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No. 159

## House of Representatives

The House was not in session today. Its next meeting will be held on Tuesday, December 7, 2010, at 12:30 p.m.

## Senate

MONDAY, DECEMBER 6, 2010

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

### PRAYER

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

Let us pray.

Eternal Lord God, the giver of every good and perfect gift, bring the hearts and minds of our lawmakers into harmony with Your will so they can be assured that their lives are fulfilling Your high purposes. Lord, give them the incentives they need, the trust that is essential, and the joy that is possible as they face the duties and opportunities that lie before them. Give our Senators such grace that they will be faithful in their tasks this day and every day. Increase their hunger and thirst for righteousness and feed them with the bread of Heaven.

We pray in Your loving Name. Amen.

### PLEDGE OF ALLEGIANCE

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

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

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, December 6, 2010.

To the Senate:

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

DANIEL K. INOUE,  
President pro tempore.

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

### RECOGNITION OF THE MAJORITY LEADER

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

### SCHEDULE

Mr. REID. Mr. President, following leader remarks, if any, there will be a period of morning business, with Senators permitted to speak for up to 10 minutes each. There will be no rollcall votes during today's session.

Senators are encouraged to be on the floor at 10 a.m. tomorrow for a mandatory live quorum to commence the impeachment trial for Judge G. Thomas Porteous.

### AMBITIOUS AGENDA

Mr. REID. Mr. President, as far as lameduck sessions of the Senate go, our agenda is rather ambitious, and the session itself is relatively long. It did

not have to be this way. We have tried many times this Congress to tackle each of the priorities on our agenda. Each time we have tried, the minority has tried to shut down the Senate. Republicans ground the Senate to a halt and forced endless hours of inactivity. That is why we were here voting on Sunday—on Saturday; I am sorry. Thank goodness it was not on Sunday. That is why we will still be here another few weeks.

We have a long to-do list. But these priorities are not mere leftovers. They are critical to our economy and our national security, to our families and our country's future, and we will resolve them before we adjourn.

We have to give first responders—our communities' firefighters, police officers, and emergency medical personnel—the same job protections that other workers enjoy.

We need to give seniors and disabled veterans some relief, which will also benefit our economy as a whole. The cost-of-living adjustment for Social Security recipients is a question of both fairness and economics.

We will again fight for the DREAM Act. When it passes, millions of children who grew up as Americans will be able to get the education they need to contribute to our economy. Many who have volunteered to defend our country will no longer have to fear being deported.

We will give the heroes of 9/11 long overdue help. Thousands of first responders who rushed to Ground Zero on 9/11 got terribly sick from the toxins that were present. Everyone should agree they should not have to wait any

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



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longer than they already have for the health care and compensation they deserve.

We will protect middle-class families from a tax hike.

We will ratify the bipartisan START treaty to make America safer.

We have to confirm the enormous backlog of qualified nominees to the bench and other important positions. For example, there are more than 30 judicial nominees ready to come to a vote. Most were voted out of the Judiciary Committee without a single vote against them. They have been waiting for a long time to fill these important seats and serve their country. It is time we let them.

We are also going to repeal the discriminatory don't ask, don't tell rule. We are going to match our policy with our principles and finally say that in America everyone who steps up to serve our country should be welcomed.

Republicans know they do not have the votes to take this repeal out of the Defense authorization bill, so they are holding up the whole bill. But when they refuse to debate it, they also hold up a well-deserved raise for our troops, better health care for our troops and their families, equipment such as MRAP vehicles that keep our troops safe, and other critical wartime efforts in Afghanistan and counterterrorism efforts around the world.

Obstruction has consequences. None of the issues on this long list is new. Neither is the minority's effort to keep the Senate from working and keeping Senators from doing our jobs.

It is time to roll up our sleeves—not dig in our heels. My hope for the final weeks of this year is that Republicans finally will realize we all have much more to gain by working together than working against each other.

Mr. President, would the Chair announce morning business.

#### 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, with Senators permitted to speak for up to 10 minutes each.

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

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

The legislative clerk proceeded to call the roll.

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

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

#### FISCAL RESPONSIBILITY

Mr. WARNER. Mr. President, just 3 days ago, a bipartisan majority of the

members of the National Commission on Fiscal Responsibility and Reform endorsed a package of proposals to reposition our Nation on a more responsible fiscal course.

I wish to commend my good friend, the Senator from Illinois, who was a member of that Commission and took what I thought was an extraordinarily courageous vote on a package of proposals. Honestly, I know he didn't agree with every one of them, but he did understand how serious this issue is. I thank him and all my other colleagues from both sides of the aisle, along with the economists and policymakers and others who invested the time and effort and courageously grappled with these difficult choices.

On Friday, 11 of the 18 members of the Commission voted to support a tough, bipartisan prescription for fiscal health. I regret that the 11 "yes" votes fell short of the 14 votes required to forward this plan to Congress for our consideration.

In the hours leading up to Friday's vote, I was proud to work with 13 of my Senate colleagues, including the Presiding Officer, to draft a joint letter to the White House and to the bipartisan congressional leadership.

This letter, signed by 14 Senators and distributed before the Commission's final vote on Friday, requested that the panel's recommendation come to Congress for our consideration regardless of the outcome of the Commission's final vote.

Mr. President, I ask unanimous consent to have a copy of this joint letter printed in the RECORD.

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

U.S. SENATE,

Washington, DC, December 3, 2010.

President BARACK OBAMA,

The White House,

Washington, DC.

Speaker NANCY PELOSI,

Office of the Speaker,

Washington, DC.

Majority Leader HARRY REID,

Washington, DC.

Minority Leader JOHN BOEHNER,

Washington, DC.

Minority Leader MITCH MCCONNELL,

Washington, DC.

Our growing national debt poses a dire threat to this nation's future. Ever since the economic downturn, Americans have had to make tough choices about how to make ends meet. Now it's time for leaders in Washington to do the same.

The report issued Wednesday by the National Commission on Fiscal Responsibility and Reform is a courageous first step in tackling our national debt. The report shows in stark terms that solving the debt problem will require difficult choices. There is no easy way out, and Washington must lead the way. The strong bipartisan support its recommendations have already received demonstrates we can, and must, come together to solve this impending fiscal crisis. Every day that we fail to act the choices become more difficult.

We believe that now is the time to act. The situations in Ireland and Greece demonstrate that rising debt levels, left unchecked, can quickly and unpredictably force a country to

take drastic austerity measures. If we don't choose to act now, we will be forced to act later with fewer and more painful options available to us.

While there are plenty of provisions in the Commission plan we do not support, our nation would be far better off with a comprehensive deficit reduction plan than without one. The report shows that we can stabilize our debt over the long term, while fostering our economic recovery now, improving our country's global competitiveness, and maintaining our commitment to protect the most vulnerable in our society. Specifically, we commend the Commission's efforts to:

Protect our economic recovery by gradually phasing in deficit reduction and still allowing for critical investments;

Fundamentally reform and simplify the tax code in a way that lowers rates for all taxpayers, increases progressivity, and improves the ability of businesses to compete in the global marketplace;

Ensure that Social Security will be there to support seniors for at least 75 more years, while adding a new minimum benefit and further support for our oldest seniors and long-term disabled;

Preserve and better target tax benefits that support home ownership and charitable giving; and,

Further control the costs of health care.

Prompt action is needed to bring the country's deficit into balance and stabilize our debt over the long term. Regardless of whether the Commission's report receives the support of at least 14 of its 18 members, we urge legislative action to address these problems. The American people deserve—and demand—that we pull together to avert this looming crisis. Your leadership on this issue will be crucial to our success.

Sincerely,

Mark R. Warner, Claire McCaskill, Mark Begich, Thomas R. Carper, Jon Tester, Jeanne Shaheen, Joseph I. Lieberman, Mark Udall, Michael F. Bennet, Dianne Feinstein, Mary L. Landrieu, Amy Klobuchar, Kay R. Hagan, Evan Bayh.

Mr. WARNER. Mr. President, I have a reason for coming to the floor and drawing attention to our letter and this issue again.

The seriousness of our Nation's fiscal challenges—the compelling need to address these issues in a responsible and bipartisan way—did not suddenly dissipate or magically disappear over the course of the weekend that just ended.

In fact, since the Commission's final meeting ended on Friday afternoon, the national debt—the running tally of what the U.S. Government owes—has increased by an estimated \$15 billion. Our total national debt is a staggering \$13.8 trillion. I will repeat that. Our national debt is approaching \$14 trillion.

Every day you can listen to a lot of talk from people in this town about deficit reduction. But as I said, when the Commission first unveiled its proposals 1 week ago, while I would have made some different choices, we were being presented with a unique opportunity to finally get real about the deficits and debt.

Actually, when the Commission came out, I was a little more blunt than that. I said that after all the campaign rhetoric about deficit reduction, the time had come to put up or shut up. I believe this Commission earned credibility by describing our fiscal challenges in stark and honest terms. They

deserve our respect for crafting a clear roadmap to help steer our Nation back to a more responsible fiscal path.

The Commission's leaders and its members made difficult decisions, and they didn't shy away from examining expenditures and revenues.

They concluded, correctly, that our Nation's fiscal challenges are too serious, and the fiscal hole we have dug ourselves into is too deep to be solved by simply looking at only one side of the ledger. To say we can tax our way out of this or cut spending alone will not get us there.

To be sure, there is something for everyone to dislike in these recommendations, but that is simply a reflection of how large the problem is.

Whether you look at this report and are concerned about the viability of Social Security or tax rates, levels of Defense spending or any other specific government program or service, failing to act makes those choices and decisions even tougher with every day that goes by.

The fiscal commission came forward with a framework for improving our country's global economic competitiveness while still maintaining our shared commitment to protect our most vulnerable citizens. One of the things that got lost in the headlines was that while this took a positive step toward deficit reduction, this Commission did two other things we talk about. One is that they would lower business tax rates and also dramatically simplify the individual Tax Code and get rid of a lot of clutter.

This Commission also deserves enormous credit for recognizing that the hard work of getting our Nation's fiscal house in order is also an urgent matter of national security because it is clear America cannot be a leader in the world, projecting strength and promoting democracy, if we are weakened at home by our deficits and debt.

Ever since this economic downturn began, individual Americans and their families have been required to make tough choices of their own about how to make ends meet. It is time we did the same here in Washington.

Many of you know I came to public service after a relatively successful career in business. In the business world, investors and shareholders have a reasonable expectation that at the end of each fiscal year, we would end up balancing our company's books. Similar to the Presiding Officer, who was a mayor of a great city, I had the honor of serving as the Governor of Virginia, where there was a 2-to-1 Republican legislature. We worked in a bipartisan way to make the tough choices required to balance our State's budget during tough economic times. Proudly, Virginia has been named as the best-managed State and the best State for business.

I have only been in this body, as has the Presiding Officer, for about 2 years. One thing I have already learned is that if Washington can find an excuse

to punt on a difficult decision, it almost always will.

Most days, it is easier to retreat to our partisan corners and default to the political gamesmanship you see every day on cable TV.

As the current economic upheaval in Europe so clearly demonstrates, we cannot simply ignore this challenge because it is inconvenient or because the choices are too tough. Maybe 20 years ago our country had the luxury of having the rest of the world have to wait until we got our act together before they could move forward. But anybody who surveys the other economies around the world realizes China, India, and even Brazil are not waiting for us to get our financial house in order or get our act together.

Now is the time to make these tough choices—not when the bond markets lose their patience and confidence in our long-term economic viability, which is what recently happened in Greece and now Ireland and who knows who is next.

The fact is that if interest rates were not at historic lows today, we would already be in a world of hurt at this point. As it is, if we don't take action soon to stabilize our debt, we could be spending upward of \$1 trillion a year just on debt service by 2020. Think about how many taxes would have to be raised and programs that would have to be cut just to meet basic debt service.

So now it is time for us to agree that we will not allow the perfect to be the enemy of the good. Our own political discomfort should not be used as an excuse to delay holding an honest and long overdue discussion about the complicated fiscal choices confronting us today. Every day, every week, every month that we put off that discussion, our options become more limited and the choices become tougher.

Resolving America's fiscal problems must be one of our top priorities. Yes, it will require difficult decisions. There is no easy fix or easy way out. But those of us who were hired by folks across the country should expect nothing less.

I appreciate the chance to address this issue. Again, I compliment my good friend, the Senator from Illinois, for his courage and leadership on this issue and for his vote on what I know had to be a very difficult decision. He and some other Members on the other side said that even though this was not a perfect plan, it was more important to bring this discussion forward. I compliment them on their action, and I thank the Presiding Officer for joining me and a number of other colleagues. We will be back to continue to bring this issue before our fellow colleagues and the people of the country.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, I thank my colleague from Virginia—originally from Illinois—for those kind words. It

was not an easy vote to vote in favor of the deficit commission report, but I felt it was the right vote.

To explain my vote, 40 cents out of every \$1 we spend, whether it is for a new missile system at the Pentagon or food stamps for the poorest among us—40 cents out of every \$1 is borrowed. We primarily borrow it from countries such as China and the OPEC nations.

The fact that we are indebted to them for generations to come will not allow those of us on the progressive side to see a more fair and just America. We are an America that is mortgaged, and those who hold our mortgage have power over us economically and politically. That is why I voted for this.

There are parts of this report I don't like at all. One of the things it does that I commend to my colleagues is something I have never seen in the time I have served in the House and Senate. It takes a look at the Tax Code, tax expenditures. The Senator talked about the day coming soon when we will spend \$1 trillion a year on interest on the debt. Each year, now we spend or through taxes forgive \$1.1 trillion. That is money that doesn't go into the Treasury that otherwise would. It doesn't go in because it is a deduction, a credit, an exclusion or a tax earmark. So \$1.1 trillion a year through the Tax Code is added to our debt.

You have to ask yourself: What are those provisions? Some of them are very important and some are controversial. The No. 1 tax deduction in America is for health insurance. We have it as Members of Congress, and everybody wants that. If we are going to continue this deduction, we need to ask hard questions: Do we go too far? Are there things we can reasonably do to contain the growth in that particular deduction? How about the mortgage deduction? Currently, mortgage interest can be deducted from your income tax. I use it. Most people do who itemize, but 70 percent of Americans don't itemize. In other words, they don't get the advantage of any of these because they do a simple form and take a standard deduction. For 70 percent of Americans, even the mortgage interest deduction has no value to them.

We currently put a limit on the value of a home, where you can apply a mortgage interest deduction of \$1 million. Is that the right number? Should that be lowered today? Should we focus more on working families? How about the charitable deduction? Should we take adjusted gross income—one idea of the Commission was that any charitable deduction over 2 percent of adjusted gross income would be deductible, but the first 2 percent would not be. You will hear from churches, charities, and universities saying we should not do this because they want people to give more. Each of these ideas carries controversy with it.

If you eliminated all the deductions, credits, exclusions in the Tax Code, basically closed it up and set it aside, you could dedicate each year almost \$200 billion to deficit reduction, and with the remainder of \$900 billion reduce tax rates across the board in our economy. The lowest tax rate would go from 15 percent to 9 percent.

The next tax rate—I am trying to remember—would go from about 24 percent to 16 percent. The top tax rate in America would go from 36 percent down to 26 percent. So you say to Americans: Do you want to deduct your mortgage interest costs—because it is a value to you and your family—and measure that against a reduction in your Federal income tax rate of one-third? Under which scenario do you come out ahead?

Those tax deductions—tax expenditures, as they call them, the \$1.1 trillion a year—are greater than either all the personal income taxes collected in America—in other words, all the personal income taxes we pay in go in to cover the tax deductions—or greater than the discretionary spending side of the budget, defense and nondefense. It is huge. In 28 years, we have never opened that door and looked inside. We have to now. Deficit reform should include tax reform.

I brought this up to our friend and colleague, MAX BAUCUS, chairman of the Finance Committee. He agrees. I think we ought to pursue this. We had a bipartisan group saying: Let's get into this. Let's make this part of the conversation. It isn't just entitlement programs, such as Medicare and Social Security, and it isn't just spending—both domestic and defense spending—it is also tax expenditures. Put it all together. I think we have an honest conversation.

Yes, there will be honest sacrifice for all of us, and I thank the Senator from Virginia for raising this whole issue. As we discuss more tax cuts for America, we are proposing making the deficit hole deeper. Each of these tax cuts takes money out of the Treasury. I would argue we should not hit the deficit brake on tax cuts for working families in the middle of a recession. They need spending power to get through. Give them a helping hand now until the recession is behind us. But how can we rationalize tax cuts for the most wealthy Americans when we are facing this kind of deficit? We should be more sensible. We should be able to make these judgments.

