMES CHUNG
FRANCESCA M. CIMINO
STEPHEN D. COATS
PETER M. COLE
MONA M. COLIANNO
DERRICK H. COLMENAR
CAMERON H. COLVIG
ERIK J. CONDON
SEAN P. CONLEY
NICHOLAS C. CONNOLLY
RANDY W. CONNOLLY
SABRINA J. COOLEY
JENNEA A. CORREIA
CAMILLE K. COWNE
GARFIELD CROSS
EMILY L. CROSSMAN
HOWARD T. CUSICK
BRADLEY K. DEAFENBAUGH
ADAM C. DEISING
COURTNEY E. DEJESSO
KRISTINA M. DELAROSA
ROBERT T. DENDALL
TARA T. DEVER
JENNIFER M. DEWEY
THOMAS J. DOUGLAS III
BRIAN E. DOWNING
BRENT R. DRISKILL
ERYN J. H. DUTTA
COLBY L. EDWARDS
CHARLES L. EGAN
JOHN C. EHRMANN
ADRIAN ELLIOTT
MICHAEL P. ELLIS
REBECCA J. ENSLEY
TRAVIS M. ERICKSON
JONATHAN D. ERPENBACH
AMY K. EVANS
WILLIAM L. FALLS
KENNETH M. FECHNER
TODD A. FELLARS
PAYTON G. FENNELL
BRIAN A. FISCHER
CHRISTOPHER W. FOSTER
GREG S. FUHRER
WENDY J. FULGUERAS
MATTHEW E. GAFFIGAN
SHAYLA K. GAITHER
ROBERT M. GALLAGHER
TERREL L. GALLOWAY
MICHAEL A. GALUSKA
DYNELA A. GARCIA
SHAWN M. S. GARCIA
JOSHUA P. GARLAND
DOMINIC T. GOMEZLEONARDELLI
JAROD E. GOODRICH
ERIC P. GOODSPEED
JOHN C. GRADY
MICHAEL S. GREEN, JR.
TREVOR T. GREEN
NATHANIEL V. GREENWOOD
TODD E. GREGORY
STEVEN D. GRIJALVA
ERIK T. GROSSGOLD
STACEY M. GRUBER
GEORGE HAHM
JAMES E. HAMMOND
KATHRYN H. HANNA
JAMES A. HARTWELL
HEATHER J. HAVENER
REED M. HECKERT
PATRICK M. HENDERSON
LANCE R. HENNINGER
MARYJO J. HESSERT
NEIL N. HINES
HEATHER L. HINSHELWOOD
INGRID E. HODEN
JAMES W. HODGES III
KELLYE A. HOFFMAN
WILLIAM W. HOOKS
KHRISTINA J. HOOVER
JOSEPH T. HUMPHREY
JASON L. T. HWANG
KATSUYA A. IIZUKA
KAREN B. JACOBSON
CHRISTINA L. JAHNCKE
SHERRY L. JILINSKI
PAUL A. JIMENEZ
MARC T. JOHANNSEN
CRYSTAL L. JONES
NAZIMA N. KATHIRIA
TAMARA C. KELLEY
TERRENCE M. KILFOIL
MICHAEL B. KIM
MICHAEL H. KINZER
CHARLES C. KO
JOSEPH G. KOTORA
MORIAH S. KRASON
MICHAEL J. KRZYZANIAK
MATTHEW A. KUETTEL
JACOB E. KURIAKOSE
MARTIN KUS
JULIA M. KWAN
ROBERT J. LACIVITA
JUSTIN P. LAFRENIERE
JOHN E. LAIRD
JACQUELINE S. LAMME
RICHARD S. LANGTON
CARSON T. LAWALL
ROBERT D. LAWSON
LANCE E. LECLERE
JESSICA J. LEE
JASON R. LEFRINGHOUSE
JONATHAN S. LEIBIG
STEPHEN L. LEWIS