Last Saturday, we had a vote which suggested we have no support on the other side of the aisle for restraining tax cuts. They want them all. While they give their speeches about deficits, they turn around then and vote for tax cuts, which make the deficits worse. So that is the dilemma we face.

The last point I will make: The good news is that of the 18 members of the deficit commission, there were some 12 elected officials, and 6 of us—3 Democrats and 3 Republicans—voted for the

Commission's report. It was good. It was a breakthrough. It might have been historic.

I would thank the Senator from Virginia for his remarks and his concerns about this issue. He has been working on this with Senator CONRAD and others for a long time, as has Senator BEGICH, and I thank him for that.

Mr. WARNER. Mr. President, will the Senator from Illinois yield for a question?

Mr. DURBIN. I would be happy to yield.

Mr. WARNER. I thank the Senator from Illinois for laying out the facts, but there is one additional fact—again, vis-a-vis the Bush tax cuts—that I think has been absent from some of this debate.

The efforts of the Senator from Illinois—Herculean as it was—to try to get 11 out of 18 votes, and all the painful choices the Senator made in terms of spending cuts, raising revenues, opening, as I think the Senator appropriately said, the whole question of tax expenditures, if my memory is correct, over the next decade-plus, the commission's plan—as dramatic as it was and as controversial as it was—basically took out about \$4 trillion.

Mr. DURBIN. Four trillion; that is right.

Mr. WARNER. If we were to make permanent—as some on the other side of the aisle have stated—all the Bush tax cuts, that adds another \$4 trillion to our deficit; is that not correct?

Mr. DURBIN. The Senator from Virginia is exactly right. The point I am trying to make is—and he made it so well—that 10 months' work to find \$4 trillion that we could reduce from the deficit would be wiped out by the insistence on the other side of continuing these Bush tax cuts indefinitely.

I argued, and continue to argue, do what we have to do now to get out of this recession, but as soon as we see a positive, solid footing for this economy, let's start stepping forward and be very serious about this deficit reduction. I think the Commission gives us a roadmap.

I thank the Senator from Virginia.

#### DON'T ASK, DON'T TELL

Mr. DURBIN. Mr. President, I noted last week that President Obama took a surprise trip to Afghanistan and visited with our troops, and it was heartwarming to see the reception our Commander in Chief received in Afghanistan. I looked out at that large crowd of young men and women in uniform who have volunteered—volunteered—to serve our Nation and risk their lives and saw how happy they were that the President acknowledged they were there and what they were doing. I am glad he did it. I am sure it was no fun flying all night, but it is certainly no fun to be under enemy fire, as these young men and women are almost every day. Those of us here in the comfort and security of the Senate Cham-

ber or in our homes in America should never forget the sacrifice of these individuals.

I also read over the weekend we have now lost over 1,400 in Afghanistan. I pour through the names each day and, I guess understandably, look first for someone from Illinois. Recently, we have had several. I have attended two funerals in the last 2 or 3 weeks of a soldier and a marine who died in Afghanistan from my home State of Illinois. It is heartbreaking to meet the young wives carrying babies, the moms and dads, and share their grief as they stand by their fallen heroes and acknowledge that they have carried on a great tradition in America of being willing to volunteer to protect our freedoms. But they paid the ultimate price. The lives of those families will never ever be the same because of that loss.

Many of us, on both sides of the aisle—Democrats and Republicans—go out for unannounced tours to the hospitals in the Washington, DC, area, particularly Walter Reed. We see these incoming soldiers who are about to become veterans who have been injured in battle and face many grievous injuries. They come home to get the very best in medical care so they can return, as much as possible, to a normal life on the civilian side as veterans, having given so much to this country.

The first person I ever visited at Walter Reed was after the invasion of Iraq. He was a young guardsman who had lost his left leg below the knee. It was amazing to me, as I talked to him, thinking how his life would be changed now, when he said the one thing he couldn't wait to do was to get his prosthetic leg and go through rehab so he could return to his unit in Iraq. What a great comment that is on the training and dedication of the men and women who serve us.

I wish to comment this afternoon and talk about one aspect of that being discussed here in Washington and try to add some perspective to it. I remember the early days of the war in Iraq. They were controversial. As our young men and women went into harm's way in an effort to displace Saddam Hussein and bring some order and civility to that country, great sacrifices were made.

In 1990, a young man named Eric Alva joined the Marines at the age of 19. Thirteen years later, at 32 years of age, he was serving in Basra on the first day of the war in Iraq on March 21, 2003. This young marine—Eric Alva—went into the invasion of Basra and stepped on a landmine. He became the first U.S. casualty of the war in Iraq. As a result of that occurrence, his right arm and left leg sustained permanent damage and his right leg was simply gone.

He was saved and sent to hospitals in Landstuhl, Germany, then here in the United States, where they did everything humanly possible to repair his broken body—the broken body of this young marine who was the first casualty of the war in Iraq.

As he lay in that hospital going through countless surgeries to restore his life, he was visited by Defense Secretary Donald Rumsfeld and then by First Lady Laura Bush and President George Bush, who personally awarded him a Purple Heart. It was the least this country could do to acknowledge his courage and heroism and being in the first wave of marines who went into Iraq and who paid such a heavy price.

Eric Alva tried to put his life together after that devastating injury. Finally, after several years, he spoke up and said there is more to the story. After 4 years, Eric Alva told the world he had lied to become a member of the U.S. Marine Corps because he is gay and he kept that a secret. When he finally spoke out against don't ask, don't tell in 2006, he said: I have risked my life to save this country, but as a gay American veteran I still don't have the full rights of every American.

MAJ Margaret Witt has also felt the injustice of don't ask, don't tell. Major Witt was an Air Force flight nurse. For 17 years, she rose steadily through the Air Force and Air Force Reserve, winning strong performance reviews from superiors and service medals from the department. Almost no one—not even her parents—knew about her sexual orientation. That ended in 2004, when her commanders discovered she was in a committed relationship with a civilian woman. After an investigation and hearing, the Air Force discharged her in 2007 under the don't ask, don't tell policy.

After all those years—17 years of service to the country—they discharged her. Her suspension came less than a year before she would have earned her full pension. There she was, 17 years after joining, all the years of good performance reviews, 1 year away from her pension, and she was suspended.

In 2006, Major Witt said: This is worth a fight. She sued the Air Force, claiming it had violated her rights. Her suit was dismissed by a Federal judge. Two years later, an appeals court panel overruled that judge, holding that before the military can discharge a gay service man or woman, it must first prove their firing furthers military goals.

This year, Major Witt went back to court to try to get her job back. She faced the same judge who had dismissed her claim earlier—U.S. District Court Judge Ronald Leighton. Former Air Force MSG James Schaffer, one of the four witnesses who testified on behalf of Major Witt, said he thought Major Witt's dismissal was so unfair it was part of the reason he retired from the Air Force himself in the year 2007.

Judge Leighton issued his ruling in the case in late September of this year. Judge Leighton is no liberal. He was nominated to the Federal bench by President George W. Bush. In his ruling, Judge Leighton hailed Major Witt as a “central figure in a long-term,

highly charged civil rights movement.” He said her discharge advanced no legitimate military interest. To the contrary, he said, her dismissal hurt morale in her unit and weakened the squadron's ability to carry out its mission.

Major Witt's case is now on appeal.

Judge Leighton was the second Federal Court judge in less than a month to find that don't ask, don't tell was unconstitutional. Earlier in September, in a case brought by the Log Cabin Republicans, a Federal judge in California ruled that don't ask, don't tell “infringes on the fundamental rights of United States servicemembers in many ways,” and he said violates the due process clause of the fifth amendment and the free speech protections under the first amendment. That ruling as well is under appeal.

Many of my colleagues have said they are inclined to support the repeal of don't ask, don't tell, but they wanted to reserve final judgment until the Defense Department studied this issue in-depth. Well, the study is complete—one of the most exhaustive studies in the history of the Pentagon. According to the Pentagon's own study, more than 70 percent of the 115,000 servicemembers and 44,000 military spouses who responded said the effect of repealing don't ask, don't tell would be “positive, mixed or nonexistent.”

Think about the responses there—115,000 members of the military and their spouses responded to the question, and 70 percent said it was time to end don't ask, don't tell.

In releasing that study, Defense Secretary Robert Gates acknowledged that there are challenges behind unwinding don't ask, don't tell. He worried that leaving this matter to the Federal courts could be the wrong thing to do. A decision for one of these Federal courts could be done in a very short period of time, but better, he said, that Congress step up and accept its responsibility to repeal don't ask, don't tell and put in place a transition period to have the least negative impact on our military. He basically put us on the spot and said those of us who serve in Congress, don't stand on the sidelines and wait for the courts to decide. Pick up the issue and decide yourselves.

President Obama supports repealing don't ask, don't tell. Many of us want to join him. But, unfortunately, we are being stopped by other colleagues who do not want this matter to come before the Senate. They run the risk that any day a Federal court can do, in one opinion, what we should be doing in an orderly, sensible way.

Defense Secretary Gates also added:

Those that choose not to act legislatively are rolling the dice that this policy will not be abruptly overturned by the courts.

He urged us to move and move quickly.

This is not the first time we fought battles involving discrimination in our military. As proud as I am of the men and women who have served in our

military throughout our history, military historians and those who serve will be honest and tell you that in times gone by, some things have occurred which should not have happened. In World War II, our colleague, Senator DANNY INOUE of Hawaii, and other Japanese-Americans, defended our Nation even as many of their family members were imprisoned in internment camps in this country. Senator INOUE's unit, the 442nd Regimental Combat Team, was made up entirely of Japanese-Americans who initially were denied the right to even volunteer and serve for our country. They became, once they were allowed to fight, one of the most highly decorated units in the history of the Army.

Our friend, Senator INOUE, in World War II lost his arm fighting in Italy for America. Yet when he returned from the war, a clearly disabled veteran, a hero in a U.S. Army uniform, he went into a barber shop where the barber refused to give him a hair cut and said: “We don't cut Jap hair.”

The discrimination he faced before he was allowed to serve our Nation and even after is a reminder that even in this great Nation there are times we have to step up and stand up for the cause of civil rights.

Incidentally, we know in this Chamber, and those who follow this debate should know, in the year 2000 our colleague, Senator DAN INOUE of Hawaii, was awarded the Medal of Honor for his heroism in World War II.

Edward Brooke was another man who served in the Senate. He was elected in 1966, the first African-American to serve since Reconstruction, a Republican from Massachusetts. He is a recipient of the Presidential Medal of Freedom and the Congressional Gold Medal. In World War II he served in an all-Black regiment in the infantry. As he said, he and his fellow African-American soldiers fought tyranny in Europe even as the U.S. military fought to protect White troops from having to live and fight alongside of them. The military, for all intents and purposes, was basically segregated at that time.

This past June, Senator Brooke wrote in the Boston Globe calling for an end to the don't ask, don't tell policy. It was a powerful call for justice, and I want to read part of it. Here is what Senator Brooke, a Republican from Massachusetts, said:

Military service requires extraordinary sacrifice and love of country, and every man and woman in uniform deserves our respect and gratitude. However, the “don't ask, don't tell” policy that bars openly gay and lesbian soldiers from serving in the military shows disrespect both for the individuals it targets and for the values our military was created to defend. It is a discriminatory law that must be repealed.

Senator Brooke said that under Don't Ask, Don't Tell: The military is divided into soldiers who are judged solely on their merit, and those who

can be condemned for a personal characteristic unrelated to their performance. We've been here before, and history shows that prejudice was the wrong policy.

He added:

Regardless of its target, prejudice is always the same. It finds novel expressions and capitalizes on new fears. But prejudice is never new and never right. One thing binds all prejudices together: irrational fear. Decades ago, black service members were the objects of this fear. Many thought that integrating black and white soldiers would harm the military and society. Today, we see that segregation itself was the threat to our values. We know that laws that elevate one class of people over another run counter to America's ideals. Yet due to "don't ask, don't tell," the very people who sacrifice the most to defend our values are subject to such a law. We owe them far more.

Whether it was the Marine Eric Alva, the first serious casualty of the war in Iraq, or Major General Witt, in the Air Force, who after 17 years of service was basically told to leave, we understand we owe them and so many more the right to serve without discrimination.

More than 24 nations allow gays and lesbians to serve openly in the military. They include Canada and the United Kingdom. Other nations that have lifted their bans include Australia, Austria, Belgium, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Ireland, Lithuania, Luxembourg, the Netherlands, New Zealand, Norway, Slovenia, South Africa, Spain, Sweden, and Switzerland.

Israel, too, has lifted its ban against service by those who are of a different sexual orientation. Does anyone think for one minute the Israelis would allow gay men and women openly in the military if they thought it would harm their military readiness and national security? Of course not.

Let me add, there is currently no discrimination against those who are gay who wish to serve in the CIA, Secret Service, or FBI. Only in the U.S. military is that discriminatory policy still part of the law of the land.

Our military leaders have told us they can implement repeal and do it in an orderly way. Secretary of the Army John McHugh, former Congressman of New York, has said that. Secretary of the Navy former Governor Raymond Mabus, Admiral Gary Roughhead, Chief of Naval Operations, and General Douglas Fraser, commander of the U.S. SOUTHCOM all agree the military is up to the challenge—everyone.

In releasing the Pentagon survey, Defense Secretary Gates said:

One of the most important things to me is personal integrity and a policy or law that in effect requires you to lie gives me a problem. Such a policy is fundamentally flawed.

Admiral Mike Mullen, the highest ranking military leader in America, testified and said:

Speaking for myself and myself only, it is my personal belief that allowing gays and lesbians to serve openly would be the right thing to do. No matter how I look at the issue, I cannot escape being troubled by the fact that we have in place a policy which

forces young men and women to lie about who they are in order to defend their fellow citizens.

He added:

I have served with homosexuals since 1968. Everyone in the military has.

Indeed, there are an estimated 66,000 gay men and lesbians serving in our military today. Ending don't ask, don't tell is the right thing to do for those troops and for our Nation.

I want to salute Senator LIEBERMAN for being the author of the amendment to repeal don't ask, don't tell, and I am proud to cosponsor it with him. This amendment gives us the right to begin the process of repealing it in an orderly way. It says specifically that before don't ask, don't tell can be repealed, the President, Secretary of Defense, and Chairman of the Joint Chiefs of Staff must all certify that the new rules are consistent with the standards of military readiness and effectiveness.

Over the last 60 years, the U.S. military has ended racial segregation and integrated women into its ranks. In many respects the military, after realizing that prejudice did not serve our country well, has led our Nation in opening up to equal treatment and equal opportunity men and women of different racial backgrounds as well as obvious changes in gender.

Ending the ban against gays and lesbians serving openly will require leadership and care, but I am confident America's leadership, the finest in the world, is up to the task.

Let me close with one last comment from Senator Brooke. In his op-ed he wrote:

Civil rights progress doesn't happen automatically or without resistance. History almost always obscures that fact because after the battles are won, it is difficult to understand why we needed to fight them in the first place. Laws change and values change with them. I'm confident that repealing Don't Ask, Don't Tell will be the same. A law believed to be necessary becomes a relic that the next generation finds curious and shameful.

In this case the values have already changed. The vast majority of Americans, including the majority of our top military leaders, our men and women in uniform and their spouses, support ending don't ask, don't tell. It is time to stop coming up with excuses to continue this discrimination. We owe to the men and women in the military not only our respect for what they do and how they serve our country but our respect for their judgment, and in their judgment it is time for don't ask, don't tell to end.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. BOXER. Mr. President, I thank Senator DURBIN for his eloquent remarks. I urge everyone who wants to get a full understanding of this issue of don't ask, don't tell to read his remarks.

I would only say, if you sum it up, what my colleague has told us is that ending don't ask, don't tell will make

us a stronger nation because we will have the unqualified support of people who are serving in the military in a situation where they have to hide who they are. This can't be good. Many of them are thrown out of the military.

Frankly, if we do this, it means we are listening to the American people, a strong majority of whom support ending don't ask, don't tell; and listening to Secretary Gates, our Defense Secretary, who tells us he supports repeal; and listening, frankly, to the members of the military who have taken a survey and over 70 percent of them say we should end don't ask, don't tell.

It is hard to understand why this is not being done. Senator DURBIN is right. If it is done by the courts—which, by the way, I want it to be done by everyone, courts included—but if it is done by the courts before we deal with it, it means there will be more of a rush to change things, and it will take a lot of the control out of the hands of the Defense Secretary so he can phase in this change in policy.

I have to say, as someone who way back in 1993 spoke out against this policy and offered an amendment to keep it out of the rules and out of the law, I tried to say let's just leave it up to the military and not have a congressional statement on it—I offered that amendment. I don't know, we got how many votes—about 12 or 13 votes at the time.

Imagine all those years ago I was so blessed to be here then to speak out against this policy, and now I am here at a time when we can finally end it. What that means is we are moving civil rights forward.

In this great Nation of ours we have a lot of ups and downs, we have a lot of disagreements, we have a lot of open debate, as it should be as a democracy. But at the end of the day, we always expand freedom. We always expand equality.

We started off with only White men of property could vote, when we started off as a nation. It was a big struggle to get the African-American vote. It was a big struggle to get the women's vote. Then we extended the age downward so we had the 18-year-old vote because we had people going to war and they couldn't vote, so we expanded that. This is a country that includes our people. This policy runs counter to that whole notion of inclusion. In fact, it makes people who are willing to die for their country lie about who they are.

We want to stop that policy, at least the vast majority of the American people do—the Secretary of Defense does, the majority of the people in the military do. We have a couple of people on the other side of the aisle, frankly, who keep raising the bar. They said we will end this don't ask, don't tell when we have a survey. Then the survey came out and they said: You know what. We didn't like the survey. Let's have another survey.

What are they going to do, keep designing different surveys until the answer comes back the way they want it? Come on. That is wrong. That is holding back something so important that we have to do.

We have a chance to stand up for civil rights and human rights and I don't want to give it away to the courts. I hope the courts continue to rule the way they have. By the way, the courts have been, to me, eloquent on the point. But we ought to be eloquent as well.

Here we are in a postelection session called a lameduck, but this is no reason for us to be lame, and there is no reason for us to be limping out of this session. We can do some good things. I am here today to look at where we are, what we have done, what we have to do, and what I hope we will do.

Let me say we did do one positive: We did pass the Food Safety Modernization Act by a vote of 73 to 25. One Senator held it up and held it up. We know thousands of our people die every year of foodborne illness. This was a no-brainer. This was easy. The industry itself wanted to do this. We had to have a big fight and cloture votes and the rest of it. At the end of the day we passed it, and I am grateful and, believe me, many people in our country will be grateful when they see the changes that will be put in place.

We are increasing the number of FDA inspections at foreign and domestic facilities to make sure our food is safe before we have an outbreak of a disease. And it will allow removal of contaminated food from store shelves far faster by enhancing the tracking and tracing of high-risk foods. It is going to mean the FDA has clear mandatory recall authority. We have more surveillance systems out there. So this is going to lead to a healthier nation.

Then we got a letter from the Republicans, my friends, and they said: We are not voting on one more thing until you extend tax cuts for all Americans. So, listen, we did that. The Democrats passed two—not one but two versions of tax cuts for every single American. One said: We will make sure those tax cuts stay in place for the first \$250,000 of income. That passed with a majority. We needed 60 because our friends filibustered. We got 53. Then we had another version that said: Let the tax cuts continue for up to \$1 million of income. Just so people understand what that means, it means we gave tax cuts to every single American, every single one, and we gave a bonus tax cut to people earning up to \$1 million, an additional tax cut.

That was not enough for my Republican friends. They brought down those two bills that meant tax cuts for everyone because they want a bonus for people earning over \$1 million. Let me tell you how many people there are in this country—307 million Americans. Let me tell you how many Americans earn more than \$1 million—315,000. That is one-tenth of 1 percent. My Republican

friends voted no on a bill that gave every American a tax cut but stopped a bonus tax cut for 315,000 families who earn over \$1 million. Not only that, they said: We are not going to do one more thing in this Senate until we get that tax cut for those people. Give me a break. Give me a break.

I read into the RECORD a letter signed by 90 millionaires. Do you know what they said? Thanks, but no thanks. We do not want this extra tax money. Do it up to \$1 million. After that, it is a waste. We are not going to spend it in the economy. We are not going to stimulate this economy. Give it to everybody else, not us.

But, oh, no. Oh, no. They voted no. And they are stopping everything.

You know, a lot of people complain because there is debate going on between the two major parties. I understand it. We have to get things done, and we do. But every once in a while, it is good for the American people to see who is fighting for whom. And put me down as fighting for 99.9 percent of the American people. Put them down as fighting for one-tenth of 1 percent of the American people. This is unreal.

People said: You have to meet the Republicans halfway. Absolutely. That is why I said I would vote to retain the tax cuts for people up to \$1 million. We talked about it just being the first \$250,000. We moved to \$1 million. That covered almost everybody. They will not meet us an inch of the way. We went all of the way over here, and they will not meet us here at all. It would require a little baby step.

So where are we? You see us. We are not voting on anything, folks, because they voted down the tax cuts and now they will not do anything else. And let me tell you some of the things they have already stopped. They have already stopped help for the unemployed. Two million Americans in this Christmas season, this Hanukkah season, are not going to get their unemployment benefits that they paid for through insurance. They are hard-working people. I read their stories into the RECORD, and I hope people will look at those stories. They touch your heart. We have veterans who cannot get a job. We have single moms who cannot get work. We have children saying: I cannot go to college now because my family is unemployed; I have to quit college and go back to work. And \$300 a week is the benefit. That is what they stopped on the other side so they could get \$460,000 a year in tax cuts, additional, for people who earn \$10 million. Think about that. Think about that.

They stopped \$300 a week going to the long-term unemployed, not the ones who have reached the 99 weeks—after that, they do not have any more—just to get them up to that 99 weeks, if necessary. They blocked \$300 a week because they are very upset about the cost. Yet they are fighting for a tax cut of \$460,000 a year extra to someone earning \$10 million a year, adding hundreds of billions of dollars to the def-

icit. They don't care about that. They don't care about paying for that. Oh, they do care about paying for the extension of unemployment insurance.

So every once in a while, when people get upset and they say the parties are battling, trust me, every once in a while it is worth the fight. Every once in a while it is worth the fight because our country is worth the fight, because our middle class is worth the fight, because our working people are worth the fight.

This is where we stand. Look at this. We are doing no legislative business because everything is being held hostage for the millionaires and the billionaires, the top one-tenth of 1 percent of the people. Just read the letter the Republicans sent us. They said they would not compromise. We said: We will give you the first \$1 million of income, a lower tax. That was not good enough. That was not good enough. They want every penny over \$1 million to get that tax break. So talk about the party of no—the GOP is the n-o-p-e party.

Here are some other things they blocked and they are blocking. How could we ever forget 9/11? I certainly can't. No American can ever forget it. And who could ever forget the heroes who went down and worked to clear the debris, the toxic debris from 9/11. They went down to find survivors, then they went down to find remains. They never thought about themselves.

The Bush EPA said the air was safe. They went down there, and they are sick, and we need to help them. We have a bill that passed the House. The Republicans are blocking it to fight for tax breaks for the people who earn over \$1 million, for the people who earn \$1 billion.

Right now, they say we can't do any other work. They have stopped the START treaty, a treaty supported by none other than George Schultz, Henry Kissinger, Howard Baker, all very well-respected Republicans. Those Republicans turned their backs on those Republicans because they are fighting for the top one-tenth of 1 percent of earners in this country, and we can't make our country safe. We have no inspectors on the ground in Russia. We need to inspect their nuclear program. I remember asking all of our national security people what is their biggest fear. Republicans, Democrats, all of them. Do you know what they said? A terrorist getting hold of a nuclear weapon. We have to do inspections and make sure that nuclear arsenal is safe from terrorists. Oh, no, we can't do that because the people who earn over \$1 million need more tax help. Thank you. That is the answer from the other side.

We are now ready to give \$250 back to Social Security recipients who didn't get a cost-of-living adjustment. As far as I know, that is being stopped. Nothing is happening here.

We want to help our firefighters, these heroes, negotiate so they can get the benefits they deserve. Oh, no, that is being held up.

I can tell you personally that they held up the unemployment benefits I talked about before because I made a unanimous consent request to get those unemployment benefits out there. Oh, no.

Senator BARRASSO: I object. I don't want these benefits going to the people who have been on unemployment benefits for more than 99 weeks.

I said: Well, wait a minute, my friend—he is my friend—we are not doing anything for people longer than 99 weeks; we are just trying to make sure that up to 99 weeks you have help.

Oh, he still objected. They want to pay for it. But they don't want to pay for the benefits to the millionaires. It is going to lose us hundreds of billions of dollars and add to our debt.

This is a time to show the difference between the parties. This is post-election. There is no election until a couple of years from now. Let's just show the difference. This is nothing to do with voting; these are the true colors of the parties.

It is important that people understand we cannot do the business of this country. We have a significant number of clean water bills to help the Chesapeake Bay, to help the San Francisco Bay, to clean the waterways, to help the Great Lakes. We voted them out of our committee, the Environment Committee. I am proud to chair that committee, so proud. They are not even controversial. We didn't even have barely a "no" vote from anybody on either side of the aisle. We can't get that done either.

Don't ask, don't tell—you heard Senator DURBIN talk about that. It is attached to the Defense bill. The Defense bill is critical. We are in two wars. Whether you support those wars or not, we support the troops and want to get them what they need. The don't ask, don't tell repeal is in there, and we can't get that done.

Let me tell you something else we have not been able to get done—the DREAM Act. I wish to talk about that, and I want to put a human face on it, so I am going to tell you some stories about it. I am going to tell you the stories, and then I am going to tell you what the bill is we want to do.

I am going to show you a picture of this handsome young man who is the drum major of the UCLA Bruin Marching Band. Anyone who knows anything about universities knows UCLA is a great university. If you want to get into UCLA, you have to be darn smart. You have to be at the top. David Cho is very smart. He is the drum major of the UCLA Bruin Marching Band, and every week he leads them as they cheer on the Bruins in the Rose Bowl. Here is a beautiful picture of him.

Last weekend, the Bruins hosted their crosstown rivals from USC at the Rose Bowl, and you might have seen David on your TV screen Saturday night. There at the 50-yard line of the most iconic football stadium in America, leading the Bruin Marching Band

as they played "Sons of Westwood," was David Cho, the face of this team and their cheerleaders and the face of the DREAM Act.

David is a senior at UCLA studying international economics. He has a 3.6 GPA at UCLA. That is not easy. In his free time, he tutors local high school students. If ever we saw it, this is Americana—a smart, motivated leader in the community, giving back. What is the problem with David? He was born in Korea. He came here on a family visa with his parents when he was 9 years old. His family spent 8 years trying to navigate their way to legalized status. They found out their sponsor erred in filling out the paperwork. They tried and tried and could never fix it. David did not learn he wasn't an American citizen until he started applying to college.

He writes:

I feel like I'm living inside an invisible prison cell. I want to serve in the Air Force . . . I want to attend the Kennedy School of Government. I dream of becoming a U.S. Senator because I want to serve and change this country for the better. This is the American Dream I want to achieve, but I am unable to fulfill it because of my status.

Years ago, when the Republicans were in charge of the Senate, a bill came out called the DREAM Act. It would say to these young people who are here without the proper papers, not because they did anything wrong but because their parents did, they grew up thinking they are American, America is their home, some came at 6 months, some came at 2 years, some came at 4 years, David came at 9 years—it sets them on a path, if they hold up their average in school, if they join the military.

The military wants this bill passed. They call it a recruiter's dream.

We have many other stories, and I will quickly go through a few. I ask unanimous consent to speak for an additional 5 or 6 minutes.

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

Mrs. BOXER. Pedro Ramirez is the student body president of Fresno State University. He is studying political science and agricultural economics. He is another face of the DREAM Act. His parents brought him to the United States when he was 3 years old. Did Pedro know he was doing anything wrong at 3? Nor did David know he was doing anything wrong at 9. Pedro discovered he was in this country illegally, again, when he began applying to college when he was 18. His immigration status became public knowledge when an anonymous e-mail to the Fresno Bee detailed how he was forced to waive a small stipend the university provides to its student president. He had to waive that. Pedro is paying his tuition with private scholarships and by mowing lawns. This is what he writes:

The DREAM Act itself symbolizes what it is to be an American, which is our goal. We

want to contribute to the United States, and utilize the degrees and skills we gained, to make it a better place.

Now let's look at Maria Duque, 19 years old. She is the vice president of student government at Fullerton College. When she was 5 years old, she moved to Los Angeles from Ecuador with her parents who were seeking a better life for their children. As a high school student, she finished sixth in her class with a 4.4 grade point average. I don't know how one gets over 4; I guess by doing bonus work and getting an A-plus-plus. This is what we are talking about. She was also student body president, yearbook editor, and a newspaper editor. At Fullerton College, Maria's excellent record continued. She has a 3.9 GPA. She volunteers at a nonprofit organization that helps low-income high school students prepare for college. She was accepted into top universities but is unable to afford to attend them because she does not qualify for student aid. On weekends she sings in public arenas asking for donations to help her afford tuition.

How do we make our country better when our laws don't recognize students such as these? Who could answer that question for me? How do we make our country better when we don't help students such as these?

She hopes to transfer to UC-Berkeley or UCLA and complete her double major in political science and history. Then she wants to go to law school. She wants to continue her work helping others pull themselves out of poverty. She is another face of the DREAM Act. She writes:

My bachelor's diploma, my masters and law degree in the future will only be a piece of paper. It might tell of my accomplishments, but I will not be able to use it to help others in this country which I consider my home.

She came here at 5 years old. She doesn't know anything else but America. She says that DREAM Act students "are like any other young person in the [U.S.], aspiring to do more for society, our fellow neighbors, and our home, the United States of America. The DREAM Act is . . . a source of hope.

Lastly, Luis Perez. He graduated in May from UCLA school of law, the first undocumented student to do so. Luis is another face of the DREAM Act. Brought to the United States by his parents at the age of 9, he has lived in this country for 20 years. He grew up in an area infested by gangs and drugs, and he rose way above those distractions and dangers. He went to community college. He transferred to UCLA where he earned a degree in American government, and he went to UCLA law. That is such a hard school to get into. He has worked side jobs to help pay for room and board.

Tell me, somebody, how does it make our country a better place when we turn our backs on these students?

He writes:

May 7th marked my graduation from UCLA law school. I am now forced to look

beyond the joy of graduation. Instead I must now reassess my current situation, as I am deprived the luxury of making long-term plans.

I have done and continue to do everything within my means and ability until Congress does their part and passes the DREAM Act. I have faith that our Founding Fathers entrusted us with the legislative process to make just laws.

I am living the American Dream. I am a living example of what education, opportunity, and community support can produce regardless of challenges and disadvantages.

I have learned firsthand that it is only during times of adversity that we have the opportunity to be a leader and show true courage. As I acknowledge the difficulties with immigration reform, I am hopeful that this Congress will give me the opportunity to fulfill my Dream; after all, being an American really means to stand up for what's right, even when we are standing alone.

This is a bill that has had bipartisan support over many years. It started in 2001. I have statements from my Republican friends about how important this bill is and why.

I ask unanimous consent to have printed in the RECORD quotes from my Republican colleagues.

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

QUOTES

BIPARTISAN BILL

The Dream Act has always been bipartisan; in fact, it was first introduced in the 2001 by Republican Senator Hatch, with six (6) other Republican cosponsors.

Senator Hatch reintroduced the Dream Act in the 2003—this time with thirteen (13) of his fellow Republicans as cosponsors.

Since the first Hatch bill was introduced in 2001, Senate Republicans have cosponsored the Dream Act 39 times.

In 2007, the Senate held a vote on the Dream Act. The bill was filibustered, but 10 Republicans voted for it, including Senators Brownback, Collins, Lugar, and Snowe.

Some of the most moving words about the importance of the Dream Act have been spoken by my Republican colleagues.

In 2004 the Senate Judiciary Committee, led by Senator Hatch, issued a report on the Dream Act:

"Most came to America as children, playing no part in the decision to enter the United States, and may not even know they are here illegally. A great many grow up to become honest and hardworking young adults who are loyal to our country and who strive for academic and professional excellence.

"It is a mistake to lump these children together with adults who knowingly crossed our borders illegally. Instead, the better policy is to view them as the valuable resource that they are for our nation's future."

Senator Hatch in 2003 on the Senate floor: "I believe the DREAM Act will live up to its name. It will allow these illegal immigrant children the opportunity to not only dream of the infinite possibilities that their futures may hold in the United States, but it will also afford them the opportunity to realize their dreams."

Senator Chuck Hagel, in 2007:

"The DREAM Act would make it possible to bring these young people out of shadows and give them the opportunity to contribute, work, and pay taxes—giving back to the communities in which they were raised."

"The DREAM Act is not amnesty. It is a narrowly tailored piece of legislation that

would help only a limited, select group of young people earn legal status. This is not an incentive for more illegal immigrants to enter our country."

In 2009, former Florida Governor Jeb Bush co-wrote a report for the Council on Foreign Relations. The report said:

"The DREAM Act is no amnesty. It offers to young people who had no responsibility for their parents' initial decision to bring them into the United States the opportunity to earn their way to remain here."