SUNG J. LIM
THUY K. LIN
DAYNA T. LOBRAICO
ROBERT E. LOVERN
HENRY G. LUU
HERMAN O. LYLE
TAKMAN E. MACK
CHRISTINA L. MALEKIANI
THADDEUS D. MAMIENSKI
ADRIENNE D. MANDEVILLE
SHANNON M. MARCHEGIANI
APRIL S. MATIASEK
MICHAEL C. MATTINGLY
LUCAS S. MCDONALD
GAVIN C. MCEWAN
ROBERT L. MELLON
NANCY L. MILLER
KATHERINE E. MILROY
JOSHUA W. MINYARD
JON M. MONTGOMERY
DEEPTI S. MOON
JEREMY P. MOORE
TOD A. MORRIS
JOSEPH J. MUELLER
THOMAS J. MURPHY II
KEVIN M. NASKY
MEGHANN E. NELLES
NEELY N. NELSON
SARA C. NELSON
STACEY C. OLNEY
CHRISTINA A. OLSON
DANA J. ONIFER
LISA M. PALACHECK
ANDREW M. PARAD
SANGHEE D. PARK
SCOTT C. PARRISH
ANDREW J. PASETTI
MERCEDES I. PATEE
MANISH G. PATEL
GUILLERMO E. PATINO
LEIF L. PAULSEN
STEPHEN H. PEARSON
ADAM D. PERRY
LORI N. S. PERRY
ANDREW I. PHILIP
AARON T. POOLE
EVELYN M. POTOCHNY
IAN D. POWELL
JAMES D. PRAHL
SCOTT G. PRITZLAFF
KRISTA M. PUTTLER
BENJAMIN N. QUARTEY
AARON D. REED
GLENDA B. ROBLES
LEONARDO N. RODRIGUEZ
DAVID M. ROGERS
ELLIOT M. ROSS
FAYE M. ROZWADOWSKI
BRIANNA L. RUPP
JESSE T. RYAN
SHEREE B. SAUNDERS
JOSEPH W. SCHMITZ
AARON J. SCHUENEMAN
CHRISTOPHER SCHULTHEISS
JANE SCRIBNER
AMANDA R. SELF
DANIEL J. SENGENBERGER
ANIL N. SHAH
NISHA A. SHAH
MELISSA J. SINGER
MARVIN J. SKLAR
MICHAEL R. SMILEY
JASON E. SMITH
KIMBERLY I. SMITH
BARBARA B. SPEER
JOEL R. SPENCER
JODI L. SPETH
SHAWN P. SPOONER
REBECCA A. STABEN
MICHAEL D. STARSIAK
KARIS A. STENBACK
CHRISTIAN M. SUTTER
RICHARD J. SWEENEY
VULIHN TA
JASON J. TANGUAY
BRADLEY M. TAYLOR
GRETCHEN E. THIEMECKE
BEJOY G. THOMAS
JENNIFER A. THOMAS
RACHEL E. THOMAS
CHRISTA M. THOMASMA
SCOTT M. TINTLE
MEGAN A. TITAS
ROBERT W. TRACEY
AMY C. TREWELLA
MARK P. TSCHANZ
DAVID J. TUNNELL
NATALIE B. B. TUSSEY
JAMES C. VALENTINE, JR.
JOHANNAH K. VALENTINE
MARCEL M. VARGAS
JAIME VEGA
TORRIN W. VELAZQUEZ
DIANE M. VROENEN
KYLIE L. WAINER
ROBERT A. WALTZ
TYLER E. WARKENTIEN
ERIC L. WENG
JANET M. WEST
WILLIAM L. WHITING
VAN A. WILLIS
ADDISON G. WILSON, JR.
NELLY Z. WILSON
KELLY A. YANNIZZI
HANFORD K. YAU
ERIC H. YEUNG
LISA A. ZALESKI
MARK C. ZELLER
FRANKLIN R. ZUEHL