And last week the Wall Street Journal editorialized about the importance of the Dream Act:

"What is to be gained by holding otherwise law-abiding young people, who had no say in coming to this country, responsible for the illegal actions of others? The DREAM Act also makes legal status contingent on school achievement and military service, the type of behavior that ought to be encouraged and rewarded."

Mrs. BOXER. We have a situation where people were brought to this country by their parents. The kids had nothing to say in the matter. They grew up thinking they were Americans. They did everything American kids do, and they excelled. They went to the top. This bill is crafted in such a careful way that essentially we are taking the cream of the crop and giving them a path to legality, a path so their hopes and dreams can be realized and, therefore, they will help this Nation realize its hopes and dreams.

I strongly urge my colleagues to listen to the students in their States who are desperate to earn a chance for this dream. They are here in Washington, and they are going to various offices. They love their country. Never before in U.S. history have we punished children for the actions of their parents. To deny these students an opportunity to earn the dream would be a dark moment in our Nation's history, in my view.

The American dream is real. It is not easy to attain. We have to work hard. We have to work hard always from the time we are a kid in school and we get our first job. Here we are talking about young people who excel. All they want to do is be able to reach their dream and help us move this country forward. This is the next generation of community leaders, the next generation of military leaders, the next generation of entrepreneurs. We don't punish children for the sins of their parents. We don't do that. That is wrong.

Let us do the right thing. Every once in a while we have to say: We have to do the right thing. Is it a tough vote? Will some people ask, why are you doing that? Of course. But that is true about anything we do.

We have so many golden opportunities to be on the right side of American history. We are presented them every day. We are presented them in this postelection session. We could end don't ask, don't tell. We could pass the DREAM Act. We can pass an unemployment benefits extension. We can help our firefighters. We can help our heroes from 9/11 get help with their illnesses, with their breathing problems,

with their cancer problems. Let's not say no because the Democrats said: Yes, we will give everybody in this country a tax cut for the first \$1 million of income and after that, we have to worry about the deficit. We go all the way up to \$1 million, and we take care of everybody in this country. Everybody gets a tax cut. If one is over a million, they don't get their little bonus tax cut. We help reduce the deficit which is an issue absolutely on our agenda.

Why would someone then say no to everything else, after we have met them all the way up to the \$1 million level of income. It is unbelievable.

America, pay attention. Pay attention to who is fighting for you and who is fighting for 315,000 of the richest families, many of whom say to us: Don't do this. It is more important to cure the deficit. Economists tell us at that level of wealth, they are not going to spend the money at the corner store. Look at Mark Zandi's comments, the Republican economic adviser to John McCain. He told us: You give out unemployment benefits, for every dollar, you increase economic activity by \$1.61, because that money is spent right away at the corner store. You give huge, enormous tax breaks to people over \$1 million, they are not going to spend it. They are going to put it in a trust fund.

Let's put that money toward deficit reduction. For me, speaking for myself, this postelection session has been one of the most interesting I have ever seen. Because the true colors of the parties are coming out. I know people get very frustrated about our debates. They want us to come together. I want to come together. I went all the way to the Republican side and said: The first million of income will get a tax cut. Only over that, that one-tenth of 1 percent, let's put that to deficit reduction. And my Republican friends won't move that inch over to me and to us. At the same time they are blocking action on all those important bills I laid out.

I wanted to lay this out for history. I think we sometimes forget. The battles we wage here tell the country who we are.

I am very pleased to have this opportunity. I thank the people of California for giving me this opportunity again. It means a lot to me to be able to weigh in on these issues of the heart and soul of the country that I love so much as a first-generation American on my mother's side. I thank them for that.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. SESSIONS. Mr. President, I ask unanimous consent to be able to speak

for up to 25 minutes in morning business.

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

#### DREAM ACT

Mr. SESSIONS. Mr. President, I understand it is likely the majority leader will seek to bring up the DREAM Act in a day or two. This is a very bad piece of legislation, and it is being presented at a time when we have massive illegality at our borders.

One of the fundamental things that separates America from the other nations of the world is our commitment to the rule of law. We enforce our contracts and our statutes. We punish corruption. One of the great advantages this Nation has over others is the degree to which there is integrity in our process here. We protect the rights and privileges of citizenship. We know one of our most unique and valuable characteristics is our legal system.

Law is a necessary condition for a free society. Freedom cannot flourish in chaos. Prosperity cannot arise in an uncertain environment. Yet we have allowed our borders to descend into chaos and lawlessness. For decades, we have failed to uphold the rule of law. We have failed to protect the integrity of citizenship in America and the law.

Even now, in a post-9/11 world, we still lack control over who comes into our country. Every day, guns, drugs, unknown people, unlawfully pour across our broken border.

The consequences of the government's failure are felt keenly by those living in our border States. Ranchers living on U.S. soil must confront the chaos as a reality of daily life. They are denied the peaceable possession of their private property. Phoenix, the capital of Arizona, is now known as one of the kidnapping capitals of the world.

Yet it does not have to be this way. With enough will and determined execution of a carefully developed plan, executed by a President and supported by a Congress that has as its serious goal the elimination of this illegality, it will be successful and can be successful in just a few years.

It is not impossible. That is what the public wants and this is what our political leaders have obstinately refused to do. Americans are willing—and I am certainly willing—to consider some sort of status for those who have peacefully lived and worked in our country for some extended period of time, but only after we have secured the border. As long as you continue to provide amnesty for people who come into our country and stay here for a period of time, you incentivize further illegality.

Well, this is because passage of amnesty bills, such as the DREAM Act, is an immediate reward for the illegal entry, with no serious plan to stop the illegal flow. Indeed, the legislation incentivizes the flow or the entry of people into our country illegally.

What does this type of legislation say to the rest of the world and to anyone

thinking about coming illegally? It says if you can get in the United States and hang on for a number of years, sooner or later we are going to reward you by forgiving your illegal behavior and putting you on a path to citizenship. That is not the message we need to send.

The public will not allow us to repeat the mistakes of the 1986 amnesty. We have discussed that so many times. They will not fall for the ruse that we can have amnesty first and security later. They understand that if we do not secure the border first, we may never secure it at all. We certainly have not done so as of this date.

Despite this—and despite historic losses in the recent election—the Democratic leaders of this Congress are now pushing a reckless proposal for mass amnesty known as the DREAM Act.

At a time when our Nation is struggling with high unemployment and runaway government spending, the bill would authorize millions of illegal workers and impose an even greater burden on the taxpayers. Making matters worse, those eligible for the DREAM Act amnesty include illegal aliens with criminal records. And all of this is being rushed through a lame-duck Congress with no committee review.

The Democratic leaders have even introduced four versions of the same bill in just over 2 months—3 in the last 13 days. It has been a shell game that abuses the legislative process. Is it any wonder that the American people have lost faith in this institution?

Americans want us to enforce the laws, but we are considering a bill that would reward and encourage their violation. Americans want Congress to end the lawlessness, but this bill would surrender to it.

Consider a few of the DREAM Act's most troubling provisions:

First, the DREAM Act is not limited to children. Illegal aliens as old as 30 or 35 are eligible on the date of the enactment of the bill. And they remain eligible to apply at any future age, as the registration window does not close. You do not need a high school diploma, a college degree, or military service in order to receive amnesty under the DREAM Act as proposed.

Illegal aliens can receive indefinite legal status as long as they have a GED, the alternative to a high school diploma. They can receive permanent legal status and a guaranteed path to citizenship as long as they complete just 2 years of college or trade school.

One version of the DREAM Act offers illegal aliens in-State tuition for which many Americans are not eligible. All four versions provide illegal aliens with Federal education benefits, such as work-study programs, Federal student loans, and access to public colleges that are already short on spaces and resources.

The Congressional Budget Office is the entity that gives us technical data

about legislation. It is a pretty objective group. It is hired by the Democratic leader, the Democratic majority, but I think most of the time they try to do the right thing. They say the bill would add \$5 billion to the deficit. But that number really, I have to say, is low. The CBO clearly failed to account for a number of major cost factors associated with implementation of the DREAM Act. Of course, they haven't had much time to make this analysis since the most recent version was introduced just 5 days ago. The CBO fails to account for unemployment, public education cost, chain migration, and fraud. Furthermore, it did not take into account what history has proven: passing amnesty will incentivize even more illegality and lawlessness at the border.

In addition, the CBO assumes a large portion of these individuals will obtain jobs, but there is no surplus of job opportunities in American today. Unemployment just went up from 9.6 to 9.8—almost 10 percent. It has remained high for an exceedingly long period of time. The economists are telling us we are going to have to look forward to much higher unemployment than we have been used to in the past. Well, nobody is scoring the fact that many American job seekers will not get a job if large numbers—a million or more—of illegal aliens are converted to legal status and start competing for jobs, and perhaps denying them that job, which may have good benefits and good pay.

Conservative estimates say that between 1.3 and 2.1 million illegal aliens will be immediately eligible for this DREAM Act amnesty, but that number will grow significantly as the bill has no cap or sunset to it. Moreover, those who obtain legal status can then petition for their relatives. Under the DREAM Act, illegal aliens are put on a path to citizenship—first they receive conditional status, then legal permanent resident status, and finally citizenship. After they are naturalized, they can then, through the chain migration process, apply to bring in their relatives. Some of the people they might apply to bring in are likely to be the persons who brought them here illegally. As a result, the number of green cards granted could easily triple what is expected.

Many with criminal records will also be eligible for the DREAM Act's amnesty. They simply must have less than three misdemeanor convictions—under the Act, Congress is arbitrarily determining that two misdemeanors is OK while three is not so good. Those potentially eligible would include drunk drivers, gang members, and even those who have committed certain sexual offenses.

The most recent version of the bill also gives the Secretary of Homeland Security broad authority to waive ineligibility for even the most severe criminal offenders and those who pose a threat to our national security. Many such offenses include indecent exposure, DUI, smaller thefts, and drug

charges. Some of them are charged as felonies and very routinely reduced to misdemeanors. Two misdemeanor drug convictions won't bar you from being protected under this act and being able to have a guaranteed path to citizenship.

Those who commit document fraud or who lie to immigration authorities will be eligible for the bill's amnesty as well. This is particularly troubling as it contains a potential loophole for high-risk individuals placed on the pathway to citizenship. One of the warning signs we missed prior to 9/11 was the fraudulent visa applications submitted by the 9/11 hijackers. This bill would likely make it more difficult to combat immigration fraud from the dangerous regions of the Middle East where we have had an unfortunate history of abuse.

This DREAM Act even contains a safe harbor provision—very significant—that would prevent many applicants from being removed as long as their application is pending. If they have a serious criminal record, they would normally be subjected to deportation. This provision could dramatically hinder Federal authorities and will undoubtedly unleash a torrent of costly litigation that will suck up untold hours of our law enforcement personnel's time and ability and resources that ought to be focused on the border.

If somebody who has been apprehended for illegally being in the country or committing a serious crime can come into court and assert they have filed a petition under the DREAM Act, they can not be deported. This is really a problem because if a facility does not have enough bed space, what are we supposed to do? Are we now going to have investigators drop what they are doing and go out and try to prove that someone was here before the age of 16? Did they really have a GED or is that a forged document? How many criminal convictions do they have? This all has to be investigated now. It could take weeks or even months. So what happens? Are we going to keep those individuals in jail instead of deporting them? How much cost is involved in that? All of that is not counted in this process.

I just want to say that my experience in law enforcement is that there are not enough people to do those investigations and we are going to have millions of applications. How do we prove somebody came here at age 15 instead of age 18? How do we prove they have been here 5 years? How do we prove they came here 5 years ago and came at age 17 or 15 or 14? Who is going to investigate that and dispute it, if they submit a statement and say they have been here for 5 years? We have to take the time now to investigate all of that?

This is not what we need to be doing right now. We have more serious challenges to end the illegal flow. And for people who have been here a long time and who have otherwise been good citizens and have worked hard, we can fig-

ure out some way to deal with their future. But I do not believe this is the right step. It is not the right step.

In short, I believe the bill will be a disaster. Yet our Democratic leadership remains committed in their push for this amnesty provision. They are again defying the public will and sending the world a message that our Nation is not serious about the integrity of our borders and our laws.

American citizenship is the envy of the world, but central to our Nation's greatness is our respect for the rule of law. None of us that I am aware of in this Senate is proposing to in any significant way reduce the number of people who come to our country lawfully. Indeed, there are many provisions to increase the number who come lawfully. But the American people are rightly saying: We have to do something about the illegality. By eroding the respect for law through reckless and irresponsible amnesty provisions, we would do a disservice not only to the 300 million Americans who call this Nation their home but to all those future citizens who are applying and waiting in line to enter our country lawfully.

I feel strongly about this. Hopefully, this matter will not be proceeded with. We need to wrestle with how to bring our immigration system under control. We can do that. I have studied it for some time. I truly believe it can be done.

Senator MCCAIN from Arizona, who has been to the border a great deal, has said that within a year or two we can end this massive illegality. I have been saying that for a number of years. I truly believe it. But we need to focus on that, not focus on rewards for those who have entered illegally. That is why this legislation should not pass.

I thank the Chair. I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from North Dakota.

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

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

#### LIU XIAOBO

Mr. DORGAN. Mr. President, in China, as I speak, there is a man in a small prison cell lit by one single lightbulb. He has been in prison for 11 years in the country of China. On Friday of this week, in Oslo, Norway, he will be awarded the Nobel Peace Prize. His name is Liu Xiaobo. His wife has written me asking me to come to the Nobel Peace Prize presentation in Oslo, Norway, this Friday in honor of her husband. I am not able to go to Oslo this Friday. The Senate is going to be in session the rest of the week. I regret I can't be in Oslo for the awarding of

the Nobel Peace Prize, but I did want to take a moment to remember what is happening this week.

This is Liu Xiaobo. He is in prison in China. He has been in prison for 11 years. That is his sentence. I wish to describe why the Chinese have put Liu Xiaobo in prison. It is not the first time he has been in prison, as a matter of fact.

Let me tell my colleagues just a little about Liu Xiaobo. He was born in 1955, grew up in an industrial city in China's northeast. As a young man, he wanted to study literature, so he went to Beijing and he became a Ph.D. in comparative literature. He became a professor and dedicated his days to teaching and to writing.

By 1989, he had the good fortune to be allowed to travel abroad as a visiting scholar. He was at Columbia University in New York, in the USA, when the demonstrations began to grow in Tiananmen Square. He cut short his visit to Columbia University as a visiting scholar and returned home to China, joining students in Tiananmen Square in a hunger strike. Then, on the night of June 4, a scholar whom the students had grown to trust, persuaded a group of students to withdraw from the square to save their lives. That was Liu Xiaobo. Authorities in China labeled him a subversive and sentenced him to 18 months in prison.

Eighteen months later, upon his release, he was told he could neither teach nor publish. He described his plight then in these words:

Simply for expressing divergent political views and taking part in a peaceful and democratic movement, a teacher lost his podium, a writer lost the right to publish, and an intellectual lost a chance to speak publicly.

On his release in 1991 he continued to write and again he was placed under house arrest in 1995, then sent to a labor camp where he was detained until 1999.

In December of 2008, Liu Xiaobo called for political reform and was a supporter of something called Charter 08 in China. He was once again detained, then formally arrested, and then sent to prison for 11 years.

Let me describe what Charter 08 calls for. A group of people in China who want the expression of freedoms that are available to all of us had created Charter 08. It calls for the guarantee of human rights, an independent judiciary, the freedom to assemble, the freedom of expression, the freedom of religion, protection of private property—and so on.

So someone who advocates this and pushes for these kinds of reforms is now sitting in a small prison cell with a single light bulb.

On Friday, in Oslo, Norway, when they award the Nobel Peace Prize, there will be one empty chair on the stage for the man to whom the Nobel Peace Prize is being awarded.

There will be empty chairs in the audience because his wife is not allowed

to go. She is detained under house arrest in China. I want to describe that as well. His wife has been barred from traveling to Oslo to accept the honor, and all of Liu's family has been barred from traveling. The Nobel committee will postpone bestowing the actual medal, but the ceremony will go on on Friday. There have now been just over 100 documented incidents since October in which Chinese citizens have been harassed, interrogated, and subjected to police surveillance, detained, or placed under house arrest for their expressions of support for Liu Xiaobo. Some supporters reportedly have just disappeared.

The travel restrictions are pretty unbelievable. A violinist, Lynn Chang, an American of Chinese descent who teaches at the Boston Conservatory, and who will be playing at the Nobel Peace Prize ceremony on December 10, expressed concern about the personal and professional repercussions his family might have in China for his accepting the invitation to play at the ceremony.

Out of about 140 Chinese activists invited by Liu's wife to attend the ceremony, only one at this point has been able to say: "I will be there." More than a dozen and far more have been blocked from flying overseas since Liu won the Peace Prize in October.

This is a photograph of Liu Xiaobo and his wife. Both are courageous citizens, who, in my judgment, are owed our respect and all that we can do to say to the Chinese Government: You cannot possibly continue to do this and then insist that you believe in democracy.

Mr. President, in a recent interview with CNN, Premier Wen Jiabao of China said this:

Freedom of speech is indispensable. . . . The people's wishes for, and needs for, democracy and freedom are irresistible.

I hope the Chinese Government and Chinese officials will understand they cannot talk about these principles in that way and then continue to imprison someone such as Liu Xiaobo, whom the rest of the world will celebrate as a courageous man striving for greater human rights in China, the very things we take for granted every morning we wake up in the United States. This man is spending 11 years in prison just for writing about his aspirations for himself and the rest of the people in China to have those freedoms.

As I said, I will not be in Oslo on Friday. I am enormously honored by Liu Xiaobo's wife asking me to be present. As chair of the Congressional Executive Commission on China, I have held many hearings on the issues that exist between us and China. I held a hearing within the last month about the issue of Liu Xiaobo's Nobel Peace Prize and what it means when a government says: Rather than be at a place of honor and our country celebrating your winning the Nobel Peace Prize, we will have you in a prison cell once again.

That is not what we would expect, or what anybody should expect, from the Government of China. I said previously there are things that have improved in China in recent years for some Chinese. China is a big country. It will be a significant part of our future. We are not quite sure how that is going to manifest itself.

Our country has decided affirmatively that our relationship with China ought to be a constructive relationship in which we have constructive engagement through trade and travel, and that is anticipated to move China toward greater human rights. In fact, there have been some areas of progress. But this is a disgrace. Liu Xiaobo is a hero. He ought not be a prisoner. Liu Xiaobo will be honored whether the Chinese like it or not this Friday in Oslo, Norway. The Chinese are trying to do everything they can to keep people away from that ceremony. They have been calling other embassies in Oslo saying: Do not go to that ceremony.

I think what has been happening is pretty unbelievable. I hope all of the American people this Friday understand there is someone we ought to think about who has exhibited great courage in support of freedom for the people of the country in which he lives, and that is Liu Xiaobo. On Friday, he will still be in prison, but the world can celebrate his courage and say to the Chinese in every way we know that they cannot continue to talk about freedom and then keep a Nobel Peace Prize winner in a dark prison cell in the farther reaches of China.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mrs. GILLIBRAND. I ask unanimous consent to speak for as much time as I may consume.

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

#### JAMES ZADROGA 9/11 HEALTH AND COMPENSATION ACT

Mrs. GILLIBRAND. Mr. President, 69 years ago tomorrow, one of the most deadly attacks on our Nation that we have ever seen, the horrific attacks on Pearl Harbor killed more than 2,000 U.S. troops and civilians. President Franklin D. Roosevelt said December 7 is a date which will live in infamy. No matter how long it may take us to overcome this premeditated invasion, the American people, in their righteous might, will win through to absolute victory, and we did.

In the aftermath of Pearl Harbor, America succeeded not only militarily, we succeeded morally as well. Our Na-

tion bonded together with a newfound resolve to help those who sacrificed so much for our Nation and to take care of our fellow citizens.

In the months that followed the attacks, Democrats and Republicans knew exactly what had to be done. Congress came together, not only to declare war but to pass legislation that provided health care and compensation to each and every civilian who was injured during that Pearl Harbor attack—every citizen who sacrificed for America that day. It did not take 9 years for that to be done. Congress acted bravely and swiftly, without partisanship, without gridlock, with a clear moral compass and a clear determination that we as a nation have an undeniable moral obligation to help the people who were harmed during that attack on Pearl Harbor.

Pearl Harbor was the most deadly attack on our Nation, the most deadly attack until the morning of September 11, 2001, when 3,000 innocent people perished and tens of thousands of people came to their rescue. In the days that followed the 9/11 attack, America showed the very same resolve it had shown nearly 60 years prior, and now we have seen thousands of heroes and thousands of survivors sick and dying from the toxins released at ground zero. It is a time for us to show that very same resolve again.

As President Roosevelt said: No matter how long it will take us, we will win through to absolute victory. We will provide the firefighters and police officers and the construction workers and the cleanup workers and the people and the children who go to school and live at ground zero with the health care and compensation they justly and rightly deserve.

There are few things we do in Washington that are clearly a choice between right and wrong. There is no gray area when it comes to this issue. We truly have a moral and undeniable obligation to help these men and women. For the past week on display in the Russell rotunda we have shown 29 police badges that belonged to 29 members of the New York City police force who died since September 11 because of the diseases related to those toxins that were released when the towers fell. The 30th police officer, David Mahmoud, died last month of a very rare, disfiguring form of cancer after he worked 60 hours at the site of ground zero.

Perhaps the most disturbing fact about the deaths of these 30 police officers is the fact that the average age of these men and women is 46 years old.

The badges we displayed were not just a memorial to those we lost, they are a call to action for each and every one of us who call ourselves public servants and for those of us who are here to serve on behalf of this Nation. Every single Member of the Senate should visit that memorial today to see and be reminded of those men and women who have perished. Over 13,000

World Trade Center responders are sick today and receiving treatment; nearly 53,000 responders are enrolled in medical monitoring and 71,000 responders are enrolled in the World Trade Center Health Registry, indicating they were exposed to these toxins.

These men and women are from all over this country, from every State in the Union. In fact, approximately 10,000 individuals came from outside the New York area, including every State in this country, to save lives and to clean up after the devastation that struck New York. Their illnesses range from respiratory, gastrointestinal, and mental health conditions caused by the inhalation of pulverized cement, glass, lead and asbestos and other fatal toxins that were caused by the destruction of those buildings on 9/11.

The James Zadroga 9/11 Health and Compensation Act provides the proper congressional authorization and statutory structure to the 9/11 health programs that have received \$326 million through annual appropriations since 2003. Our bill would establish the World Trade Center health program within the National Institute for Occupational Safety and Health to provide permanent ongoing medical monitoring and treatment for related conditions to the World Trade Center responders and community members.

The program administrator will establish a nationwide network of providers so the eligible individuals who live outside of New York can reasonably access monitoring and treatment benefits near where they live. These eligible individuals are included in the caps on the numbers of participants in the responder and community programs.

I wish to emphasize one important aspect of this bill that typically gets overlooked. Our legislation will provide a level of accountability and transparency for the disbursement of funds that has not been seen up until this point with the current programs. It terminates all of the existing six billing programs that were hastily put together in the chaotic aftermath of September 11, and establishes one third-party administrator who will set reasonable rates, track expenditures, and enforce eligibility requirements. It will be 100 percent transparent and accountable.

Further, our bill limits the health program to 10 years and caps the number of people who can receive treatment at approximately 109,000 and limits the treatment to respiratory, gastrointestinal or mental health diseases that have already been medically certified to have been associated with breathing the toxins and other hazards at ground zero.

Under this bill, the government is the payer of last resort. Individual health insurance or funds from workers compensation claims will all pay for treatment first. The Federal Government will only cover those after those first two payers pay. The city of New

York is required to contribute 10 percent matching cost shares of the community health program.

The legislation will also formally reopen the September 11 Victims Compensation Fund to provide compensation for economic damages and loss for individuals who did not file or did not become ill before the original cutoff date of December 22, 2003. The payments will be limited to \$4.2 billion over 10 years.

Our bill would strictly enforce limits to attorney payments to 10 percent of the payments from the fund, and it would provide liability protections for the World Trade Center contractors and the City of New York, limiting liability of defendants for claims previously resolved, currently pending or filed through December 22 of 2031.

Last, I wish to emphasize this bill is entirely pay-go compliant. That means the bill is paid for. It will not add to our debt or our deficit. It is capped, mandatory funding that is offset completely by a pay-for that closes a loophole that foreign companies use to avoid paying their fair share of U.S. taxes, which fundamentally makes our companies have to play on an unlevel playing field. We want to help American businesses and that is what this pay-for does.

In closing, I wish to make it crystal clear what this bill is about. This bill is about our first responders. This bill is about our heroes, and their families. This bill is about the victims who lived at ground zero. This bill is about the children who are currently suffering from asthma, the most vulnerable in our communities who could not tolerate these toxins in their bodies.

I am going to tell you about three individuals whose stories are particularly moving. At a time when most people were running away from lower Manhattan, Joseph Picurro rushed to the World Trade Center site to volunteer his expertise as an ironworker for these rescue efforts. For 28 days Joe helped cut steel beams on the pile to find survivors and to clear debris, often sleeping on the floor of a nearby office building, rather than returning to his home and his family in New Jersey at night.

In the years following his dedicated work at Ground Zero, Joe was diagnosed with sarcoidosis, a reactive airway dysfunction syndrome and severe acid reflux. He suffered from constant joint pain, seizures, blackouts, and relied on dozens of different medications.

Unable to work for years, Joe had to fight to get his workers compensation for his illness. In October, Joe passed away at the age of 43. He left behind his wife and his daughter Allison. Joe's wife Laura recently wrote me a note of plea. She said:

Our financial situation is bad—I mean bad. For 6 years I've had to beg for help, borrow from family and I just can't do it anymore, and shouldn't have to. We need to reopen the Victim Compensation Fund.

This bill is also for people such as Frank Fraone of California. Frank was

a division chief of the Menlo Park Fire Department in California. He was thousands of miles away from New York City on 9/11 fighting wildfires. Along with thousands of other brave men and women who came from all across this country, Chief Fraone traveled to New York to aid local rescue workers at Ground Zero. He had seen his fair share of destruction during his career, but nothing had prepared him for what he saw at Ground Zero.

He worked 16-hour days with fellow rescue workers inhaling that toxic dust that later left him with lower respiratory airway disease. Living across the country, far from New York City, Chief Fraone still feels the effects of working at Ground Zero, which he said limited his ability to respond to other disasters such as Hurricane Katrina. Chief Fraone has had difficulty getting health care in California for his ailments, and says that:

Living out here in California, I cannot get confirmation or talk face-to-face with anyone affiliated with [9/11] health issues. I do not know to this date if I am going to be covered for my health concerns. What happens when this health issue disables me and I can no longer work or care for my family?

Our bill would meet the needs of this division chief and this man and this hero who came to help when he was needed.

The last story I wish to give is that of Robert Helmke. Police Officer Helmke died at the age of 43 from stage IV metastatic colorectal cancer caused by inhaling and swallowing the toxins at Ground Zero. He was 43. I am 43. Robert worked numerous hours of duty at the World Trade Center. He ate food and unknowingly inhaled the toxins while he was working. At no time while he was working at the site was he instructed ever to wear protective gear or any kind of breathing apparatus, nor was he told by our government that the air was in any way unhealthy or bad for him.

Stage IV metastatic colorectal cancer is a form of cancer that affects the upper GI tract. It is very rare in someone so young. He was told that treatment would not cure him, that it would only help him to live a little longer. I want to read to you his reaction to the diagnosis in his own words. He said:

Talk about crushing news! My wife and I sat in the car and cried as I asked her what did I ever do to deserve this. On July 11th, 2006, I had major surgery to remove two tumorous parts from my small colon and have radiation on the large tumor in my liver. Before my surgery, I had four chemotherapy treatments and was in an emergency room three times to be treated for dehydration before finally having to go on an all liquid diet and intravenous feeding. I have a wife, Greta, and two young children, Garrett and Amelia, who have seen my health worsen since participating in the World Trade Center recovery. My favorite things in life are slowly being taken away from me. My work, food, helping others and caring for my family.

Officer Helmke died on July 28, 2007. These are the stories that tell us what this bill is about—men and women who

are suffering; men and women who have died; men and women who have suffered so much because they did the right thing.

What message are we sending here from this body, this esteemed body, if we cannot help those who came to our rescue, who were there to find survivors, who were there then to find remains, and who were there to do the cleanup when our government asked them to help?

You must remember the days after 9/11. This country would have done anything to help those who had suffered so much in New York and across this country. This was the most deadly terrorist attack in the history of America. And now 9 years later this body cannot come together to do what is right? This is the clearest example of right versus wrong that I have seen in this body in my 2 short years.

We must recognize the undeniable obligation we have, a moral obligation to protect these men and women and their families because they did the right thing. It is now time for this body to do the very same.

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

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

#### PUBLIC SAFETY EMPLOYER-EMPLOYEE COOPERATION ACT OF 2010—MOTION TO PROCEED

##### CLOTURE MOTION

Mr. REID. Mr. President, I move to proceed to Calendar No. 662, S. 3991, the Public Safety Employer-Employee Cooperation Act, and I have a cloture motion at the desk I wish reported.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

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. 662, S. 3991, the Public Safety Employer-Employee Cooperation Act of 2010.

Harry Reid, Patrick J. Leahy, Tom Harkin, Carl Levin, Daniel K. Inouye, Richard J. Durbin, Byron L. Dorgan, Jack Reed, Jeff Bingaman, Dianne Feinstein, Mark Begich, Robert Menendez, Daniel K. Akaka, Sherrod Brown, Sheldon Whitehouse, Patty Murray, Debbie Stabenow, Barbara Boxer.

Mr. REID. Mr. President, I now withdraw that motion.

The PRESIDING OFFICER. The motion is withdrawn.

#### EMERGENCY SENIOR CITIZENS RELIEF ACT OF 2010—MOTION TO PROCEED

##### CLOTURE MOTION

Mr. REID. Mr. President, I move to proceed to Calendar No. 655, S. 3985, which is the Emergency Senior Citizens Relief Act, and I have a cloture motion at the desk referencing that matter.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

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. 655, S. 3985, the Emergency Senior Citizens Relief Act of 2010.

Harry Reid, Richard J. Durbin, Bernard Sanders, Sherrod Brown, Debbie Stabenow, Sheldon Whitehouse, Patrick J. Leahy, Byron L. Dorgan, John D. Rockefeller IV, Charles E. Schumer, Al Franken, Barbara A. Mikulski, Jack Reed, Frank R. Lautenberg, Kirsten E. Gillibrand, Mark Begich, Robert P. Casey, Jr., Tom Udall.

Mr. REID. Mr. President, I now withdraw that motion.

The PRESIDING OFFICER. The motion is withdrawn.

#### DEVELOPMENT, RELIEF, AND EDUCATION FOR ALIEN MINORS ACT OF 2010—MOTION TO PROCEED

##### CLOTURE MOTION

Mr. REID. Mr. President, I now move to proceed to Calendar No. 663, S. 3992, which is the Development, Relief, and Education for Alien Minors Act of 2010, and I have a cloture motion at the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

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. 663, S. 3992, the Development, Relief, and Education for Alien Minors Act of 2010 (DREAM Act).

Harry Reid, Richard J. Durbin, Tom Harkin, Carl Levin, Daniel K. Inouye, Dianne Feinstein, Byron L. Dorgan, Jack Reed, Jeff Bingaman, Patrick J. Leahy, Mark Begich, Blanche L. Lincoln, Robert Menendez, Daniel K. Akaka, Sherrod Brown, Sheldon Whitehouse, Patty Murray, Debbie Stabenow, Barbara Boxer.

Mr. REID. Mr. President, I now withdraw the cloture motion relating to that matter.

The PRESIDING OFFICER. The motion is withdrawn.

#### JAMES ZADROGA 9/11 HEALTH AND COMPENSATION ACT—MOTION TO PROCEED

##### CLOTURE MOTION

Mr. REID. Mr. President, I ask unanimous consent to proceed to Calendar

No. 641, H.R. 847, the James Zadroga 9/11 Health and Compensation Act, and I have a cloture motion at the desk regarding this matter.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

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, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 641, H.R. 847, the James Zadroga 9/11 Health and Compensation Act of 2010.

Harry Reid, Kirsten E. Gillibrand, Charles E. Schumer, Robert P. Casey, Jr., Patty Murray, Al Franken, Jeff Bingaman, Benjamin L. Cardin, Joe Manchin III, Daniel K. Inouye, Michael F. Bennet, Jeanne Shaheen, Robert Menendez, Barbara Boxer, Frank R. Lautenberg, Christopher J. Dodd, Richard J. Durbin.

Mr. REID. Mr. President, regarding H.R. 847, the Zadroga legislation, have we stated that motion?

The PRESIDING OFFICER. The motion has been stated and the names have been read.

#### ORDER OF PROCEDURE

Mr. REID. Mr. President, I ask unanimous consent that the cloture vote on the motion to proceed to Calendar No. 662, S. 3991, occur upon the conclusion of the impeachment proceedings and the Senate resumes legislative session; that the Senate then resume the motion to proceed to Calendar No. 662, and that the mandatory quorum, required under rule XXII, as it relates to all these matters I have filed cloture on be waived.

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

#### ORDER OF PROCEDURE—IMPEACHMENT AGAINST JUDGE G. THOMAS PORTEOUS

Mr. REID. Mr. President, I ask unanimous consent that the Senate resume consideration of the Articles of Impeachment against Judge G. Thomas Porteous, Jr., of the Eastern District of Louisiana, at 10 a.m. on Tuesday, December 7, for the commencement of arguments by the House managers and counsel for Judge Porteous on motions filed by Judge Porteous with regard to the Impeachment Articles and that the Secretary be instructed to so notify the House of Representatives.

I further ask unanimous consent that each side be permitted no more than 1 hour for argument on all motions, that counsel for Judge Porteous be permitted to open and close the motions argument, and that the parties be permitted to divide their argument as they wish.

I further ask unanimous consent that then, after recessing for the weekly party caucuses, the Senate reconvene on the Articles of Impeachment at 2:30

p.m. on Tuesday, December 7, for the parties' final arguments on the merits of the articles. I ask unanimous consent that the parties have each 1½ hours to present articles on all four articles, which, under the impeachment rules, will be opened and closed by the House managers, with no more than two individuals speaking for each side.

I further ask unanimous consent that, at the conclusion of the 3 hours allotted for final arguments, the Senate shall immediately meet in closed session to begin its deliberations on the Articles of Impeachment and the related motions in accordance with impeachment rule XX.

I finally ask unanimous consent that the individuals listed on the document I now send to the desk be granted the privilege of the Senate floor during all open sessions while the Articles of Impeachment against Judge Porteous are under consideration.

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

The list is as follows:

THE JUDGE AND HIS COUNSEL

1. Judge Gabriel Thomas Porteous, Jr.
2. Jonathan Turley
3. Daniel Schwartz
4. P.J. Meitl
5. Daniel O'Connor
6. Ian Barlow

THE HOUSE OF REPRESENTATIVES MANAGERS

7. Adam Schiff (D-CA)
8. Bob Goodlatte (R-VA)
9. Henry C. "Hank" Johnson, Jr. (D-GA)
10. Jim Sensenbrenner (R-WI)
11. Zoe Lofgren (D-CA)

SPECIAL IMPEACHMENT COUNSEL TO THE HOUSE MANAGERS

12. Alan Baron
13. Harold Damelin
14. Mark Dubester
15. Kirsten Konar

STAFF TO THE HOUSE MANAGERS

16. Jeffrey Lowenstein (Schiff)
17. Branden Ritchie (Goodlatte)
18. Elisabeth Stein (Johnson)
19. Michael Lenn (Sensenbrenner)
20. Ryan Clough (Lofgren)

SENATE LEGAL COUNSEL

21. Morgan Frankel
22. Pat Bryan
23. Grant R. Vinik
24. Thomas E. Caballero

SENATE STAFF

25. Derron R. Parks
26. Thomas L. Jipping
27. Justin Kim
28. Rebecca Seidel
29. Erin P. Johnson
30. Paul Lake Dishman, IV
31. Susan Smelcer
32. Stephen Hedger
33. Chris Campbell
34. Paige Herwig
35. Stephen C.N. Lilley
36. Justin G. Florence
37. Matthew T. Nelson
38. Thomas J. Maloney
39. Nhan Nguyen
40. Erica Soares
41. Bryn Stewart
42. Emily Ferris
43. Michelle Weber
44. Jason Bohrer
45. Lori Hamamoto
46. Van Luong
47. Marie Blanco

48. Leadership Staff
49. Floor Staff

Mr. REID. Mr. President, I stress the importance of all Senators attending the impeachment proceedings. I urge them to be in the Chamber at 10 a.m. tomorrow for a live quorum, which will begin at that time, prior to the commencement of the impeachment trial proceedings. This is an important constitutional part of the Senate's responsibilities, and each Senator has an obligation to participate in the case and for his or her office to be present and informed and participate. This type of impeachment proceeding has happened only a few times in the history of the Republic. It is very important for Senators to participate.

HONORING OUR ARMED FORCES

SERGEANT FIRST CLASS BARRY EDWARD JARVIS

Mr. BAYH. Mr. President, I rise today to honor the life of SFC Barry Edward Jarvis of the U.S. Army and Tell City, IN.

Sergeant Jarvis was assigned to the 1st Squadron of the 61st Cavalry Regiment, 101st Airborne Division at Fort Campbell, KY. He was 36 years old when he lost his life on November 29, 2010, serving bravely in support of Operation Enduring Freedom in Afghanistan's Nangarhar Province.

Sergeant Jarvis and his family moved to Indiana when he was a boy. He graduated from Tell City High School in 1993 and finished Army basic training in 1998. A cavalry scout, Sergeant Jarvis was assigned to Fort Campbell in May of 2009 and deployed to Afghanistan 3 months later.

He was known by many as a genuine and dedicated soldier who found his calling in serving his country, and his numerous awards and decorations, including the Meritorious Service Medal, the Army Commendation Medal, and the Army Achievement Medal, bear out that reputation.

I join Sergeant Jarvis' family and friends in mourning his death. He is survived by his wife Tina Louise Jarvis of Clarksville, TN; his children Kitaira Aleesha, and William, also of Clarksville, and Donavon, of Evansville, IN; his father William Edward Jarvis of Atlantic Beach, FL; and his mother, Alma Jean Jarvis of Tell City, IN.

As we struggle to express our grief over this loss, we take pride in the example of this American hero. We cherish the legacy of his service and his life.

As I search for words to honor this fallen soldier, I recall President Lincoln's words to the families of the fallen at Gettysburg: "We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here."

It is my sad duty to enter the name of SFC Barry Edward Jarvis in the

RECORD of the U.S. Senate for his service to our country and for his profound commitment to freedom, democracy, and peace.

TAX CUTS

Mr. NELSON of Nebraska. Mr. President, Nebraskans want both Republicans and Democrats to work out a bipartisan plan soon that will extend all, or nearly all, of the income and other tax cuts which expire on December 31, 2010. In today's votes, I opposed the first amendment because it would raise taxes for a number of small businesses in Nebraska and nationwide, penalizing the best job creators in our economy. I supported the second amendment extending the tax cuts for most taxpayers because it won't affect most small businesses.

I believe that any revenue generated by ending tax cuts for some Americans should go not for new government spending but to pay down the nearly \$14 trillion debt. Debt reduction is essential for all Americans' economic future, and for our Nation to remain the leader of the free world. I will continue pushing for extending all of the tax cuts to provide the certainty, clarity, and continuity we need to get our economy going strong again. I hope the Senate will come together soon to pass major tax cuts.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, 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.)

MESSAGE FROM THE HOUSE

At 2:03 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that pursuant to section 1002 of the Intelligence Authorization Act for Fiscal Year 2003 (Public Law 107-306) as amended by section 701(a)(3) of the Intelligence Authorization Act for Fiscal Year 2010 (Public Law 111-259), and the order of the House of January 6, 2009, the Speaker appoints the following member on the part of the House of Representatives to the National Commission for the Review of the Research and Development Programs of the United States Intelligence Community: Dr. Shirley Ann Jackson of Bridgewater, New Jersey.

The message also announced that pursuant to section 1 of the Library of

Congress Trust Fund Board Act (2 U.S.C. 154 note), and the order of the House of January 5, 2009, the Speaker appoints the following members on the part of the House of Representatives to the Library of Congress Trust Fund Board for a 5-year term: Mr. Richard Fredericks of San Francisco, California, Ms. Barbara Guggenheim of Los Angeles, California, and Mr. James Kimsey of McLean, Virginia.

#### ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, December 6, 2010, she had presented to the President of the United States the following enrolled bill:

S. 3307. An act to reauthorize child nutrition programs, and for other purposes.

#### 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-8324. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Tristyrylphenol ethoxylates; Exemption from the Requirement of a Tolerance" (FRL No. 8836-5) received in the Office of the President of the Senate on November 30, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-8325. A communication from the Acting Director of the Office 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; Pollock in Statistical Area 610 in the Gulf of Alaska" (RIN0648-XZ61) received in the Office of the President of the Senate on December 6, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8326. A communication from the Assistant Chief Counsel for General Law, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Pipeline Safety: Updates to Pipeline and Liquefied Natural Gas Reporting Requirements" (RIN2137-AE33) received in the Office of the President of the Senate on December 6, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8327. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Closure of the 2010 Gulf of Mexico Commercial Sector for Greater Amberjack" (RIN0648-XY49) received in the Office of the President of the Senate on December 6, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8328. A communication from the Acting Director of the Office 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 by Vessels in the Amendment 80 Limited Access Fish-

ery in the Western Aleutian District of the Bering Sea and Aleutian Islands Management Area" (RIN0648-XA033) received in the Office of the President of the Senate on December 6, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8329. A communication from the Acting Director of the Office 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 Central Aleutian District of the Bering Sea and Aleutian Islands Management Area" (RIN0648-XA035) received in the Office of the President of the Senate on December 6, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8330. 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; Sikorsky Aircraft Corporation (Sikorsky) Model S-70A and S-70C Helicopters" ((RIN2120-AA64) (Docket No. FAA-2010-0490)) received in the Office of the President of the Senate on December 6, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8331. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants, State of Delaware; Control of Emissions from Existing Hospital/Medical/Infectious Waste Incinerator (HMIWI) Units, Negative Declaration and Withdrawal of EPA Plan Approval" (FRL No. 9233-4) received in the Office of the President of the Senate on November 30, 2010; to the Committee on Environment and Public Works.

EC-8332. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Determinations of Attainment by the Applicable Attainment Date for the Hayden, Nogales, Paul Spur/Douglas PM10 Nonattainment Areas, Arizona; Withdrawal of Direct Final Rule" (FRL No. 9233-1) received in the Office of the President of the Senate on November 30, 2010; to the Committee on Environment and Public Works.

EC-8333. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Federal Requirements Under the Underground Injection Control (UIC) Program for Carbon Dioxide (CO2) Geologic Sequestration (GS) Wells" (FRL No. 9232-7) received in the Office of the President of the Senate on November 30, 2010; to the Committee on Environment and Public Works.

EC-8334. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Withdrawal of Direct Final Exclusion" (FRL No. 9231-4) received in the Office of the President of the Senate on November 30, 2010; to the Committee on Environment and Public Works.

EC-8335. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule en-

titled "Mandatory Reporting of Greenhouse Gases: Injection and Geologic Sequestration of Carbon Dioxide" (FRL No. 9232-6) received in the Office of the President of the Senate on November 30, 2010; to the Committee on Environment and Public Works.

EC-8336. A communication from the Director, Office of Administration, Executive Office of the President, transmitting, pursuant to law, a report relative to transactions from the Unanticipated Needs Account for Fiscal Year 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-8337. A communication from the Chairman of the Federal Trade Commission, transmitting, pursuant to law, the Commission's Performance and Accountability Report for fiscal year 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-8338. A communication from the Administrator of the Agency for International Development (USAID), transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from April 1, 2010 through September 30, 2010; to the Committee on Homeland Security and Governmental Affairs.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HARKIN, from the Committee on Health, Education, Labor, and Pensions, with an amendment in the nature of a substitute:

H.R. 2941. A bill to reauthorize and enhance Johanna's Law to increase public awareness and knowledge with respect to gynecologic cancers.

By Mr. HARKIN, from the Committee on Health, Education, Labor, and Pensions, with an amendment in the nature of a substitute and an amendment to the title:

S. 3036. A bill to establish the Office of the National Alzheimer's Project.

By Mr. HARKIN, from the Committee on Health, Education, Labor, and Pensions, with an amendment in the nature of a substitute:

S. 3199. A bill to amend the Public Health Service Act regarding early detection, diagnosis, and treatment of hearing loss.

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 3728. A bill to amend title 17, United States Code, to extend protection to fashion design, and for other purposes.

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mrs. FEINSTEIN:

S. 4010. A bill for the relief of Shigeru Yamada; considered and passed.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Ms. MIKULSKI (for herself, Ms. SNOWE, Ms. STABENOW, and Mrs. BOXER):

S. Res. 695. A resolution recognizing the 20th anniversary of the National Institutes of Health Office of Research on Women's

Health and the continuing leadership and achievements of the Office on Women's Health in conducting and supporting biomedical research to improve women's health; considered and agreed to.

#### ADDITIONAL COSPONSORS

S. 1204

At the request of Mrs. MURRAY, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1204, a bill to amend the Department of Veterans Affairs Health Care Programs Enhancement Act of 2001 to require the provision of chiropractic care and services to veterans at all Department of Veterans Affairs medical centers, and for other purposes.

S. 1334

At the request of Mrs. GILLIBRAND, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1334, a bill to amend the Public Health Service Act to extend and improve protections and services to individuals directly impacted by the terrorist attack in New York City on September 11, 2001, and for other purposes.

S. 3486

At the request of Mr. BROWN of Ohio, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 3486, a bill to amend title 38, United States Code, to repeal the prohibition on collective bargaining with respect to matters and questions regarding compensation of employees of the Department of Veterans Affairs other than rates of basic pay, and for other purposes.

S. 3572

At the request of Mrs. LINCOLN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 3572, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 225th anniversary of the establishment of the Nation's first law enforcement agency, the United States Marshals Service.

S. 3929

At the request of Mr. TESTER, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 3929, a bill to revise the Forest Service Recreation Residence Program as it applies to units of the National Forest System derived from the public domain by implementing a simple, equitable, and predictable procedure for determining cabin user fees, and for other purposes.

S. 3972

At the request of Mr. CARDIN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 3972, a bill to encourage, enhance, and integrate Blue Alert plans throughout the United States in order to disseminate information when a law enforcement officer is seriously injured or killed in the line of duty.

S. 3982

At the request of Mrs. FEINSTEIN, the name of the Senator from California

(Mrs. BOXER) was added as a cosponsor of S. 3982, a bill to amend the limitation on liability for certain passenger rail accidents or incidents under section 28103 of title 49, United States Code, and for other purposes.

S. 3989

At the request of Mr. WYDEN, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 3989, a bill to amend the Internal Revenue Code of 1986 to allow an offset against income tax refunds to pay for restitution and other State judicial debts that are past-due.

S. CON. RES. 71

At the request of Mr. FEINGOLD, the names of the Senator from Colorado (Mr. BENNET) and the Senator from California (Mrs. BOXER) were added as cosponsors 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.

#### SUBMITTED RESOLUTIONS

SENATE RESOLUTION 695—RECOGNIZING THE 20TH ANNIVERSARY OF THE NATIONAL INSTITUTES OF HEALTH OFFICE OF RESEARCH ON WOMEN'S HEALTH AND THE CONTINUING LEADERSHIP AND ACHIEVEMENTS OF THE OFFICE ON WOMEN'S HEALTH IN CONDUCTING AND SUPPORTING BIOMEDICAL RESEARCH TO IMPROVE WOMEN'S HEALTH

Ms. MIKULSKI (for herself, Ms. SNOWE, Ms. STABENOW, and Mrs. BOXER) submitted the following resolution; which was considered and agreed to:

S. RES. 695

Whereas the National Institutes of Health (referred to in this preamble as the "NIH") Office of Research on Women's Health (referred to in this preamble as the "ORWH") is a leader in the national commitment to research, research training, and science-based education programs on women's health and sex differences research;

Whereas the ORWH was originally established in 1990 in response to congressional, scientific, and advocacy concerns regarding the lack of systemic and consistent inclusion of women in NIH-funded clinical research and the lack of scientific data and information regarding women's health;

Whereas the ORWH has made significant progress in developing and implementing policies to ensure the inclusion of women in NIH clinical research and, in this manner, has encouraged the increased reporting in scientific literature of sex- and gender-related factors in health and clinical trial analysis;

Whereas the ORWH initiated the "Building Interdisciplinary Research Careers in Women's Health" program in 1999 and has supported the career development and advancement of approximately 400 early-stage research scientists to become independent re-

searchers and obtain academic promotions at major research institutions throughout the United States;

Whereas the ORWH initiated the "Specialized Centers of Research on Sex and Gender Factors Affecting Women's Health" program in 2002 to support interdisciplinary and sex differences research, including basic, translational, and clinical investigations, by accomplished scientists;

Whereas in 2009, the scientists participating in the "Specialized Centers of Research on Sex and Gender Factors Affecting Women's Health" program published 116 journal articles, 176 abstracts, and 63 other publications;

Whereas the ORWH collaborates with NIH Institutes and Centers to support basic, clinical, population, and translational research in laboratory, clinical, and community settings throughout the United States;

Whereas the ORWH pursues research efforts to benefit all individuals burdened by diseases and disorders that are within the scope of the mission of the ORWH, including men, women, older and younger adults, children, minority populations who are disproportionately affected by certain diseases, people from economically-disadvantaged backgrounds, and other understudied or underrepresented populations;

Whereas ORWH-supported research has dramatically increased vital understanding of sex differences research, from single cells to multiple biological systems and mechanisms, and has prompted sex differences research in the fields of endocrinology, immunology, epigenetics, systems biology, and neuroscience, as well as in new technology-enabled fields such as genomics, proteomics, and metabolomics;

Whereas research conducted and supported by the ORWH has been instrumental in revolutionizing policies, research, and programs focusing on the health, prevention, diagnostic, and treatment strategies for girls, women, and their families, leading to remarkable improvements in health and quality of life;

Whereas the ORWH sponsors education and outreach programs, with materials tailored for diverse audiences, to improve women's health by disseminating science-based information to women and their families, those at risk for disease, health care educators, and the general public;

Whereas the ORWH has initiated or participated in collaborative and coordinated research efforts and science-based public education programs in order to maximize the Federal investment in research and synergize expertise across the NIH, with other Federal agencies, and with public and private organizations;

Whereas the ORWH has a farsighted research agenda for the next decade entitled "Moving Into the Future With New Dimensions and Strategies: A Vision for 2020 for Women's Health Research" that is based on the culmination of a 2-year strategic planning process, involving more than 1,500 leading scientists, advocates for women's health, public policy experts, health care providers, Federal, State, and local elected officials, and the general public in 5 regional scientific meetings;

Whereas the ORWH research agenda is visionary and addresses the 6 major goals of—

(1) increasing the study of sex differences in basic research studies;

(2) incorporating findings of sex differences in the design and application of new technologies, medical devices, and therapeutic drugs;

(3) actualizing personalized prevention, diagnostics, and therapeutics for girls and women;

(4) creating strategic alliances and partnerships in order to maximize the national and international impact of research on women's health;

(5) developing and implementing new communication and social networking technologies to increase understanding and appreciation of research on women's health; and

(6) employing innovative strategies to build a well-trained, diverse, and vibrant women's health research workforce; and

Whereas ORWH-supported initiatives and programs continue to make strides in addressing the expanded concepts of women's health across the entire lifespan of a woman, while continuing to explore understudied areas of reproductive health and the menopausal transition, developing distinct research career paths for investigators in women's health, sex differences, and interdisciplinary research, increasing the number of investigator-initiated women's health research studies in areas such as cardiovascular disease and stroke, musculoskeletal and immune disorders, and mental health and substance abuse, and increasing the scientific knowledge on the health, diseases, disorders, and conditions that affect diverse populations of women: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes the 20th anniversary of the National Institutes of Health Office of Research on Women's Health (referred to in this resolution as the "ORWH");

(2) commends the ORWH for its leadership in women's health research, research training, and science-based education programs;

(3) recognizes ORWH-supported scientists whose studies have improved women's health and whose research continues to yield promising discoveries;

(4) recognizes the volunteers who participate in clinical studies and the patient and professional health organizations that contribute to the shared research goals of preventing, treating, and curing the diseases and disorders within the scope of the mission of the ORWH; and

(5) reaffirms the support of the Senate for the ORWH and the continued commitment of the ORWH to carrying out research to improve women's health.

CBO ESTIMATE OF THE STATUTORY PAY-AS-YOU-GO EFFECTS FOR A BILL FOR THE RELIEF OF SHIGERU YAMADA, WITH AN AMENDMENT (MDM10842) PROVIDED TO CBO ON DECEMBER 6, 2010

	By fiscal year, in millions of dollars—											
	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2011–2015	2011–2020
Statutory Pay-As-You-Go Impact .....	0	0	0	0	0	0	0	0	0	0	0	0

Net Increase or Decrease (–) in the Deficit

The bill would make Shigeru Yamada eligible for permanent U.S. residence. CBO estimates that it would have no significant effect on direct spending by the Department of Homeland Security or on federal assistance programs.

Mr. REID. Mr. President, I ask unanimous consent that the bill be passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements related to the bill be printed in the RECORD.

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

The bill (S. 4010) was passed, as follows:

S. 4010

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

**SECTION 1. PERMANENT RESIDENT STATUS FOR SHIGERU YAMADA.**

(a) IN GENERAL.—Notwithstanding subsections (a) and (b) of section 201 of the Im-

RELIEF OF SHIGERU YAMADA

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. 4010.

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

The assistant legislative clerk read as follows:

A bill (S. 4010) for the relief of Shigeru Yamada.

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

Mrs. FEINSTEIN. Mr. President, I offer today private relief legislation to provide lawful permanent residence status to Shigeru Yamada, a 28-year-old Japanese national who lives in Chula Vista, CA.

The Senate passed S. 124, a private relief bill on behalf of Mr. Yamada on Friday; however, that version of the private relief bill did not include an explanation of the zero budgetary impact of the bill. For this reason, I am introducing and seek passage of a new version of this private bill for Mr. Yamada, so that the Congressional Budget Office's assessment of the zero budgetary impact of this bill can be taken into consideration when this bill reaches the House of Representatives.

Mr. Yamada legally entered the United States with his mother and two sisters in 1992 at the young age of 10. The family was fleeing from Mr. Yamada's alcoholic father, who had been physically abusive to his mother, the children and even his own parents. Since then, he has had no contact with his father and is unsure if he is even alive.

Tragically, Mr. Yamada experienced further hardship when his mother was killed in a car crash in 1995. Orphaned at the age of 13, Mr. Yamada spent time living with his aunt before moving to Chula Vista to live with a close friend of his late mother.

At the time of her death, Mr. Yamada's family was living legally in the United States. His mother had acquired a student visa for herself, and her children qualified as her dependents. Her death revoked his legal status in the United States. In addition, Mr. Yamada's mother was engaged to an American citizen at the time of her death. Had she survived, her son would likely have become an American citizen through this marriage.

Mr. Yamada has exhausted all administrative options under our current immigration system. Throughout high school, he contacted attorneys in the hopes of legalizing his status, but his attempts were unsuccessful. Unfortunately, time has run out and, for Mr. Yamada, the only option available to him today is private relief legislation.

I ask my colleagues to once again support this private relief bill on behalf of Mr. Yamada.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read the third time and that a budgetary pay-go statement be read.

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

The bill (S. 4010) was ordered to be engrossed for a third reading and was read the third time.

The assistant legislative clerk read as follows:

Mr. Conrad: This is the Statement of Budgetary Effects of PAYGO Legislation for S. 4010.

Total Budgetary Effects of S. 4010 for the 5-year Statutory PAYGO Scorecard: \$0.

Total Budgetary Effects of S. 4010 for the 10-year Statutory PAYGO Scorecard: \$0.

Also submitted for the RECORD as part of this statement is a table prepared by the Congressional Budget Office, which provides additional information on the budgetary effects of this Act, as follows:

migration and Nationality Act (8 U.S.C. 1151), Shigeru Yamada shall be eligible for issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of that Act (8 U.S.C. 1154) or for adjustment of status to lawful permanent resident.

(b) ADJUSTMENT OF STATUS.—If Shigeru Yamada enters the United States before the filing deadline specified in subsection (c), Shigeru Yamada shall be considered to have entered and remained lawfully and shall be eligible for adjustment of status under section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) as of the date of the enactment of this Act.

(c) APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only if the application for issuance of an immigrant

visa or the application for adjustment of status is filed with appropriate fees not later than 2 years after the date of the enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBERS.—Upon the granting of an immigrant visa or permanent residence to Shigeru Yamada, the Secretary of State shall instruct the proper officer to reduce by 1, during the current or subsequent fiscal year, the total number of immigrant visas that are made available to natives of the country of birth of Shigeru Yamada under section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)) or, if applicable, the total number of immigrant visas that are made available to natives of the country of birth of Shigeru Yamada under section 202(e) of that Act (8 U.S.C. 1152(e)).

(e) PAYGO.—The budgetary effects of this Act, for the purpose of complying with the

Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

#### RECOGNIZING THE 500TH ANNIVERSARY OF ANDREA PALLADIO

Mr. REID. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of H. Con. Res. 259 and the Senate now proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 259) recognizing the 500th anniversary of the birth of Italian architect Andrea Palladio.

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

Mr. REID. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements related to this measure be printed in the RECORD.

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

The concurrent resolution (H. Con. Res. 259) was agreed to.

The preamble was agreed to.

#### RECOGNIZING THE 20TH ANNIVERSARY OF THE NIH OFFICE OF RESEARCH ON WOMEN'S HEALTH

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 695, submitted earlier today.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 695) recognizing the 20th anniversary of the National Institutes of Health Office of Research on Women's Health and the continuing leadership and achievements of the Office on Women's Health in conducting and supporting biomedical research to improve women's health.

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

Ms. MIKULSKI. Mr. President, I rise today to commemorate one of the greatest recent achievements in women's health—the 20th anniversary of the founding of the Office of Research on Women's Health at the National Institutes of Health. I could not be prouder of all that the Office of Research on Women's Health has done for women's health, and I am honored to be a part of its history.

As an advocate of women's health, a supporter of scientific research, and a woman myself, this is an emotional

day for me. Twenty years ago, women did not have much to celebrate when it came to scientific advances. In fact, we were not even at the table. Remember that famous study that said, "an aspirin a day keeps the doctor away"? That study included 10,000 men but not a single woman. The same went for the famous study on heart disease factors: 13,000 men were surveyed but not a single woman.

We had a big problem. Women were being systematically excluded from NIH clinical research. It was not sound science, and it was not acceptable. Our worst concerns were confirmed by a 1990 GAO report, which proved that women were not being included in clinical trials.

I had to do something about it. I remember it well: I called up my women colleagues, and they agreed. We piled into the car on a hot August day, and we drove to NIH in Bethesda, MD. Our aim was to assemble all 12 institutes, communicate our concerns, and see what goals they could come up with to resolve this unfair exclusion. We showed up: Connie Morella, OLYMPIA SNOWE, Pat Schroeder, and I—and so did the TV cameras and Time Magazine. We made it clear that the time had come to include women in scientific research, remember their place in the Federal budget, and treat them with respect.

We got Dr. Bernadine Healy appointed as the first female director of NIH, and that was a notable accomplishment. But we needed more. We needed an Office of Women's Health at the NIH to be on the law books. So Senators Kennedy, HARKIN, Kassebaum, and I worked together to create and fund it in statute. The first thing that Dr. Healy did with that funding was to put it toward the Women's Health Initiative, a now-famous hormonal study that has helped decrease breast cancer deaths by 15 percent, saving millions of lives.

Dr. Healy then appointed Dr. Vivian Pinn to serve as the first director of the Office of Research on Women's Health, ORWH. These women empowered researchers to look at disease in a gender-specific way, such as heart disease and depression. They also made great strides in breast cancer and cervical cancer research, as well as AIDS research and mapping the human genome. None of this would have been possible just a few years earlier. And it would not have been possible without my dear friend, Dr. Ruth Kirschstein. She led the fight for women's health on the inside of the scientific community, and I was proud to help her from the outside.

Today, we are keeping up the fight. There are now 17 women in the Senate, and women's health is one issue that always brings us together. During the health reform debate, we would not stand for insurers treating gender as a preexisting condition or for restricted access to mammograms and other preventive care. That is why I introduced

the women's health amendment—the first amendment to pass during the Senate health reform debate—that provides preventive care for women with no co-pays and no deductibles and ends gender discrimination in health care. I was proud when my amendment passed the Senate 61–39. We also included the Women's Health Office Act in health reform, so that now all women's health offices throughout the Department of Health and Human Services are set in law. That means we have offices of women's health standing sentry for drug approvals, mental health and substance abuse issues, quality measures, and public health initiatives that will help women.

But our work goes on. To quote my dear friend Teddy Kennedy, "The work goes on, the cause endures, the hope still lives and the dreams shall never die." I thank the people who made the Office of Research on Women's Health a reality. I thank the office itself for all of its hard work, and I look forward to another 20 years of ground-breaking discoveries.

Mr. REID. Mr. President, I note that the main mover of this matter is Senator BARBARA MIKULSKI of Maryland. She worked very hard to recognize this important office, and she did it for a number of reasons, some of which I worked with her on.

There was a massive study done on the effect of aspirin on people taking it as a way to alleviate heart problems. I don't remember the exact number, but a huge number of people were tested—like 10,000. But there was not a single woman. It was all done with men. That kind of raised the ire of Senator MIKULSKI.

We found, in doing this, that there were many situations where the diseases we focused on were diseases related to men. An example is interstitial cystitis—a disease I got involved in early on, about the same time we did this. Interstitial cystitis is a disease where 90 percent of the people who have it are women. It can best be described as the pain is like shoving slivers of glass up and down someone's bladder. The pain is excruciating and awful. It was a disease that people said was psychosomatic because it was only women who had the problem, so they overlooked it. If it had been men—and we were an all-male legislature at the time—I am sure it would have gotten more attention. I added my assistance to Senator MIKULSKI, and we were able to establish a protocol. Now people understand this, and it has made a lot of progress. This is one example of why the work of Senator BARBARA MIKULSKI has been so important.

Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid on the table, with no intervening action or debate, and that any statements related to this resolution be printed in the RECORD.

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

The resolution (S. Res. 695) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 695

Whereas the National Institutes of Health (referred to in this preamble as the "NIH") Office of Research on Women's Health (referred to in this preamble as the "ORWH") is a leader in the national commitment to research, research training, and science-based education programs on women's health and sex differences research;

Whereas the ORWH was originally established in 1990 in response to congressional, scientific, and advocacy concerns regarding the lack of systemic and consistent inclusion of women in NIH-funded clinical research and the lack of scientific data and information regarding women's health;

Whereas the ORWH has made significant progress in developing and implementing policies to ensure the inclusion of women in NIH clinical research and, in this manner, has encouraged the increased reporting in scientific literature of sex- and gender-related factors in health and clinical trial analysis;

Whereas the ORWH initiated the "Building Interdisciplinary Research Careers in Women's Health" program in 1999 and has supported the career development and advancement of approximately 400 early-stage research scientists to become independent researchers and obtain academic promotions at major research institutions throughout the United States;

Whereas the ORWH initiated the "Specialized Centers of Research on Sex and Gender Factors Affecting Women's Health" program in 2002 to support interdisciplinary and sex differences research, including basic, translational, and clinical investigations, by accomplished scientists;

Whereas in 2009, the scientists participating in the "Specialized Centers of Research on Sex and Gender Factors Affecting Women's Health" program published 116 journal articles, 176 abstracts, and 63 other publications;

Whereas the ORWH collaborates with NIH Institutes and Centers to support basic, clinical, population, and translational research in laboratory, clinical, and community settings throughout the United States;

Whereas the ORWH pursues research efforts to benefit all individuals burdened by diseases and disorders that are within the scope of the mission of the ORWH, including men, women, older and younger adults, children, minority populations who are disproportionately affected by certain diseases, people from economically-disadvantaged backgrounds, and other understudied or underrepresented populations;

Whereas ORWH-supported research has dramatically increased vital understanding of sex differences research, from single cells to multiple biological systems and mechanisms, and has prompted sex differences research in the fields of endocrinology, immunology, epigenetics, systems biology, and neuroscience, as well as in new technology-enabled fields such as genomics, proteomics, and metabolomics;

Whereas research conducted and supported by the ORWH has been instrumental in revolutionizing policies, research, and programs focusing on the health, prevention, diagnostic, and treatment strategies for girls, women, and their families, leading to remarkable improvements in health and quality of life;

Whereas the ORWH sponsors education and outreach programs, with materials tailored for diverse audiences, to improve women's

health by disseminating science-based information to women and their families, those at risk for disease, health care educators, and the general public;

Whereas the ORWH has initiated or participated in collaborative and coordinated research efforts and science-based public education programs in order to maximize the Federal investment in research and synergize expertise across the NIH, with other Federal agencies, and with public and private organizations;

Whereas the ORWH has a farsighted research agenda for the next decade entitled "Moving Into the Future With New Dimensions and Strategies: A Vision for 2020 for Women's Health Research" that is based on the culmination of a 2-year strategic planning process, involving more than 1,500 leading scientists, advocates for women's health, public policy experts, health care providers, Federal, State, and local elected officials, and the general public in 5 regional scientific meetings;

Whereas the ORWH research agenda is visionary and addresses the 6 major goals of—

(1) increasing the study of sex differences in basic research studies;

(2) incorporating findings of sex differences in the design and application of new technologies, medical devices, and therapeutic drugs;

(3) actualizing personalized prevention, diagnostics, and therapeutics for girls and women;

(4) creating strategic alliances and partnerships in order to maximize the national and international impact of research on women's health;

(5) developing and implementing new communication and social networking technologies to increase understanding and appreciation of research on women's health; and

(6) employing innovative strategies to build a well-trained, diverse, and vibrant women's health research workforce; and

Whereas ORWH-supported initiatives and programs continue to make strides in addressing the expanded concepts of women's health across the entire lifespan of a woman, while continuing to explore understudied areas of reproductive health and the menopausal transition, developing distinct research career paths for investigators in women's health, sex differences, and interdisciplinary research, increasing the number of investigator-initiated women's health research studies in areas such as cardiovascular disease and stroke, musculoskeletal and immune disorders, and mental health and substance abuse, and increasing the scientific knowledge on the health, diseases, disorders, and conditions that affect diverse populations of women: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes the 20th anniversary of the National Institutes of Health Office of Research on Women's Health (referred to in this resolution as the "ORWH");

(2) commends the ORWH for its leadership in women's health research, research training, and science-based education programs;

(3) recognizes ORWH-supported scientists whose studies have improved women's health and whose research continues to yield promising discoveries;

(4) recognizes the volunteers who participate in clinical studies and the patient and professional health organizations that contribute to the shared research goals of preventing, treating, and curing the diseases and disorders within the scope of the mission of the ORWH; and

(5) reaffirms the support of the Senate for the ORWH and the continued commitment of the ORWH to carrying out research to improve women's health.

ORDERS FOR TUESDAY,  
DECEMBER 7, 2010

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. tomorrow morning, Tuesday, December 7; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of the Articles of Impeachment, as provided under the previous order.

Further, I ask unanimous consent that at 12:30 p.m., the Senate proceed to legislative session for a period of morning business, with Senator LEMIEUX recognized to speak for up to 15 minutes; that following his remarks, the Senate recess until 2:30 p.m. to allow for the weekly caucus meetings.

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

#### PROGRAM

Mr. REID. Let me make sure, Mr. President, that we have this down right. We are going to, at 12:30 p.m., proceed to legislative session for a period of morning business, and during that time there will only be one speaker—Senator LEMIEUX—who will speak for up to 15 minutes. Following his remarks, the Senate will recess until we complete our weekly caucus luncheons.

Mr. President, Senators should be on the floor, as I have indicated, for a mandatory live quorum to begin the impeachment of Judge Porteous. There will be two additional live quorums throughout the day, one at 2:30 and one at 5:30.

#### ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 5:51 p.m., adjourned until Tuesday, December 7, 2010, at 10 a.m.

#### NOMINATIONS

Executive nominations received by the Senate:

##### DEPARTMENT OF THE INTERIOR

DANIEL M. ASHE, OF MARYLAND, TO BE DIRECTOR OF THE UNITED STATES FISH AND WILDLIFE SERVICE, VICE SAMUEL D. HAMILTON.

##### UNITED STATES TAX COURT

MAURICE B. FOLEY, OF MARYLAND, TO BE A JUDGE OF THE UNITED STATES TAX COURT FOR A TERM OF FIFTEEN YEARS. (REAPPOINTMENT)

##### NATIONAL SCIENCE FOUNDATION

KELVIN K. DROEGEMEIER, OF OKLAHOMA, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION FOR A TERM EXPIRING MAY 10, 2016. (REAPPOINTMENT)

## EXTENSIONS OF REMARKS

### SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, December 7, 2010 may be found in the Daily Digest of today's RECORD.

### MEETINGS SCHEDULED DECEMBER 8

10 a.m.

#### Judiciary

Business meeting to consider S. 3675, to amend chapter 11 of title 11, United States Code, to address reorganization of small businesses, S. 2888, to amend section 205 of title 18, United States Code, to exempt qualifying law school students participating in legal clinics from the application of the general conflict of interest rules under such section, S. 1598, to amend the National Child Protection Act of 1993 to establish a permanent background check system, and the nominations of Max Oliver Cogburn, Jr., to be United States District Judge for the Western District of North Carolina, Robert Neil Chatigny, of Connecticut, to be United States Circuit Judge for the Second Circuit, Marco A. Hernandez, and Michael H. Simon, both to be United States District Judge for the District of Oregon, Steve C. Jones, to be United States District Judge for the Northern District of Georgia, and Patti B. Saris, of Massachusetts, to be Chair, and Dabney Langhorne Friedrich, of Maryland, both to be a Member of the United States Sentencing Commission. SD-226

11 a.m.

#### Commission on Security and Cooperation in Europe

To hold hearings to examine the Western Balkans, focusing on developments in 2010 and hopes for the future.

SVC-202/203

2 p.m.

#### Banking, Housing, and Urban Affairs Securities, Insurance and Investment Subcommittee

#### Homeland Security and Governmental Affairs Investigations Subcommittee

To hold joint hearings to examine the efficiency, stability, and integrity of the United States capital markets.

SD-538

2:15 p.m.

#### Indian Affairs

To resume oversight hearings to examine how the Indian Health Service will correct mismanagement in the Aberdeen area.

SD-628

### DECEMBER 9

9:30 a.m.

#### Foreign Relations

To hold hearings to examine the nominations of Sue Kathrine Brown, of Texas, to be Ambassador to Montenegro, Joseph M. Torsella, of Pennsylvania, to be Representative of the United States of America to the United Nations for U.N. Management and Reform, with the rank of Ambassador, David Lee Carden, of New York, to be Representative to the Association of Southeast Asian Nations, with the rank and status of Ambassador, Pamela L. Spratlen, of California, to be Ambassador to the Kyrgyz Republic, and Daniel L. Shields III, of Pennsylvania, to be Ambassador to Brunei Darussalam, all of the Department of State, and Eric G. Postel, of Wisconsin, to be an Assistant Administrator of the United States Agency for International Development.

SD-419

10 a.m.

#### Agriculture, Nutrition, and Forestry

To hold hearings to examine the nomination of Ramona Emilia Romero, of Pennsylvania, to be General Counsel of the Department of Agriculture.

SR-328A

#### Banking, Housing, and Urban Affairs

To hold hearings to examine the state of the credit union industry; to be immediately followed by a hearing to examine the nomination of Joseph A. Smith, Jr., of North Carolina, to be Director of the Federal Housing Finance Agency.

SD-538

#### Finance

To hold hearings to examine the nomination of Carolyn W. Colvin, of Maryland, to be Deputy Commissioner of Social Security, Social Security Administration.

SD-215

2:30 p.m.

#### Intelligence

To hold closed hearings to examine certain intelligence matters.

SH-219

### DECEMBER 14

2:15 p.m.

#### Foreign Relations

Business meeting to consider S. 2982, to combat international violence against women and girls, S. 3688, to establish an international professional exchange

program, S. 1633, to require the Secretary of Homeland Security, in consultation with the Secretary of State, to establish a program to issue Asia-Pacific Economic Cooperation Business Travel Cards, S. 3798, to authorize appropriations of United States assistance to help eliminate conditions in foreign prisons and other detention facilities that do not meet minimum human standards of health, sanitation, and safety, S. Con. Res. 71, 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. 680, supporting international tiger conservation efforts and the upcoming Global Tiger Summit in St. Petersburg, Russia, S.J. Res. 37, calling upon the President to issue a proclamation recognizing the 35th anniversary of the Helsinki Final Act, Treaty between the Government of the United States of America and the Government of the Republic of Rwanda Concerning the Encouragement and Reciprocal Protection of Investment, signed at Kigali on February 19, 2008 (Treaty Doc. 110-23), international Treaty on Plant Genetic Resources for Food and Agriculture, adopted by the Food and Agriculture Organization of the United Nations on November 3, 2001, and signed by the United States on November 1, 2002 (the "Treaty") (Treaty Doc. 110-19), and the nominations of Thomas R. Nides, of the District of Columbia, to be Deputy Secretary for Management and Resources, William R. Brownfield, of Texas, to be Assistant Secretary for International Narcotics and Law Enforcement Affairs, Suzan D. Johnson Cook, of New York, to be Ambassador at Large for International Religious Freedom, Larry Leon Palmer, of Georgia, to be Ambassador to the Bolivarian Republic of Venezuela, Gregory J. Nickels, of Washington, to be an Alternate Representative to the Sixty-fifth Session of the General Assembly of the United Nations, Carol Fulp, of Massachusetts, to be a Representative to the Sixty-fifth Session of the General Assembly of the United Nations, Jeanne Shaheen, of New Hampshire, to be a Representative to the Sixty-fifth Session of the General Assembly of the United Nations, and Roger F. Wicker, of Mississippi, to be a Representative to the Sixty-fifth Session of the General Assembly of the United Nations, all of the Department of State, Paige Eve Alexander, of Georgia, to be an Assistant Administrator of the United States Agency for International Development, and Alan J. Patricof, of New York, and Mark Green, of Wisconsin, both to be a Member of the Board of Directors of the Millennium Challenge Corporation, and a routine list in the Foreign Service.

S-116, Capitol

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

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

POSTPONEMENTS

DECEMBER 9

tions, focusing on United States employment in the United Nations.

SD-342

DECEMBER 8

2:30 p.m.

Homeland Security and Governmental Affairs

10 a.m.

Homeland Security and Governmental Affairs

Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee

To hold hearings to examine border security, focusing on the challenge of protecting Federal lands.

To hold hearings to examine delivering results through multilateral institu-

SD-342

# Daily Digest

## Senate

### Chamber Action

*Routine Proceedings, pages S8539–S8558*

**Measures Introduced:** One bill and one resolution were introduced, as follows: S. 4010, and S. Res. 695. **Pages S8554–55**

#### Measures Reported:

H.R. 2941, to reauthorize and enhance Johanna's Law to increase public awareness and knowledge with respect to gynecologic cancers, with an amendment in the nature of a substitute.

S. 3036, to establish the Office of the National Alzheimer's Project, with an amendment in the nature of a substitute.

S. 3199, to amend the Public Health Service Act regarding early detection, diagnosis, and treatment of hearing loss, with an amendment in the nature of a substitute.

S. 3728, to amend title 17, United States Code, to extend protection to fashion design, with an amendment in the nature of a substitute. **Page S8554**

#### Measures Passed:

*Relief of Shigeru Yamada:* Senate passed S. 4010, for the relief of Shigeru Yamada. **Pages S8556–57**

*500th Anniversary of the Birth of Andrea Palladio:* Committee on the Judiciary was discharged from further consideration of H. Con. Res. 259, recognizing the 500th anniversary of the birth of Italian architect Andrea Palladio, and the resolution was then agreed to. **Page S8557**

*20th Anniversary of the Office of Research on Women's Health:* Senate agreed to S. Res. 695, recognizing the 20th anniversary of the National Institutes of Health Office of Research on Women's Health and the continuing leadership and achievements of the Office on Women's Health in conducting and supporting biomedical research to improve women's health. **Pages S8557–58**

#### Measures Considered:

*Public Safety Employer-Employee Cooperation Act—Agreement:* Senate began consideration of the motion to proceed to consideration of S. 3991, to

provide collective bargaining rights for public safety officers employed by States or their political subdivisions. **Page S8552**

A motion was entered to close further debate on the motion to proceed to consideration of the bill and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, and pursuant to the unanimous-consent agreement of Monday, December 6, 2010, a vote on cloture will occur upon the conclusion of the impeachment proceedings of Judge G. Thomas Porteous, Jr., and Senate resume legislative session, that the Senate then resume the motion to proceed to consideration of the bill. **Page S8552**

Subsequently, the motion to proceed was withdrawn. **Page S8552**

*Emergency Senior Citizens Relief Act—Agreement:* Senate began consideration of the motion to proceed to consideration of S. 3985, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions. **Page S8552**

A motion was entered to close further debate on the motion to proceed to consideration of the bill and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on cloture will occur upon disposition of S. 3991, Public Safety Employer-Employee Cooperation Act. **Page S8552**

Subsequently, the motion to proceed was withdrawn. **Page S8552**

*Development, Relief, and Education for Alien Minors Act—Agreement:* Senate began consideration of the motion to proceed to consideration of S. 3992, 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. **Page S8552**

A motion was entered to close further debate on the motion to proceed to consideration of the bill and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on cloture will occur upon disposition of S. 3985, Emergency Senior Citizens Relief Act. **Page S8552**

Subsequently, the motion to proceed was withdrawn. **Page S8552**

**James Zadroga 9/11 Health and Compensation Act—Agreement:** Senate began consideration of the motion to proceed to consideration of H.R. 847, to amend the Public Health Service Act to extend and improve protections and services to individuals directly impacted by the terrorist attack in New York City on September 11, 2001. **Page S8552**

A motion was entered to close further debate on the motion to proceed to consideration of the bill, and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on cloture will occur upon disposition of S. 3992, Development, Relief, and Education for Alien Minors Act. **Page S8552**

**Porteous Impeachment—Agreement:** A unanimous-consent-time agreement was reached providing that Senate resume consideration of the articles of impeachment against Judge G. Thomas Porteous, Jr. of the Eastern District of Louisiana, at 10 a.m., on Tuesday, December 7, 2010, for the commencement of arguments by the House Managers and counsel for Judge Porteous on motions filed by Judge Porteous with regard to the impeachment articles and that the Secretary be instructed to so notify the House of Representatives; provided further, that each side be permitted no more than one hour for arguments on all motions, that counsel for Judge Porteous be permitted to open and close the motions argument, and that the parties be permitted to divide their argument on the motions as they wish; provided further, that then, after recessing for the weekly party caucuses, Senate reconvene on the articles of impeachment at 2:30 p.m., on Tuesday, December 7, 2010, for the parties' final arguments on the merits of the articles; and that the parties each have an hour and a half to present argument on all four articles, which under the impeachment rules, will be opened and closed by the House Managers, with no more than

two individuals speaking for each side; provided further, that at the conclusion of the three hours allotted for the final arguments, Senate shall immediately meet in closed session to begin its deliberations on the articles of impeachment and the related motions in accord with impeachment Rule XX.

**Pages S8552–53**

**Nominations Received:** Senate received the following nominations:

Daniel M. Ashe, of Maryland, to be Director of the United States Fish and Wildlife Service.

Maurice B. Foley, of Maryland, to be a Judge of the United States Tax Court for a term of fifteen years.

Kelvin K. Droegemeier, of Oklahoma, to be a Member of the National Science Board, National Science Foundation for a term expiring May 10, 2016. **Page S8558**

**Messages from the House:** **Pages S8553–54**

**Enrolled Bills Presented:** **Page S8554**

**Executive Communications:** **Page S8554**

**Additional Cosponsors:** **Page S8555**

**Statements on Introduced Bills/Resolutions:** **Pages S8555–56**

**Adjournment:** Senate convened at 2 p.m. and adjourned at 5:51 p.m., until 10 a.m. on Tuesday, December 7, 2010. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S8558.)

## Committee Meetings

*(Committees not listed did not meet)*

No committee meetings were held.

# House of Representatives

## *Chamber Action*

The House was not in session today. The House is scheduled to meet at 12:30 p.m. on Tuesday, December 7, 2010.

## *Committee Meetings*

No committee meetings were held.

## *Joint Meetings*

No joint committee meetings were held.

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### NEW PUBLIC LAWS

*(For last listing of Public Laws, see DAILY DIGEST, p. D1145)*

H.J. Res. 101, making further continuing appropriations for fiscal year 2011. Signed on December 4, 2010. (Public Law 111–290)

## COMMITTEE MEETINGS FOR TUESDAY, DECEMBER 7, 2010

*(Committee meetings are open unless otherwise indicated)*

### Senate

No meetings/hearings scheduled.

### House

*Committee on Education and Labor*, Subcommittee on Health, Employment, Labor, and Pensions, hearing on a Review of the Independent Audit of the Labor Department's FY 2010 Consolidated Financial Statements, 2 p.m., 2175 Rayburn.

*Next Meeting of the SENATE*

10 a.m., Tuesday, December 7

*Next Meeting of the HOUSE OF REPRESENTATIVES*

12:30 p.m., Tuesday, December 7

## Senate Chamber

**Program for Tuesday:** Senate will resume consideration of the articles of impeachment against Judge G. Thomas Porteous, Jr. of the Eastern District of Louisiana, with a live quorum at 10 a.m.; with a period of morning business to begin at 12:30 p.m., with Senator LeMieux to be recognized to speak for up to 15 minutes. There will be two additional live quorums with respect to the Court of Impeachment at 2:30 p.m. and 5:30 p.m.

*(Senate will recess following the remarks of Senator LeMieux until 2:30 p.m. for their respective party conferences.)*

## House Chamber

**Program for Tuesday:** To be announced.



## Congressional Record

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